NDI Final Report

PHILIPPINES: PROMOTING DEMOCRATIC GOVERNANCE AND ENHANCING COMMUNITY-POLICE RELATIONS IN THE AUTONOMOUS REGION OF MUSLIM MINDANAO

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I. SUMMARY

From October 2003 to December 2005, through the support of the United States Agency for International Development (USAID), the National Democratic Institute (NDI or the Institute) conducted a pilot program to help promote democratic governance and enhance community-police relations in the Autonomous Region of Muslim Mindanao (ARMM). Under this pilot, the Institute worked with selected municipalities on projects to increase local capacity in addressing community safety problems and develop replicable community policing models tailored for ARMM. Involving five municipalities and over 100 *barangays* over the life of the pilot, NDI guided the formation of local citizen-police working groups on education initiatives and capacity-building trainings to help communities and police address local peace and order problems.

NDI worked in the pilot municipalities with community leaders, citizens and local police to organize multi-sector discussions, prepare action plans, and coordinate with potential partners to address local peace and order problems. For this component, NDI collaborated with the municipal peace and order councils (MPOCs), the local government bodies mandated to address peace and order and public safety issues. Core teams, composed of citizen leaders and police, were formed through MPOC membership and served as conduits of this program. Throughout the pilot program, the Institute conducted capacity building trainings for citizens and police to help them use various frameworks and problem-solving tools.

Tied to the objectives of this pilot, NDI supported the MPOC core teams in conducting community public safety assessments and workshops to form their 2005 Integrated Area/Community Safety Plans – these are linked to municipal government's legislative agendas outlining community-coordinated responses to public safety issues. In addition, community activities focused on information dissemination. Dialogues were facilitated between communities and representatives from various government agencies, such as the Philippine Drug Enforcement Agency and the Department of Agrarian Reform, to respond to priority issues the pilot sites identified. These sessions not only helped disseminate critical information to ARMM communities, but also facilitated initiatives between communities and government agencies in remote *barangays*. Links built through this approach included partnerships between communities in coastal Upi and the Bureau of Fisheries and Aquatic Resources-ARMM and the Philippine National Police-Maritime Group to create mechanisms to mitigate illegal fishing practices and other maritime criminal activity.

As various partnership-building tools were introduced under the program, activities became venues to bring together the PNP regional and provincial commands, encouraging immediate action on local safety concerns. Program tools and activities focused on facilitating results-based planning, reporting procedures, legal procedures and customized police action. The application of these tools and increased interaction with communities led the police to conceptualize strategies for increasing police-citizen cooperation in public safety management. In addition, through direct interface over the course of the program, the leadership and members of the PNP Regional Command articulated a better understanding of how their roles become more meaningful when they are able to respond more actively to the concerns of frontline personnel. In the same vein, the municipal-based police units expressed how their improved performance encouraged better support

from their regional office. As a significant measure of the pilot's impact, by the end of the program, mayors of the pilot sites had lobbied the regional command as well as the municipal development councils for additional support and resources to help local police personnel increase their responsiveness to the public.

Over the course of the program, local police personnel who participated in and, at times, facilitated program activities developed an appreciation of engaging the community in problem solving efforts. Citizens likewise expressed their appreciation for the initiative of the police to consult with them on such issues – this engagement was the first of its kind in these areas. Interaction increased between citizens and the local police on beat patrol and in local stations, and in the tangible results from project initiatives generated from their mutual cooperation. As a result of the skills gained through this pilot, Barira and Upi's local police forces, on their own accord, conducted consultations as part of the process of establishing community policing action centers. Upi installed a police hotline, which has led to, among other responses, the apprehension of local criminals caught in the act of committing crime. In addition, beat patrols shifted to focus more on local crime and disorder.[1] In many instances, police presence in an area targeted a specific crime or disorder problem identified by citizen reports, joint consultations or discussions between a cross-section of the community and police.

In addition to work at the community level, NDI collaborated with the national and ARMM regional offices of the National Police Commission (NAPOLCOM), the Department of Interior and Local Government (DILG) and the Philippine National Police (PNP) on initiatives to enhance the capacities of local government executives in enforcing their mandates in peace and order administration. Understanding the degree of institutional support required in bringing structural reforms to the PNP, including shifts in the administration and operations of local police stations, NDI initiated the formation of the Community Policing Advisory Committee (CPAC) in November 2004. This body, composed of the regional and provincial governors and senior representatives of the DILG, NAPOLCOM and PNP, provided senior-level guidance on amending existing procedures to yield ARMM-specific community policing models. The Institute also facilitated regional discussions on traditional peace mechanisms and involved local groups to conduct formal studies to aid communities and relevant government institutions in deliberating the institutionalization of such practices.

At the regional level, the program engaged mayors, police chiefs and officers, municipal planners and community leaders in orientations on the need to improve community-police relations and approaches to crime prevention efforts. NDI collaborated with national and regional offices of NAPOLCOM, DILG and PNP to organize orientation sessions on community policing and police oversight for mayors, DILG personnel in the municipalities, *barangay* captains, and the police. Through the deliberations of CPAC, concrete agreements were formed to help facilitate processes to replicate community policing practices in ARMM.

At the onset of this program, there was a scarcity of local resource materials that related to community-police collaboration in ARMM. Under this program, NDI and its partners produced and circulated informational brochures, newsletters and activity reports to feature efforts being

[1] Previously, patrols were conceptualized and conducted in military fashion – the movement through a geographic area with a view towards maintaining government presence in the face of insurgents.

undertaken in the pilot ARMM municipalities – publicizing processes involved in building partnerships and managing resources to achieve public order. In addition, NDI and its partners involved existing community media, such as the peace radio stations of Upi and Barira, to promote information dissemination on community policing.

Over the course of the program, NDI built relationships with national, regional and community leaders in the area of community policing. This work in the ARMM also complemented other USAID development programs and bridged work with civilian leaders on peace and order issues. On various development issues encountered during the implementation of this pilot, referrals were made to The Asia Foundation, the Gerry Roxas Foundation and Growth with Equity in Mindanao II (GEM II) on addressing community needs related to specific concerns, such as basic education and the strengthening of local dispute resolution processes.

II. BACKGROUND

The Philippines faces considerable challenges in sustaining peace in Muslim Mindanao. Internal instability and conflict are rooted in protracted clashes between government forces and separatist movements, hindrances in reviving peace negotiations with the Moro Islamic Liberation Front (MILF), the suspected presence of international terrorist groups, and the incidence of widespread crime.

The threat of violent conflict has maintained high levels of fear and insecurity among citizens, thus hindering development initiatives and stymieing the improvement of the quality of life of ARMM communities. In consultations with NDI conducted in 2002, and throughout the life of the pilot program, citizens conveyed that common community problems – crime and disorder, access to basic services, environmental degradation and ignorance of rights and laws – are often the roots of larger-scale peace and order instability. When unaddressed, these problems grow into serious conflicts that challenge the institutions of democratic governance.

In addition, the fact that the majority of ARMM municipalities are composed of rural communities has posed challenges in efforts to decrease fear and increase security. As citizens in ARMM have little access to basic social services, there is a high expectation from communities for local government authorities and public institutions to facilitate this access. The geographic isolation of communities coupled with inadequate infrastructure have resulted in numerous problems as diverse as poor roads that prevent farmers from moving goods to regional marketplaces, to the flow of firearms through the various entry points in Mindanao which has rapidly escalated the availability of arms in the region's black market.

These existing socio-economic conditions pose major challenges to democratic development in Muslim Mindanao. Policing as a public institution suffers from low public credibility and citizens are frequently inexperienced at holding police responsible for their actions. Citizens do not demand necessary law enforcement services from police, and police fail to seek opportunities for public input on vexing peace and order problems. Credibility problems brought on by factors internal to the police institution are compounded by external variables, such as the low capacity of government agencies and elected officials in monitoring police. Such regulatory follow-up is necessary to ensure that operations proscribed by law are followed and that police services are provided in a manner that is fair and consistent with the public's need for security.

Effective, democratically accountable and transparent law enforcement at the local level is a chief concern affecting internal security and a key determinant of whether democratic governance can be sustained in Muslim Mindanao. Police are poorly trained and unresponsive to pressing peace and order violations. In addition, they are linked with the military in counter-insurgency campaigns and to a historical legacy that counts corruption and gross violations of human rights within the tally of offenses that damage trust relationships with the public. There is broad public perception of the lack of government oversight of law enforcement and heavy police-community tensions. These tend to undermine various peace and order agreements and contribute to the rise of paramilitary forces that accrue popular legitimacy from their ability to maintain a degree of order and repress crime.

The Philippine government, in its Medium Term Development Plan 2004-2010, recognizes peace and order as foremost on its agenda, crucial to economic development, social order and political stability. In parallel, the ARMM government sets forth 'strengthened and sustained peace and security' as the first of its development goals.[2] In line with these objectives, grassroots-based participation is crucial in addressing fundamental causes of disorder and unrest in this region. Key determinants of whether peace and order can be sustained in Muslim Mindanao are the capacity of ARMM citizens and community-based organizations to address threats to personal and community safety, and the presence of effective and democratically accountable law enforcement.

How that peace and order is established especially concerns marginalized groups, such as the MILF and the youth, who understand the motivations behind clan participation in past resistance campaigns. They are presently faced with a choice between becoming part of the next generation of resistance foot soldiers and contributing to community development. Opportunities also abound for participation by former insurgents and youth in organized criminal activities, which pose as great a threat to the development of democratic governance in the ARMM as armed insurgency.

Progress towards establishing a well-functioning, accountable and a more citizen-engaged police force is a prerequisite for the sustainability of peace and order. In the Philippine context however, the road to this progress is full of challenges. The previous close relationship between police and military in post-conflict areas of Mindanao, and the legacy of human rights violations perpetrated by police against citizens, continue to hamper the establishment of trust relationships between communities and police. Moreover, the PNP is reputed to be ridden with graft and corruption, and inherent to its structure and operations are institutional weaknesses that tolerate the proliferation of corruption.[3] Among these are: the number of disciplining authorities, the lack of accountability, fragmented training and weak value content, increasing politicization of the hiring and promotion process, and poor standards for performance evaluation.[4] The institutional weaknesses of the PNP are often reflected in poor police conduct and widespread citizen unwillingness to cooperate with local forces.

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[2] Autonomous Region in Muslim Mindanao Medium-Term Regional Development Plan: 2004-2010, Regional Economic and Development Planning Board

[3] In the 2004 Global Corruption Barometer of the Transparency International, the Philippine National Police was ranked as the most corrupt agency in the Philippine government.

[4] "Transforming the Philippine National Police a More Capable, Effective and Credible Police Force," Philippine National Police, Supreme Court and the United Nations Development Programme, June 2005.

III. OBJECTIVES

To assist ARMM communities and government authorities address local peace and order challenges, NDI implemented a pilot program with the following objectives:

- ***Objective One:*** Strengthen the capacities of local and regional leaders to carry out their peace and order mandates within the structural framework provided by Philippine laws and cognizant of the prevailing socio-political context in ARMM.

- ***Objective Two:*** Facilitate the implementation of a comprehensive community-policing model in three pilot municipalities.

Throughout the life of the pilot, these objectives were attained through:

- Increasing citizen and police access to relevant information on principles of democratic policing;
- Enhancing capacities of citizens and police to implement community policing; and
- Developing formal mechanisms for interaction between citizens and police at the regional, municipal and *barangay* levels that foster the development of best practices in administering peace and order.

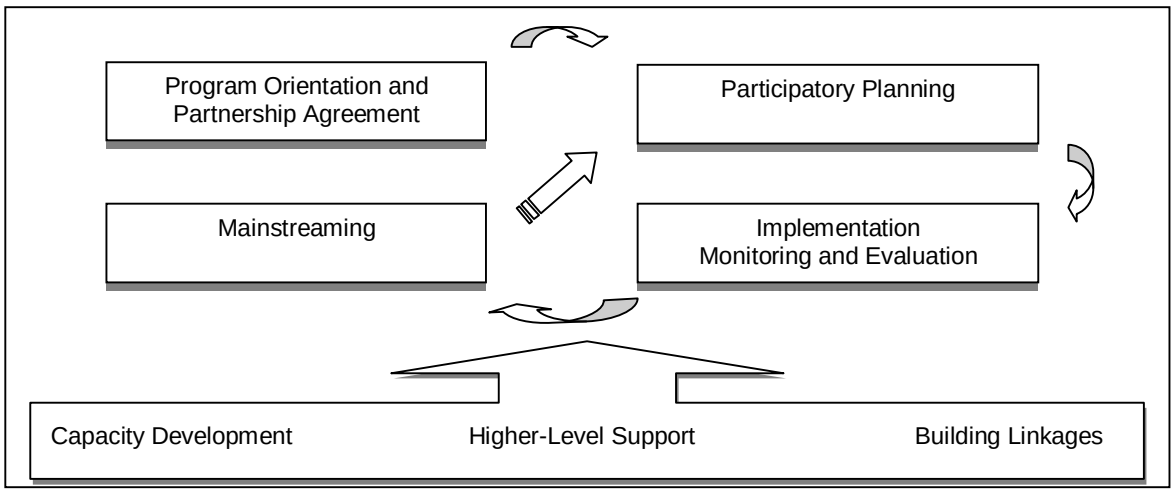
IV. PROGRAM ACTIVITIES

NDI's pilot program in ARMM sought to utilize community policing strategies to maintain peace and order, and, ultimately, bring greater stability. The adoption of community policing by all levels of the PNP would result in a full-service and decentralized police institution, thereby empowering citizens to work with the police in solving community peace and order problems.

Introducing community policing in ARMM societies, which are characterized by weak governance structures, poor law enforcement and distrust within the community, faced distinct challenges. Decision-making in ARMM governments is heavily centralized with the mayor or local chief executive involved in almost all decisions. Additionally, there is significant resistance from the government to increase community involvement in public safety administration. Increased community involvement translates into more work for government agencies and opens government affairs and policing to public accountability. The traditional approach of using force to solve crimes, instead of addressing the causes of crime, is a much easier track to take. This is reinforced by the PNP institution, given its measures of police performance that focus more on the number of arrests made or the number of suspects injured or killed. On the side of the citizens, opportunities to participate are derailed by apathy, a culture of fear and a weak sense of community. Local police services are disjointed, uncoordinated and lack local support. There are no clear guidelines and many police lack skills and logistical support. Investigation competencies are high among senior PNP officers assigned at the regional command but these skills are most needed by the local police who are generally the first responders when a crime is reported. Unfortunately, local police lack substantive training. These weaknesses at the local level leave citizens discouraged from reporting incidents to local police.

Community Policing Modeling Process

In response to these challenges, NDI's pilot program introduced a model for community policing practices. Community policing facilitates citizen input to local police authorities, encourages professionalism and community involvement in public safety, and harnesses the influence of religious and political leaders in conflict management. These practices seek to repair and strengthen relationships that have been broken by conflict.



These processes are described in NDI's Community Policing Manual, attached as Appendix A. The manual was developed as result of the experiences of this pilot program.

PROGRAM PHASE ONE: October 2003 to September 2004

A. Program Orientation and Partnership Agreement with Pilot Sites

NDI's original program proposal related to working with the ARMM Regional Police Commission (REPOLCOM), a body that had not yet been formed at the time the program proposal was approved. Through consultations conducted in the initial phase of the program, NDI learned there would be a substantial delay in the approval of the Executive Order leading to REPOLCOM due to various political issues between the Office of the President and the ARMM government. NDI also learned of various elements that constitute the framework in which REPOLCOM ultimately would operate, and that would benefit from practical assistance within its program scope. In light of these considerations, NDI revised its program and workplan accordingly.

In the first year of the program, NDI selected North Upi, Sultan Kudarat and Sultan Mastura as sites for the pilot as the socio-political and ethnic makeup of these municipalities represent the broader set of ARMM communities. All three have a mix of Muslim, Christian and indigenous populations, and are beset with local public safety issues ranging from petty crime to clashes between government troops and rebel forces.

The Institute initiated the pilot by engaging and orienting local chief executives, the Municipal Peace and Order Councils (MPOCs), local police forces, traditional leaders and other community leaders of the pilot sites on the benefits, key concepts and the program description for community policing. Community members and NDI discussed how community policing recognizes the specific social and cultural context of ARMM. The Institute and the local government unit (LGU), as represented by the mayor, developed a partnership arrangement for the pilot program, guided by principles of collaboration with co-ownership of the project as the ultimate objective[5].

The concurrence of the LGU to pursue community policing led to the designation of a community policing team as the main conduit for pilot site activities. Since the MPOC is a large body, an effective approach was to designate a core team of council members, composed of citizens and police. The Core Team was the first point of contact and a key player in all community policing efforts at the local level. Where immediately possible, the local police unit was encouraged to organize community policing action teams. This concept is in accordance with the establishment of Community Policing Action Centers (COMPACs), the decentralization scheme of the PNP in which *barangay*-level leaders and law enforcers (such as the *barangay* chairpersons, *tanods* and *lupons*) are employed as active stakeholders in peace and public order.

B. Assessments of Community Needs, Developing Agendas for Action

To obtain information on the peace and order situation of the pilot sites from the views of different local stakeholders, NDI conducted community needs assessments in the sites through participatory rural appraisals (PRA). Through a series of facilitated group discussions, the assessments gathered perspectives from local leaders and citizens on the peace and order situation of the targeted *barangays*. Sectoral representatives (including education, youth, agriculture, business, religious sectors and elders) expressed their appreciation for this activity – this was the first time that communities were consulted openly on peace and order issues. The process allowed them to voice their opinions and recommend possible solutions. The PRA sessions also became a venue for clarifying roles and organizational relations of law enforcers, such as the military, police, civilian volunteer organizations and *barangay tanods*.

For each pilot site, the validation of results from the PRAs was presented to a multi-sectoral assembly that included various representatives from government agencies that had the mandate to respond to peace issues that surfaced during the PRA, such as land conflict, domestic violence and drug abuse. These agencies included the Commission on Human Rights, Department of Agrarian Reform-ARMM, Provincial Mobile Group of the Philippine National Police, National Commission on Indigenous People, Philippine Drug Enforcement Agency, NAPOLCOM-ARMM, Office of Muslim Affairs, Regional Mobile Group and Municipal Social and Welfare Department. Local residents and officials were pleased with the outcome, noting that these sessions were unique and meaningful since the presence of the government agencies generated immediate responses to expressed needs of the community. Citizens informed NDI that the validation sessions led many to realize that the preservation of peace is not solely the responsibility of law enforcers but rather of

[5] The 6C relationship model identifies stages which defines the nature of relationship. The lowest form is coercion which is adversarial in character to co-ownership, the highest form of partnering.

the entire community. In concluding these sessions, a series of community education initiatives was agreed upon by the community and the government agencies.

Once the most prominent peace and order issues were validated by the communities, NDI worked with community leaders to prepare community action plans to address these issues. In addition, community working groups were formed in the *barangays* to focus on implementing action plans. The plans served as blueprints for the work of the police action teams within designated areas (clusters of *barangays*). Action plans at the *barangay* cluster level also contributed to the municipal Integrated Area/Community Safety Plans – these are linked to municipal government's legislative agendas outlining community-coordinated responses to public safety issues.

After the *barangay*-level assessment, planning, and the consolidation of the municipality's public safety plan, the MPOC submitted the plan for legislative action. The legislative body's concurrence made the plan official and obligated the local government to implement it. The plan integrated steps to address community public safety concerns and the police unit's community policing action plan. The municipality public safety plan was completed in the last quarter of the year, meeting the deadline of the local government's submission of the annual budget.

C. Community Education Series (Talakayan)

Beginning in April 2004, the *Talakayan* or Community Education Series was organized in the pilot barangays of Upi, Sultan Kudarat and Sultan Mastura to serve as venues for dialogue between community members and government agencies with mandates to address the peace and order issues prioritized by the pilot sites. This activity sprang from the participatory rural appraisals conducted earlier, wherein participants revealed that information on ways to address local needs did not reach the municipalities, much less the barangays. The Community Education Series underscored the power of information and was a key element in building partnerships for peace governance. The *Talakayan* series developed as follows:

Talakayan on Comprehensive Agrarian Reform Laws and Programs**.** NDI conducted a forum with the aim of informing the farmers of their rights and responsibilities under the country's agrarian reform laws and the process by which they can lodge their complaints. In the pilot areas, complex land issues such as the process of land titling, land owner-tenant relationship, sharing of agricultural harvest, and settling land disputes, are common problems. Participants of this forum included farmers, the Barangay Chairmen, and the Barangay Agrarian Reform Committee (BARC) Chairmen from the project areas, and representatives from the Department of Agrarian Reform (DAR)-Maguindanao. More than 300 residents participated in this discussion.

Most of the cases presented by the participants referred to the relationship of the landowners and tenants and their corresponding rights. Others had concerns regarding the titling of their land and on the roles of the BARC Chairmen, most of whom are not familiar with their responsibilities. The barangay chairmen queried whether the BARC Chairmen could undergo training to further enhance their capacity to settle land disputes or assist farmers on their queries on land. It was agreed then that the Municipalities of Upi, Sultan Kudarat and Mastura,

through their Municipal Agrarian Reform Officers (MARO), would organize and train the BARC in all the barangays. Participants felt that at the end of the activity, they were more informed and knowledgeable regarding the issues governing their lands.

Talakayan on Drug Prevention. The Community Education Series on Drug Prevention was held in Upi and Sultan Mastura, with the help of a resource person from the Philippine Drug Enforcement Agency. The activity aimed to increase the level of awareness among the residents, not only of the ill effects of prohibited drugs, but also of the fines and penalties for drug offenders and other relevant issues related to illegal drugs. The local police, barangay leaders, school heads, parents and youth leaders participated in this activity – more than 200 were involved in this discussion.

The forum was a good avenue for the participants to raise their anxiety over the growing number of drug users in their communities. Information was given on the profile of a drug dependent, the signs and symptoms of drug dependence and other health implications of drug addiction. It was also a venue for the police officers to request for the complete participation of the community in addressing the problem on prohibited drugs. Participants acknowledged that their active involvement in efforts like these is part of community policing.

Talakayan sa Karapatang Pantao (Forum on Human Rights). This forum involved resource persons from the Commission on Human Rights who oriented the community on their entitlements as provided by the Philippine Constitution. Participants took the opportunity to inquire about their basic rights, the processes and procedures involved in human rights violations cases, and the roles and responsibilities of the Barangay Human Rights Action Officers, the barangay-based representatives of CHR tasked to promote human rights. Other relevant topics such as the rights of children and women were also discussed.

Talakayan on Coastal Management and Security. NDI facilitated an educational session on coastal management and security in Barangay Matuber, a coastal barangay of Upi. This session sought to address the growing concern of residents, who are commonly fishermen, on the threats to lives and properties at sea. The Bureau of Fisheries and Aquatic Resources-ARMM division was invited as a resource organization for this event. A total of 39 representatives from the religious, education, fishery, law enforcement sectors of Matuber participated in this activity. Through interactive presentations and discussions, the Bureau provided information on how the daily practices of coastal residents affect the marine environment, and how local residents can maximize their participation in governing their coastal concerns. Post-event feedback described that participants were appreciative of the information shared on the role of the local government unit in the protection and management of marine resources as well as the security of residents while at sea. After this *Talakayan*, Barangay Matuber organized its own Barangay Fisheries and Aquatic Resources Management Council responsible for the management, conservation, protection and disposition of all fish and aquatic resources within their respective municipal waters. It also created its own *Bantay Dagat (Marine Watch),* a task force supporting the operational activities of the newly-formed marine resources management council. *Bantay Dagat* members underwent an examination administered by the management council, and were appointed as full-fledged Fish Wardens, possessing authority to apprehend violators of fishery laws.

Through the ***Talakayan***, community members of Matuber realized that another government agency, the Philippine National Police-Maritime Group, is mandated to address law enforcement at sea. Representatives of the PNP-Maritime Group were invited to the ***Bantay Dagat*** appointment ceremony, and they gave an orientation on the mandate of their agency and the assistance they provide. The PNP-Maritime Group representatives also committed to training the Fish Wardens on law enforcement. The PNP-Maritime Group took part in discussions with Mayor Ramon Piang of North Upi on policies involved in this training effort.

D. Organizational Development Assessment for Police

Simultaneous to the conduct of community assessments, the pilot municipality police units underwent an organizational development assessment to identify necessary organizational changes and individual technical skills needed for the conversion to community policing. NAPOLCOM had finalized the survey instrument, and the Regional and Provincial PNP were engaged in the assessment process to ensure that the higher level police commands understood the recommended changes and the problems addressed in the assessment. The organizational development assessment is attached as Appendix B. Findings of the assessment served as the basis for policy and operational changes in the pilot sites over the course of the program – these are described later in this report.

E. Capacity-Building Trainings for Pilot Site Core Teams

The program included community-based policing development workshops in the pilot sites that focused on providing local partners with tools for problem-solving and putting the concepts of community policing into practice. A capacity development outline was set for core teams, comprised of civilians and police, to better prepare them as implementers of community policing processes at the grassroots level. Among the essential skills-building trainings were: problem-solving techniques; facilitation techniques; results-based planning; resource mobilization and conflict management. As seen in the pilot, the police had their own set of distinct skills development needs that included: leadership and ethics, human relations; preparing for community-police partnership; documentation and report writing; and legal procedures. Capacity-building for the police and team members at the municipal and ***barangay*** cluster level was a continuing process and lasted throughout the duration of the program.

Community-Based Policing Development Workshop for Partners

NDI conducted workshops in the project sites to help provide local partners with tools for problem-solving and to operationalize the concept of community policing. Participants included police chiefs, barangay council members, members of local conflict resolution bodies, municipal government officials, heads of schools and civil society leaders. Using the Scanning, Analysis, Response and Assessment (SARA) technique, partners were pushed to think outside the box while considering local peace and order problems. It also illuminated the need to educate people as to their role in the process of solving disorder in their communities and encourage the elimination, management and decrease incidents of disorder in the area.

In response to their interest and requests for training, a similar event was given to representatives from 23 Maguindanao LGUs with the intention of broadening the practice of and advocacy for community policing. Municipal planning and development coordinators,

police chiefs and representatives from the regional government agencies of the ARMM Commission on Human Rights, the Bureau of Public Information-ARMM, the Department of Social Welfare and Development, and the Department of Interior and Local Government attended the activity.

Lakbay Aral in COPS Sites

The Philippine National Police is mandated to be a community and service-oriented agency responsible for the maintenance of peace and order and public safety.[6] This mandate brought about the creation of COPS, an integrated approach of addressing public safety concerns through partnerships between the community and the police. This program, which has been implemented nationwide since 1994, has had varying degrees of success in different regions of the Philippines. To date, the program has had limited impact in the ARMM.

To encourage the sharing of best practices from community policing models operating elsewhere in the Philippines, NDI – in coordination with the NAPOLCOM National Office – conducted a *Lakbay Aral* (educational tour) in September 2004. This activity sought to have community working group members observe the partnerships of peace stakeholders focused on reducing crime in Philippine cities that NAPOLCOM regarded as models for community policing'. Nine community working group representatives from North Upi, Sultan Kudarat and Sultan Mastura had the opportunity to visit community policing sites in the cities of Tuguegarao (Cagayan Valley), Balanga (Bataan) and Olongapo (Zambales). Delegates were encouraged to study the nature of COPS in the recommended areas, to identify contributory factors as well as barriers to COPS implementation, and to analyze implementing strategies and processes. The educational tour involved site visits as well as consultations and meetings with the local chief executives, barangay chairmen, local NAPOLCOM directors, police chiefs, PNP provincial directors, and commanders of police-community precincts.

The delegates identified that one common factor among the sites was the strong support of the local government units, NAPOLCOM and the regional chapter of the PNP in ensuring effective and efficient policing functions. Expressions of support were manifested through: 1) the provision of logistical requirements to law enforcers such as mobile cars, handheld radios and bicycles; 2) the enhancement of police skills; and 3) the commitment of taking action on citizen complaints against erring policemen and on issues affecting peace and order. This support generated the same reaction from the community, where a more involved citizenry has evolved. The delegates noted how the communities provide information to the police regarding their problems, and residents practice their oversight function by employing mechanisms to report erring police officers as well as to commend diligent law enforcers. Citizens also help fund and support projects and campaigns initiated by the police on peace and order issues.

Upon completion of the educational tour, the delegates met with NAPOLCOM Commissioners Miguel Coronel and Celia Leones in Manila to present a debriefing. The commissioners were pleased with the insights and observations of the delegates, but advised them not to replicate exactly the efforts of the areas visited, as each community has its own peculiarities.

[6] Section 2 of Republic Act No. 8551, The PNP Reform and Reorganization Act.

Applications of the lessons learned through this activity were noted in initiatives that Upi, in particular, launched later in the pilot. (These are noted later in this report).

F. Formal Partnerships with NAPOLCOM, DILG and PNP

Over the course of the program, partnerships were cemented with the national and ARMM offices of NAPOLCOM, DILG and the PNP to promote the objectives of the program. NAPOLCOM, DILG and NDI developed a formal agreement to collaborate on a number of initiatives, including: assistance to the pilot sites of North Upi, Sultan Kudarat and Sultan Mastura in preparing their community public security plans; and organizing provincial workshops for local government chief executives on their mandates as civilian oversight deputies of NAPOLCOM.

Seminar Workshop on Community Policing for Maguindanao LGUs

One of the fruits of this partnership is the organization of a Maguindanao-wide conference on community policing in January 2004. This activity encouraged participants to assimilate concepts, procedures and requirements to facilitate community crime prevention programs. The seminar-workshop engaged them in participative and informed discussions regarding civilian oversight of the police and methods for improving community police relations. It also enabled a better understanding of the role of traditional methods of conflict resolution and maintenance of peace and order in the community.

As a measure of support, DILG issued a memorandum circular enjoining all the mayors of Maguindanao to participate in the province-wide conference on civilian oversight. As a result, over 120 mayors, police chiefs, members of the municipal planning and development councils and civil society leaders participated in this event, representing 25 of the 26 municipalities of Maguindanao province.

During the discussion sessions of the seminar, numerous issues were raised regarding community policing initiatives. Considering traditional methods, particularly the role of Imams in conflict resolution, participants noted the need to look into the separation of religious and state affairs if and when Imams act as judges in conflict resolution. With regard to policing in a democracy, it was noted that the accountability of the police to the government and the public is very important, as they provide and ensure protection through the enforcement of law and order. Accountability, moreover, could be political, legal, or social.

In exercises and group sessions wherein participants were asked to share ideas for strengthening and implementation of programs related to policing and conflict resolution, it was determined that participants would like a unified procedure for mediating conflict, the enactment of laws to strengthen traditional means of dispute settlement, and a participatory system of resolving conflict. The police, in particular, desired a strengthening of community involvement in the peace process, and in the implementation of the NAPOLCOM's supported approach of community policing in the Philippines (COPS).

Community Policing in the Philippines: COPS. Commissioner Miguel Coronel, one of the commissioners of NAPOLCOM, gave the presentations and facilitated discussions on COPS. He discussed the core components, which include: *full servicing policing* involving crime prevention, suppression, intervention, attrition and deterrence; *problem solving* which addresses education, governance, values, economic, spiritual and legal concerns; and *police-*

community partnership. COPS encourages partnership between citizens and police, dependent upon mutual respect, trust, civility and support. COPS also attempts to address the root causes of crime, including poverty, injustice and legal deficiencies.

Discussions following the Commissioner's presentations brought various issues to light. Participants questioned the roots of crime, including poverty as the main culprit. Additionally, participants commented that national government has no political will in fighting corruption, noting a lack of prosecution of top officials, and the need to reform the justice system. Given these issues, participants felt that community involvement in policing is imperative. The sharing of views and insights generated several important points for consideration, including: a) the need to enhance awareness of COPS at the grassroots level given that its implementation would require the involvement of the community; b) the need to provide required resources to enable police efforts; c) maintaining the rule of law and improving local governance and d) enabling dialogue and cooperation between the community, police and local government.

With regard to why COPS may not be succeeding in many areas, the Commissioner noted the suspicion that police themselves are involved in crimes. In line with this, he emphasized the importance of establishing connections and developing partnerships with the community and the need for police to respect local customs and traditions. Moreover, for COPS to succeed, the credibility of the implementer or practitioner of the program is paramount, as he or she should be politically neutral and uphold the trust and confidence of the community.

Participants from each municipality were asked to develop action plans for future efforts. These plans were then broken down into phases or steps to encourage analysis of efforts that could be realistically implemented. Throughout the program period, NDI and NAPOLCOM were to work with different municipalities on these action plans. Program participants suggested having seminars and workshops on local initiatives and other topics related to peace and order.

Feedback from the participants noted numerous positive impressions, including: a) the mix of participants resonated very well among participants since it was the first time that community policing was introduced to a varied group comprised of mayors, municipal planners, police, barangay captains, members of civil society organizations and legislative council members; and b) the learning processes were participatory and structured; and noticeably, most of the participants, including the mayors, stayed on for the duration of the seminar workshop.

Seminar on Crafting Public Safety Plans

As a follow-on activity to the Maguindanao conference, in response to feedback from municipal representatives, NDI collaborated with NAPOLCOM and DILG to organize a seminar on crafting public safety plans. Held in September 2004 in Cotabato City, this activity sought to further enable municipal local government operations officers who are tasked by law to facilitate the crafting of the municipality's integrated area/community public safety plan (IA/CPSP), in coordination with the local chief executive (in his/her capacity as chairperson of the municipal Peace and Order Council). The IA/CPSP is a comprehensive action plan

detailing strategies for the next 12 months to address the most pressing public security and safety issues in a locality.

A total of 43 participants from the pilot municipalities and relevant government agencies were part of this seminar. NAPOLCOM National Commissioner Miguel Coronel led discussions and practical exercise sessions on public safety planning. In addition, the Office of Civil Defense, a government agency mandated by law to manage disaster response and preparedness, was tapped as a resource partner for this activity. Lita Enok, Director of the Office of Civil Defense-ARMM, participated in this event and shared inputs on disaster management. Given the information and practical exercises provided by the seminar, participants were then challenged to prepare the IA/CPSP for their respective municipalities. In evaluating feedback from participants, NDI noted that members of the municipalities were grateful for the specific knowledge they gained on formulating plans in feasible terms vis-à-vis their local situations.

Interactive Forum on Community Policing

NDI also organized a forum on community policing with officers and staff of the Philippine National Police in the Autonomous Region in Muslim Mindanao (PNP-ARMM). This forum involved the Deputy Regional Director for Operations, Regional Chief Directorial Staff, the PNP Provincial Director in Maguindanao, the Commanding Officers of the Regional Mobile Group, heads of different departments of PNP-ARMM and Chiefs of Police for all the LGUs of Maguindanao. Surprisingly, participants admitted a lack of familiarity with the community policing concept and with problem-solving techniques that would help address peace and order issues. Participants commented that the discussions further enriched their appreciation of community policing, and recognized that the SARA model is a useful tool for problem solving. Police Senior Superintendent Dionaid Baraguer, Deputy Regional Director for Operations, expressed his gratitude to NDI for providing the police force the opportunity to gain new information and reinforce knowledge obtained from previous trainings.

Maguindanao Conference on Civilian Oversight

In July 2004, NAPOLCOM, DILG, PNP and NDI organized a conference to discuss issues and concerns relating to the functions of local chief executives as deputies of NAPOLCOM and the identification of programs to ensure the maintenance of peace and order. Pursuant to the pertinent provisions of Republic Act 6975, as amended by Republic Act 8551,[7] local chief executives are mandated to have operational supervision and control of the police. This oversight function includes PNP recruitment and appointment, as well as the development of community public safety plans.

A total of 103 participants, from 24 municipalities of the province as well as relevant government agencies, gathered for this event. These included the local chief executives of Maguindanao, their municipal local government operations officers, the chiefs of police, and civil society representatives who sit on the Peace and Order Councils of the municipalities. The conference sessions, which involved presentations, interactive exercises and open fora,

[7] Republic Act No. 6975 provides for the establishment of the Philippine National Police under a reorganized Department of the Interior and Local Government. Enacted in 1990, it detaches the police from the military and places it completely under civilian supervision and control. Republic Act No. 8551 was enacted in 1998 and provides for the reform and reorganization of the Philippine National Police.

focused on helping municipal representatives gain information and better understand their mandates relevant to directing the Peace and Order Councils, creating the People's Law Enforcement Boards, and developing local public safety plans. NAPOLCOM, DILG and PNP representatives worked with NDI to help ensure that session materials were relevant and useful. NAPOLCOM-National Commissioners Miguel Coronel and Celia Leones were highly supportive in the planning and implementation of this conference. At the end of the three-day event, participants crafted resolutions to describe specific needs to support their civilian oversight functions as well as the maintenance of public safety in their areas.

At the end of the conference, NAPOLCOM issued deputation orders and identification cards to municipal mayors who were in attendance. Angelo Reyes, the newly-appointed DILG national secretary, was the guest of honor and keynote speaker of the closing ceremonies, and encouraged the local chief executives present to be steadfast in performing their roles at the forefront of good governance. Participants took the opportunity to engage Secretary Reyes in the results of the exchanges that took place during the conference, and read out to him the resolutions they composed. These resolutions included requests for logistical support for local police, as well as fire trucks and ambulances.

G. Discussions on Traditional Peace and Order Mechanisms in ARMM

In response to requests for assistance from the pilot areas, NDI facilitated a roundtable in January 2004 to better explore possibilities of strengthening existing indigenous conflict mediation practices and allow their institutionalization as effective instruments of peace and order. Participants of this forum included mayors, representatives of human rights organizations, the National Police Commission, representatives from the Regional Legislative Assembly of ARMM, and donor groups. The roundtable discussion included presentations regarding experiences with conflict mediation in specific municipalities, initial findings on the Preliminary Survey of Existing Community Dispute Resolution Process (ERDP), insights from the Gerry Roxas Foundation's (GRF) Barangay Justice Service Survey (BJSS) project, and the Local Governance Support Program (LGSP). Participants shared their views on conflict mediation processes in ARMM, their effectiveness as peace-keeping instruments in communities, and identified and discussed challenges and opportunities.

Participants of the roundtable focused on indigenous methods of conflict mediation, its congruence to formal methods of peace keeping, in addition to community participation in the peace process. Presentations regarding traditional methods such as the establishment of a House of Court and Mayor's Council, given by Mayor Ramon Piang of Upi and Mayor Tocao Mastura of Sultan Kudarat were acknowledged, as they provided clear examples of indigenous conflict resolution approaches in their municipalities. Essentially, participants recognized the need to resolve legal issues involving local conflict resolution mechanisms and national legally mandated systems, as well as to codify laws and enhance capacity building.

It was a common view among those present that the local resolving bodies are indeed contributory to the preservation of peace in the ARMM communities. However, given the scope of problems it resolves, questions are raised as to the legality of their functions. Thus, it was agreed that further research, studies, meetings and another set of roundtable discussions be conducted in order to shed light on the issue. Moreover, it was also suggested that penal laws observed by the traditional bodies in conflict resolution be codified.

In response to requests for assistance from the project areas, NDI linked with SALIGAN-Mindanaw, a local NGO focused on providing legal resources to citizens, to conduct more detailed research on traditional conflict resolution structures in Maguindanao province. This initiative resulted in a partnership arrangement with the Philippine-Canada Local Government Support Program (LGSP) on efforts such as research and the strengthening of the local/traditional conflict resolution processes in the areas where NDI and LGSP's programs operate.

SALIGAN's research, which covered eight selected municipalities in the Maguindanao and Lanao provinces, was presented in a Policy Forum on Institutionalizing Traditional Conflict Resolution Practices in August 2004 in Cotabato City. Present at this forum were local officials from the pertinent municipalities; representatives from the National Commission of Indigenous Peoples-ARMM as well as the Office of Muslim Affairs; state prosecutors for the Department of Justice; and representatives from various NGOs, including The Asia Foundation and the Gerry Roxas Foundation. The 25 participants deliberated on, among other things, the precarious areas related to existing traditional conflict resolution mechanisms practiced in different local government units.

In addition, SALIGAN, NDI and LGSP organized two rounds of a seminar-workshop on the codification of the traditional conflict resolution processes, the formulation of internal rules of procedures, paralegal procedures, and case documentation. LGSP sponsored the first round of the seminar with members of the local resolving bodies from its project areas; NDI hosted the second round, which was targeted for local conflict resolving structures from the Institute's pilot areas. SALIGAN served as the local resource organization for both events.

The research studies produced by SALIGAN, attached as Appendix D, were distributed to program stakeholders and given to the National Commission of Indigenous Peoples-ARMM and the Regional Legislative Assembly of ARMM.

H. Production of Informational Materials

NDI and its partners produced informational materials, such as brief reports and monographs, on how community policing was being initiated in the pilot areas. Feedback from community leaders and citizens described these materials as important contributions to the limited pool of informational resources on community policing, and useful tools in promoting community-involved administration of peace and order. Examples of these materials are attached as Appendix C.

Local journalists from the project sites are also essential partners in promoting peace efforts of the project areas. NDI and MindaNews, a local media organization, organized news-writing trainings to help increase the capacity of local journalists to cover peace related issues and help promote initiatives by local leaders and community working groups.

PROGRAM PHASE II: October 2004 to December 2005

NDI built on the accomplishments of the initial program phase and implemented follow-on program activities that focused on: the availability of and access to information, the

strengthening of relationships among partners in the communities and between higher-level authorities, and the institutionalization of effective mechanisms and processes for democratic policing. This approach emphasized movement from understanding to action within an ARMM culture that is often highly traditional and cautious in its acceptance of change.

Changes in Pilot Sites for Community Policing Model-Building

At the beginning of the second phase of the program, NDI held discussions with the local chief executives of North Upi, Sultan Kudarat and Sultan Mastura on the design of the extension phase, the creation of replicable community policing models, and the role of the pilot sites in this process. Both North Upi and Sultan Mastura reaffirmed their support and their willingness to be model-building sites.

Mayor Tocao Mastura of Sultan Kudarat, however, informed NDI of the decision to withhold the commitment to participate as a pilot site due to expected difficulties in committing appropriate personnel and counterpart cost-sharing in 2005. Although the local leaders of Sultan Kudarat were highly involved in the first 12 months of this program, as well as in developing concepts for the succeeding program phase, Mayor Mastura relayed to NDI the concern of being short on key personnel to commit to the program extension phase. Sultan Kudarat has existing partnerships on infrastructure and fiscal assistance programs, supported by the World Bank, CIDA-LGSP and the Asian Development Bank, and these long-running agreements call for the involvement of the same key personnel that NDI's program requires. Whereas these key personnel were able to balance commitments during the initial 12 months of NDI's program, reductions in 2005 revenue allocation approved by the national government for Sultan Kudarat compel municipal officials to dedicate their human resources to these infrastructure and fiscal assistance programs. In addition, because of the revenue allocation reduction, the municipality is concerned about its ability to put up counterpart funding for program activities. Of note, the municipality's existing and long-running agreements with the World Bank and ADB also require counterpart funding, and the municipality's reduced allocation from national government will make it difficult for Sultan Kudarat to reach its counterpart levels for all external assistance projects for 2005.

As Sultan Kudarat and Sultan Mastura were linked – the two were originally one municipality; and in fact, the mayors were brothers – Sultan Mastura informed NDI of its own financial pressures and likewise withheld its commitment to participate in the second phase of the program.

In light of these developments, and given the objectives of the program's second phase, NDI conducted a rapid assessment in early November to evaluate further project sites to consider in the extension phase. After studying several sites, based on criteria employed for selecting the first three and alongside the objectives of the program extension phase, NDI decided to consider the municipalities of Barira and Guindulungan, both in Maguindanao. This selection was discussed in a special meeting of the Community Policing Advisory Committee in mid-November, and a formal letter was sent to USAID in early December pertaining to these events. NDI was issued a modification in late December to note these changes.

NDI initiated discussions with Mayor Alex Tomawis of Barira and Mayor Midpantao Midtimbang of Guindulungan, and both have expressed interest and commitment to the project. These mayors and authorities from their local government units, including the chiefs of police, had participated in NDI's Maguindanao-wide conferences and activities in the initial program phase, and were thus cognizant of the concepts of community policing as well as NDI's broader program.

In discussing the second program phase, NDI and the program partners reviewed the following indicators in measuring the pilot's progress:

- MPOCs in pilot sites model replicable community policing practices through public safety citizen-police core teams;
- Improved capacities of police units in the pilot sites to promote community-oriented systems in the context of effective crime or disorder response and community policing;
- Greater support from the regional and provincial agencies to strengthen the community policing modeling and replication process; and
- Increased access by pilot and non-pilot sites to information on principles of community policing; replicable practices and lessons learned in administering public safety

A. MPOCs in pilot sites model replicable community policing practices through public safety citizen-police core teams

1. Designation of the Community-Policing Core Teams

With the commitment of the local chief executives in this second phase, it was reinforced that the MPOC, the local government bodies mandated to address peace and public safety issues, would be the main carriers of building replicable community-policing models. In the first quarter of this phase, briefings and planning sessions were held towards this aim, including the consideration of partnerships to conduct municipal public safety assessments.

- In North Upi, Mayor Ramon Piang created a core team under his leadership, involving the vice-mayor, the chief of police, barangay chairpersons, members of the Mayor's Peace Council and police personnel --- all of whom had participated in NDI's previous trainings in problem solving and community mobilization. Mayor Piang also designated a mixed group of citizens and police officers within this team to take on municipal public safety assessments.

- Mayors Alex Tomawis of Barira and Midpantao Midtimbang of Guindulungan agreed with the role of the MPOC in the project. Of note, in Barira, the Municipal Peace and Order Council is joined with the Ulama Council.

2. Training of Trainers and Coaches in Problem Solving and Resource Mobilization

As part of the replication strategy, and based on the participant feedback received from the first year of the program, NDI organized a Trainers' Training (ToT) and coaching sessions on the

use of the SARA technique as a basic framework in problem-solving and resource mobilization—two core components of community policing. NDI's community policing consultant Ronald West served as master trainer. These events were in sequence with trainings conducted in the first year of the program, and sought to develop community policing coaches at the regional, provincial and municipal level.

One training facilitated in Upi targeted members of the MPOC and local police personnel. Another training, conducted in Cotabato City, targeted representatives from the National Police Commission-ARMM, the Department of Interior and Local Government-ARMM, and police officers from ARMM regional and Maguindanao provincial offices. Both sessions included practical exercise components on topics chosen by the participants --- the Upi training included overnight visits of the local police station, while the Cotabato City training involved monitoring the public market and certain local areas during evening hours when drug pushing was known to be most rampant. In post-event feedback, participants found that the hands-on experience of executing the SARA framework as extremely valuable and looked to formulate similar training sessions among their colleagues.

3. Strengthening the Citizen-Police MPOC Core Teams

As the MPOCs are mandated by law to address local public safety issues, throughout the pilot phase, NDI worked with these bodies and the core teams to strengthen their competencies in facilitating community processes and respond to public safety issues of crime and disorder.

Reorganizing the MPOC of Guindulungan. As a newly formed municipality, Guindulungan was challenged with ensuring that its MPOCs would function. A resolution was submitted identifying the permanent members and putting an end to the practice of alternate representation in the MPOC meetings. Subsequent to this change, an orientation on the roles, mandates and functions of the MPOC was done. Core team members presented proposals to the MPOC chairperson on how the Council could maximize its linkages with the communities in administering public safety, and how to establish monitoring, documentation and evaluation of public safety-related activities. This exercise aimed to map out strategies and mobilize community resources based on the Integrated Area/Community Public Safety Plan (IA/CPSP), and resulted in recommendations on how best to strengthen the internal infrastructure of these councils.

Workshop on Results-based Performance Measures for Public Safety and Community Policing. NDI conducted a workshop to help MPOCs appreciate the importance of systematically monitoring and evaluating their performance in public safety. Given the specific issues that each pilot site prioritized, the respective MPOC core team brainstormed on the results they expect to have and the appropriate monitoring and evaluation process they should employ.

Through this workshop, Guindulungan made plans to plot the barangays into clusters for ease of coordination and monitoring. For the Upi team, after presenting their recommendations to Mayor Piang, the mayor designated the municipality's Executive-Legislative Agenda Monitoring Team with duties to monitor community policing. This group also discussed the possibility of requiring barangays to submit regular reports on their public safety activities.

Seminar on Appreciative Inquiry. NDI organized a follow-on seminar on appreciative inquiry and involved 30 MPOC core team members, community policing partners from the project areas, and CPAC members. This activity was focused on introducing a constructive approach to organizational changes, particularly within the MPOC and PNP as they shift towards community-oriented policing. Participants learned how to engage in appreciative conversations that would help identify areas of possible change. The discussion was built on discovering and affirming the past strengths and successes of the organizations or individuals. During the seminar, participants expressed their willingness to practice this newfound thinking process and believed it would be useful as they faced the challenge of promoting the philosophy and practice of community policing. Dr. Rose Fuentes, dean of the Southeast Asia Interdisciplinary Development Institute, served as the resource speaker.

Seminar on Conflict Management. This event aimed to enhance the capacity of the local justice mechanism in resolving conflict using the Empowering Dispute Resolution (EDR) approach. This conflict resolution method is distinct from that of arbitration in that it allows the disputants to reach a settlement themselves, based on options they decided on. Seminar participants were core team members, police officers and the Mayors Peace Council of Upi, members of barangay *lupon* and barangay chairmen from Barira and Guindulungan.

Lakbay Aral. Similar to the first year of the pilot, a *Lakbay Aral* was organized for members of the new pilot sites to visit cities that NAPOLCOM had evaluated as 'successes' in the implementation of community policing -- Tuguegarao (in Cagayan Valley), Balanga (in Bataan) and Olongapo (in Zambales). This activity was organized to increase the knowledge and understanding of the MPOC core team and CPAC members about community policing through an exchange of views with local leaders and police officers that have had practical experience in this system of policing. The educational tour involved site visits as well as consultations and meetings with the local chief executives, barangay chairmen, local NAPOLCOM directors, police chiefs, PNP provincial directors, and commanders of police-community precincts. This further exposed municipal leaders and Core Team members to the particulars and the applications of community policing in the Philippines, and helped them fine tune the Community Policing Plans of their respective communities.

4. Crafting the Integrated Area/Community Public Safety Plan (IA/CPSP)

The pilot sites shared that in the past, Public Safety Plans were drafted solely by the local PNP Chief and the municipal local government operations officer, and was then submitted to the Mayor and prepared only for compliance purposes. Using the skills gained from the trainings, the MPOC and the community coaches, with technical assistance from NDI, conducted the Barangay Public Safety Assessment (PSA) and planning workshops themselves. Similar to the assessments held in the first year of the program, these events provided barangay leaders and representatives from various sectors the opportunity to work collaboratively in assessing public safety threats and develop appropriate responses. The MPOC and the community coaches worked on the design of the public safety assessment and served as facilitators, documenters and interviewers in the actual assessments. This was a significant step in the model-building process since the assessment approach and the information gathered came from the communities themselves, helping bolster local ownership of the concluding municipal-level community safety plan.

As revealed in these assessments, citizens recognize that threats to safety go beyond common crimes. Communities themselves see public safety as rooting not only from violence but also from hunger, poverty and diseases that worsen due to environmental degradation and poor governance. They also mentioned that public safety is about ***kaligtasan sa kaisipan***, that citizens should be able to feel safe to think for themselves and express these thoughts freely.

The participants appreciated being able to talk to one another on matters that affect them and to work together on these problems – this was the first time that such a consultation on public safety was ever held. The activity allowed them to voice their primary public safety concerns, providing them a venue to express their sentiments and come up with an action plan to address these problems. As one participant said, "we have been confronted with these problems time and again yet we do not know to whom and where we can ask for assistance. May this assessment relay to our local leaders the plight of its people." Because the citizens were involved in the entire process, municipal officials and the core team members expressed that the resulting action plans would have a greater chance of functioning, as compared to previous years.

Similar to the first year, the public safety assessments were validated in the pilot sites through town hall meetings. Members of the MPOC and local coaches consolidated the results of the PSA in all the barangays; these concerns included land conflict, cattle rustling, access to potable water, poor road conditions, epidemics (i.e. cholera and malaria) and pest infestation. The police, while initially uncertain on their role in non-crime matters, gradually appreciated the idea of multi-partnership and the new meaning of their role in the context of the communities they are assigned. As expressed in NDI trainings, in community policing, the police have "a new mandate that expands beyond crime-fighting to include efforts targeted at physical and social decay, disorder, and fear of crime"[8]. In Upi, Mayor Piang recognized this role of the local police in non-crime issues and announced his plans to expand the membership of the Mayor's Council[9] to include police officers.

Also, in the process of developing the IA/CPSP, local core teams interacted with representatives from agencies like the Bureau of Fisheries and Aquatic Resources, the Office of Civil Defense and the Commission on Human Rights in designing responses to identified public safety issues, gaining the commitment of these agencies in addressing the problem relevant to their mandates.

5. Community Education Series on Rights and the Rule of Law

During the community-based public safety assessment, the core teams were informed by the majority of the communities of the lack of local familiarity with citizens' rights (women, children, indigenous peoples) and laws on criminal justice, environment (fishery and forestry) and agrarian reform. As one participant in the assessment succinctly put it, "ignorance of the law led us to violate the rights of other people or others violating our rights".

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[8] Trojanowics, Robert. *Community Policing: Contemporary Perspective*, September 1990.
[9] Mayor's Council is a traditional conflict mechanism in Upi comprised of two representatives from each of the sectors present in the municipality -- Christians, Tedurays and Muslims.

In response to this concern, the MPOCs linked with the Commission on Human Rights XII for community sessions on rights education. Sessions were organized and well attended in Upi, Barira and Guindulungan. Through these discussions, barangay leaders articulated the need to sustain the process of community education and the need for rights counseling. These leaders conveyed plans to activate their respective Barangay Human Rights Action Committee (BHRAC), which is mandated to assist citizens in cases of human rights violations. In Upi, the president of the BHRAC shared his interest in further advancing the campaign of educating other BHRAC officers on their roles and in educating the community on citizen entitlements.

6. Implementing the IA/CPSP

To implement the points outlined in their respective IA/CPSPs, the MPOCs and the PNP mobilized communities and partner agencies.

UPI

Mayor Piang assured that "this document (IA/CPSP) will not gather dust in the cabinet" and his LGU wasted no time in implementing the plan. After the plan was finalized, Upi PNP Chief Austria and local police personnel intensified their patrol and visited nearby barangays to initiate contact with residents. During these visits, residents questioned them on the implementation of projects by the barangay leaders and the lack of concern towards heightening problems of cattle rustling in the area. Within the initial months of this program phase, due to the interaction of police and citizens during these patrols, barangay chairmen had reported cases of cattle rustling and robbery to the local PNP station – something, they said, that they had would not have done previous to the visits of the police in their area.

Establishing COMPAC. Upi commenced a plan to bring police services closer to the communities and strengthen community-police partnerships through the establishment of COMPACs. [10] This is a program by the Department of Interior and Local Government as part of the effort to decentralize police units in the municipality. The idea of forming COMPACs is not a new concept; it has been contained in past directives of the PNP but has not taken off the ground in ARMM. The police in the pilot sites appreciated the role of COMPACs in conducting community public safety assessments and obtaining feedback from residents. In Upi, the MPOC core team prepared to mainstream community policing at the barangay-level by refining their concept of COMPAC and consulting local stakeholders.

Police Inspector Lorigo Austria and SPO2 Lorenzo Ninte, Chief of Intelligence and Information Division of Upi PNP, designed an approach to COMPACT to fit the municipality's conditions. They presented to Mayor Ramon Piang the concept of forming seven clusters or COMPACs with two police officers per cluster --- one would function as the supervisor and the other as the investigator. They also proposed that the location of COMPAC headquarters be decided upon by the member barangays and that the existing barangay hall serve as the office in order to keep the cost at a minimal level. A municipal monitoring team composed of Chief

[10] Under COMPAC, all *barangays* of the municipality would be clustered and each cluster would have a police supervisor assigned as the focal person to direct the introduction and practice of community-oriented policing. Police supervisors for each cluster would then be under the supervision of the police chief at the municipal level. Police supervisors are expected to meet regularly and conduct assessment sessions with the local Chief of Police, who in turn relays these reports to the MPOC.

Austria, SPO2 Ninte and deputy chief Cangrejo would work to ensure that COMPAC functions and operates accordingly.

During the monthly MPOC meeting in June 2005, Chief Austria presented the COMPAC plan to all the MPOC members, including the barangay chairmen. His presentation was well received by the community leaders and garnered further support and commitment for the establishment and operationalization of COMPACs.

Upi PNP decided to pilot this effort through two clusters: Cluster 1 was composed of Barangays Nuro, Mirab, Kibleg, Kibucay and Sefegefen; and Cluster 2 was made up of Barangays Borongotan, Nangi, Blensong, Bayabas and Ganassi. An arrangement was made to conduct a barangay-to-barangay campaign to orient the residents of the nature of the COMPACT, its relevance to community safety, the roles of *tanods* and *lupong tagapamayapa* and to tackle any community safety issue.

Police Inspector Cristobal Jr. with SPO2 Lorenzo Ninte, PO3 Margie Pahati and PO2 Elenita Piang went around the four barangays in Cluster 2 to conduct the barangay orientation on COMPAC and community policing which they called *Ugnayan sa Barangay (*Coordinating with the Communities*)*. In the *Ugnayan*, the police led discussions on the benefits of community policing to the communities particularly on addressing crime and disorder. Insp Cristobal described, "this is an effort to raise the awareness of the citizens on the roles of the tanods and Civilian Volunteers Organization on their rights, on the issues besetting their barangay. We encourage the participation of representatives from the different sectors to allow everyone a common understanding on the issues discussed. This would also establish the exercise of oversight to the police, tanods and the CVOs by the citizens." The officer also explained that the establishment of COMPACs would bring police services closer to the barangay constituents since they would not need to bring their complaints or reports directly to the main police station, which was located farther away.

Before this event, the officers confessed to anticipating lukewarm responses from residents. But by the end of the *Ugnayan*, the police were heartened to receive overwhelming feedback from the communities. They heard several concerns about the Civilian Volunteers Organization (CVO)s to preferably be recalled to their barangay of origin instead of reporting at the army detachment and the need to reorganize and train the tanods. As PO3 Pahati shared, "the community policing project of NDI allowed us to know our communities better by visiting the areas and having discussions with the citizens. Before, we are only confined in the station, waiting for the citizens to file their complaints. "

Seeing the police officers trooping to the barangay halls of the communities and mingling with the citizens paints a concrete image of community policing. "The police going to the barangays to coordinate and communicate with the people on their issues on crime and disorder is clearly the essence of community policing manifested by the COMPAC. What we do right now is work for the prevention of crime", Insp Cristobal Jr. stressed.

Youth Camp for Public Safety. The MPOC core team recognized the vital role played by the youth in public safety. A youth camp was organized to help increase youth's appreciation of their role in public safety administration in the context of community policing. In April 2005, 75 young barangay leaders and representatives from T'eduray, Christian and Muslims from 18

barangays of Upi participated in this camp. During the event, the youth had the opportunity to share and learn about the public safety concerns affecting their communities; acquire basic emergency response and crime prevention skills and knowledge; establish partnerships with fellow youth and local leaders to respond to public safety issues; and discover the fun of being with other young people and the possibilities of working together.

The three-day event included sessions facilitated by the Philippine National Red Cross and that focused on child protection laws, basic life support and first aid. The youth also viewed a documentary film on child labor, trekked to Upi's well-known Ragongrong Falls for the session on environmental awareness and tree-planting, participated in teambuilding exercises as well as slogan and poster-making contests.

Lucky Leah Mamaril, a participant and a member of the Youth for Christ, said, "I have joined and organized youth camps for our young church members, but this experience is totally different. The camp taught us about our social responsibility and allowed us to become more aware of the public safety concerns of our community." Analin Concha, participant from Barangay Renti, declared, "I have never finished my high school education because of poverty. In this camp, I have learned that this is not a hindrance to do something for my community's peace and order."

Upi MPOC conducted the activity through its core team's collaborative efforts and partnership with local organizations: KARANCHO-Upi Chapter, Upi PNP and the Youth for Christ-Upi Cluster. The community radio, *dx*UP, covered the activities ranging from the discussions on public safety to outdoor events and games. The Barangay Council of Nangi, Municipal Health Office, and the Association of the Barangay Council also supported the event.

Youth Help Repaint the Upi Police Station. As one of the initiatives formed from the youth camp, a youth group tried to find ways to attract more residents to visit the Upi Police Station. The youth had noticed that the station building was old and in a state of decay, and decided to launch a campaign to repaint the station. After soliciting the help of local leaders and citizens, the youth group was able to gather seven gallons of paint. The youth group and police personnel then worked side by side to repaint the station. USAID/ Nepal Mission Director Donald Clark was present for the ceremonial painting launch and invited Upians to "go out of your houses and come join the painting of your police station."

BARIRA

Establishing COMPAC. Barira also took steps to establish COMPACs in its municipality. Selected members of the Barira JUMPOC core team led by Mayor Alexander Tomawis joined the 2nd *Lakbay Aral* to identified successful COPS areas. Following this exposure, Mayor Tomawis was convinced that community policing was feasible in his municipality. Mayor Tomawis, along with Police Inspector Mustapha Bumbola, the Barira police chief, met with PRO-ARMM Regional Director SSupt. Sukarno DG Ikbala to discuss the LGU's plan of clustering the barangays, assigning police supervisors to each cluster and requesting additional police personnel. Among the efforts of the Barira JUMPOC core team were the following:

Community Policing General Assembly. After initial discussions, the JUMPOC core team scheduled an LGU-financed general assembly. Approximately 100 people participated including police officers, chairs and councils of all barangays, *ulamas*, *Sangguniang Bayan* members, *dx*IB personnel, *tanods*, and *lupon*g *tagapamayapa* members. The mayor used the assembly to introduce the community policing initiative to the people of Barira. He presented the work plan for community policing activities, the forms designed to improve the reporting and recording system on the municipality's peace and order situation, insights from the *Lakbay Aral*, and the plan to establish COMPACTs in the municipality.

Chief Bumbola presented a strategy to address the perennial land conflict problem in the municipality, including a survey of land conflict problems per barangay. This plan was to be led by the police, and the barangay chairman was to oversee the submission of the monthly peace and order reports.

Mayor Tomawis led the presentation of the municipal plan of establishing COMPACs in the barangays. He focused on the benefits of the system and the clustering design. Upon consultation with the stakeholders, it was agreed that four COMPAC clusters would be established following the Ulama Council district clustering.[11] This setup would allow a joint effort by the Ulama District Chair and the police supervisor in administering peace and order and public safety within the COMPAC.

Through the presentations, barangay leaders were exposed to the various community-policing activities and learned that the COMPAC system would serve as the nucleus of coordination for any public safety concerns. The assembly generated support and inspiration for the community policing project of the LGU at the barangay level. The *dx*IB station manager also committed to broadcasting and promoting the initiative on the air.

Cluster COMPAC Consultation. Since the Joint-Ulama Municipal Peace and Order Council (JUMPOC) was formalized sometime in 2001, the 11 barangays of the municipality were already clustered into four districts each headed by an Ulama district chairman. When the LGU decided to establish COMPACs at the barangays in May 2005, it was decided that the clustering of the barangays for the COMPACs would follow the Ulama district scheme already in place.

The COMPAC clusters for Barira are the following: Cluster I includes Barangay Barira, Nabalawag, and Tugaig; Cluster II have the barangays of Lipawan, Liong, and Minabay; Cluster III comprise barangay Bualan, Marang, and Lipa; and Cluster IV, Barangay Gadung and Ruminimbang. Each of these clusters has a COMPAC Cluster center where the police supervisors assigned would be reporting.

The JUMPOC core team conducted consultations in each of the clusters. The community consultation agenda included: the introduction of the COMPAC and of the designated police supervisors in the cluster; an assessment of barangay readiness and capacities for

[11] Barira divided its 11 barangays into four Ulama Districts where each district is chaired by an appointed Ulama tasked to settle disputes within the clustered barangays.

COMPAC; orientation on the roles and functions of the COMPAC team; and the identification of key steps at the cluster level for a functional and operational COMPAC.

Compared with the rest of Barira, the barangays of **Cluster I** are relatively developed: a cemented municipal road traverses the areas; there are paved barangay roads and electricity; and there are active barangay leaders as well as tanods and lupons. The cluster hosts the 603rd Infantry Division and the 37th Infantry Battalion of the Armed Forces of the Philippines as well as Camp Abubakar, the fomer MILF stronghold. *dx*IB, the community radio is also located here.

More than 30 persons attended the JUMPOC consultations, including barangay leaders, barangay council members, tanods and lupons, and the police. Ulama Council Chairman of the cluster and representative of 3rd IB, the Commanding Officer of the 22nd Coy (who handles the CVO in the area), *dx*IB personnel, and Municipal Administrator Anwar Oranto were present. The consultation was broadcasted live over the community radio. Chief Bumbola explained the COMPAC system and the need for cooperation between the police and members of the LGU. Chief Bumbola also explained the need for monthly peace and order reports and how the prescribed forms shall be accomplished by the barangay captains. He also briefed them the plans of the MPOC to conduct a survey of land conflict cases as a step to settling land conflict.

Municipal Administrator Oranto encouraged the participants to maximize the resources (i.e., barangay roads and electricity, presence and active support of the military, the community radio, and an active ulama council) of the cluster to fully establish and strengthen their COMPAC. *"Kahanga-hanga ang programang community policing at pagtatayo ng COMPACT ng PNP. Ang COMPACT ay makakatulong upang ma-enhance ang kakayahan ng mga barangay leaders, tanods, lupon at mga police. Ang COMPAC din ay instrumento ng pag-empower, dahil sa pagtaguyod ng partnership ng mga leaders at mga constituent.* (Community policing is a very impressive program including the establishment of COMPAC. COMPAC could enhance the skills of the barangay leaders, tanods, lupon and the police. It could also become an instrument to empower leaders and their constituents).

The consultations for **Cluster II** and **III** had similar results**.** Fifty participants from the member barangays came for each consultation and inquired about the fundamentals of the COMPAC and how it would benefit the barangays. Realizing that the assigned police supervisors would be based in the identified COMPAC center, barangay leaders offered their barangays as the center's location. They were pleased with the idea of hosting the police in their community and working with the *barangay tanods* to help curb peace and order problems. COMPAC committees were organized, composed of the police supervisors, barangay chairmen of the clustered barangays, and the *Ulama* District Chair. The committee agreed to meet on the fifteenth day of every month. Barangays also committed to helping finance the construction of COMPAC stations.

Among the 11 barangays of Barira, Gadung and Ruminimbang are identified hotspots, being the usual location of incidents manifesting clan conflict (*rido* in local dialect). *Rido*

wrought havoc on these once peaceful place and two of the most developed barangays of the municipality. Now, it is commonly referred to as "killing fields" and "no man's land".

These barangays are among the priority of Mayor Alex Tomawis and Police Chief Mustapha Bumbola in the establishment of COMPACs. During the municipal assembly convened by Chief Bumbola, it was agreed that the COMPAC cluster be placed temporarily under Cluster III. There seems to be some discomfort in setting up a COMPACT center in any of the two barangays since it requires the police and citizen volunteers to regularly visit or stay in the COMPAC. Barangay leaders (mainly from Gadung) and residents, however, did not accept the arrangement. Their request to set up a COMPAC in their own cluster was approved eventually. The decision, coming from the cluster itself, served as an inspiration among the core team members (who 'opposed' to the idea in the first place) to fully support the initiative.

The JUMPOC community consultation for **Cluster IV** was held in Barangay Gadung, the cluster center. Barangay leaders, ***barangay tanods*** and members of the ***Lupong Tagapamayapa***, and the police –30 in all – attended the consultation. Present during the consultation were Mayor Tomawis, Ulama Municipal Chair Dagalangit, and SB Councilor Disomnong Bongco. Kagawad Bongco expressed his appreciation for the interest of the residents in the consultation and was "hopeful that the setting-up of their cluster COMPAC would lead them to a more peaceful and developed Gadung and Ruminimbang."

Chief Bumbola discussed the establishment of COMPACs in Barira within the context of the PNP directive and the participatory nature of the NDI project. The police chief likewise shared the municipal plan of requesting the Provincial Mobile Group to assign personnel in the area to address the lack of police personnel in Barira (assigning supervisors in the clusters would deprive the Barira police station of about 8 to10 personnel). He also discussed the need to assign more than two police supervisors to address the grave problems of Cluster IV. Chief also introduced the plan to regularize the reporting of peace and order situation in the barangays. In addition, as most homicides in this area result from family feuds rooted in land conflict, he recommended that an inventory of land properties that have been the subject of disputes be put together; the inventory would serve as a reference for police investigating crimes and for JUMPOC in settling land dispute conflicts. The participants expressed their appreciation and welcomed these initiatives.

GUINDULUNGAN

In Guindulungan, citizens regarded the rise in cases of vehicular accidents, causing substantial loss of life and property. Of particular note, as the national highway is near a number of schools, citizens were significantly fearful of the lives of their children who walk to and from school during peak hours of vehicular flow. Animals often stray on the highway, causing major accidents. This alarmed the PNP and the local leaders, compelling them to address the problem.

The MPOC core team and members of Guindulungan PNP discussed this matter and its underlying causes. The core team identified several steps to address the problem including: a municipal ordinance on road safety; a highway clean-up; the establishment of a traffic

monitoring outpost; the installation of community billboards or traffic signage; and youth education on road safety. Community consultations were held to discuss these plans.

Highway clean up. The provincial government dumped slabs of concrete on the sides of the national highway during an earlier road repair project, and the Department of Public Works and Highway failed to clear the area. These slabs further reduced the already limited space (due to overgrown bushes) along the road shoulder. The MPOC organized a highway clean-up in which leaders and residents from the three barangays (Barangay Bagan, Tambunan II and Macasampen), municipal leaders, police and residents of other barangays all participated.

Kagawad Manugkiang Midtimbang Sangguniang Bayan, member and Chairman of the Peace and Order Committee, began a round of consultations with the leaders and residents of the three mentioned barangays prone to vehicular accidents. After identifying houses and mini-stores built a few meters away from the national road as a cause of vehicular accidents, Kagawad requested the relocation of these houses, in agreement with the occupants.

Traffic outpost to monitor traffic. Guindulungan PNP designated a traffic management officer, PO2 Osmeña Kamsa, to manage the highway traffic. Police Chief SPO4 Dagkal Buat proposed to utilize a nipa hut situated in Tambunan II (town capital) as a traffic outpost and a police service center accessible to residents.

Installation of road safety signage. Macasampen Elementary School principal, Mr. Aliadato Baganian, shared that the local government, through the Barangay Chairman, informed the school of its campaign against the increasing cases of vehicular accidents. Hand-painted signs were then placed in front of the school that read 'Slow Down'.

Talakayan on Road Safety. The Guindulungan MPOC core team discussed its activities with NDI who in turn relayed to the CPAC the plans of the project sites during its monthly CPAC meeting. NDI together with Mr. Mike Usman, representing the Office of the Provincial Governor, and Fred Gorospe of DILG-ARMM met with Mayor Midpantao Midtimbang. It was then suggested that the Land Transportation Office-Maguindanao Division conduct a series of *Talakayans* on Road Safety for the pupils, teachers, barangay leaders, MPOC core team members, *trisikad* (bicycle-driven carts) drivers and owners and animal owners. Datu Manahan Midtimbang, Kagawad Percival Watamama and PO2 Sukarnin Mustapha led the preparations for this activity.

Through the help of the Parent-Teachers Community Association, a community safety talk was organized at the school. Sumail Piang of the Land Transportation Office-Maguindanao Division discussed road safety, laws governing traffic rules and regulation, licensing and registration of vehicles. Citizens who attended suggested that more road signs be put up, pedestrian lanes be painted, and an ordinance pertinent to the negligent care of cattle be passed.

Similar talks were held in other barangays for schools, public vehicle drivers and animal owners. In one such talk, it was discovered that highway accidents were linked to the absence of adequate water facilities in one school – as the school did not have enough

water, school children often crossed the busy highway to go to their homes to get water to drink or use the comfort room. By the end of the *Talakayan*, citizens had made a plan to source a Jetmatic hand pump for the school.

First-Aid Trainings. The MPOC team also saw the need to train residents on first aid techniques, having witnessed more serious injuries to victims caused the improper treatment of residents. The team linked with the Philippine National Red Cross to organize such trainings in the barangays closest to the highway.

Relief Operations for Displaced Families. When military operations against the Abusayyaf Group in the tri-boundaries of South Upi, Talayan and Guindulungan were launched in July 2005, the offensive resulted in hundreds of displaced families. At the height of extending relief assistance to the evacuees by the different agencies, the core team members took part in the activities such as assessment and validation of the displaced families and relief distribution. According to Masabpe Kalim, Municipal Local Government Operations Officer, "this situation calls for the action of the core team. Now is the time to maximize our role as MPOC members tasked to address public safety."

Youth Camp for Public Safety. Similar to Upi, the MPOC of Guindulungan organized a youth camp to promote thr role of the youth in public safety administration. With the theme *Su Kangudan Na Katabang Sa Kalilintad Na Inged (*Youth are Partners for Peace in the Community*)*, 50 young people from different barangays in this municipality participated in this camp. Other activities included sessions on leadership and responsible citizenship; child protection laws, community policing, conflict management; a film on child labor; teambuilding activities; and slogan and poster making contests.

7. Networking and Advocacy with Potential Partner Agencies

The MPOCs of all three sites adopted the philosophy of "we first" in partnership mobilization, a recognition that communities must look into and use all local resources in implementing public safety projects and strategies – this is key in sustaining such efforts in the longer run. This has ignited creative energies in tapping various local resources – from the time and skills of local citizens to the collaboration among local assistance outreach programs being conducted within the communities. For projects that required extra-LGU funds, NDI worked with the pilot sites to develop linkages with other local and international bodies, including: the Mindanao Economic Development Council, GOP-UNDP Programme on Rehabilitating Internally Displaced Persons and Communities, Growth with Equity in Mindanao, The Asia Foundation, the Gerry Roxas Foundation, the Canada Fund, and AusAid. Similar partnerships were sought for activities relating to access to justice, conflict resolution, rights education, and local police competencies.

Throughout the program phase, local leaders worked towards building such partnerships. Some examples from remote barangays have proven to be inspirational:

- Barangay chairwoman Myrnalou De Vera of Borongotan, Upi succeeded twice in gaining the assistance of outside donors. In addressing her area's public safety needs stemming from the lack of basic services, she wrote and communicated with United Laboratories – this resulted in Php 20,000 worth of medicines for a dental-medical mission in

Borongotan. She also obtained, through similar partnership, one of the seven jetmatic pump units required by her barangay to help alleviate the area's access to potable water.

- With the leadership of Mayor Tomawis, the people of Barira explored the possibility of petitioning for a grant from the GOP-UNDP-EC-IDP Programme to establish a potable water system in Brgy. Lipawan, a project contained in the municipality's Integrated Area/ Community Public Safety Plan. Representatives from the Programme did an ocular visit to the area and received Mayor Tomawis' commitment to contribute up to 10% counterpart funding of the total cost of the project.

- Baikungan Usman, an MPOC core team member of Guindulungan, secured Globe Telecom Services sponsorship for their youth camp. The core team asked for streamers, t-shirts, caps and ballpoint pens for the event. Mayor Datu Midpantao Midtimbang, members of the MPOC and the municipal employees also supported the activity through personal financial resources ranging from Php50.00 to Php300.00, and in-kind contributions.

- The Upi MPOC core team obtained the same items and financial support from Globe Telecom during the 50th Foundation Anniversary celebration of Upi.

- The other project sites reached out to other organizations such as: Pepsi Cola Philippines for traffic signs of Guindulungan; the Pacific (Boysen) Paints, Inc. for the repainting of the police stations of the three project areas; and the Peace and Equity Foundation (PEF) for livelihood sources and other basic needs.

8. Strengthening Conflict Mediation Processes

In several consultations throughout the initial program phase, it was evident that facilitating the resolution of conflicts through local or traditional processes was crucial in preventing the escalation of violence, particularly among clans and families. Police forces in the municipalities articulated how these processes complement their work, and community residents described the benefits of having immediate access to these processes. Following on some of NDI's efforts in the first program phase, PNP-ARMM embarked on a series of capability-building events for conflict mediation bodies in the region to address *rido* (family feuds), a long-standing threat to peace in ARMM. PNP's records show that crime against persons, particularly murder, was more prevalent in ARMM than in other regions. Within the life of the pilot, PNP-ARMM developed plans to deploy its non-commissioned policemen as mediators/negotiators, along with local elders and political leaders, and order the surrender of loose firearms as part of the agreement of warring parties who subject themselves to mediation. PNP-ARMM plans included the provision of such capacities to members of the conflict mediation bodies in Lanao del Sur and Maguindanao.

In response, NDI worked with other local partners and coordinated with international organizations focused in locally-based dispute resolution efforts, such as the Philippine-Canada Local Government Support Program (LGSP) and The Asia Foundation, to support this kind of work, with the aim of reducing vendetta killings in the region. NDI linked PNP-ARMM officials and local community members to the international groups already focused on dispute resolution efforts and supported the production of a conflict resolution manual.

B. Improved capacities of police units in the pilot sites to promote community-oriented systems in the context of effective crime or disorder response and community policing

Parallel to the technical assistance provided to the MPOCs in the pilot sites, NDI worked with the police personnel of the pilot sites to improve their capacity to respond to community needs. At the onset of this program phase, NDI engaged the police coaches from the regional and provincial PNP offices in discussions to assess the current state of the municipal police stations and in formulating strategies for shifting to community policing. These discussions among the police generated a wealth of information – particularly on their values and attitudes, knowledge and skills, police oversight and organizational set-up. It also became venues for the local police to inquire and clarify administrative and financial concerns with the senior officers.

Highlights of the discussions included the interest of local officers to learn more about community policing, to enable local police stations to fully institutionalize the concept. Specifically, participants wished to address their limited knowledge and skills, particularly in areas of investigation and report writing; the budgetary constraints that impede the provision of facilities and equipment necessary to policing work; and, the limited number of police.

Based on the trainings conducted by NDI and NAPOLCOM in the initial program phase, the Institute continued to work with NAPOLCOM and the DILG to develop community police trainers for ARMM. The mixed group included community leaders, district or municipal social workers, municipal planners, and police officers; this integration of varied skills in the core group reinforced the notion of using cross-cutting approaches to address local peace and order problems. NDI also worked with the local leadership of the pilot communities to fine-tune the training curricula of the core group.

1. Strengthening the Capacities of Police Personnel in Pilot Sites

Learning Circle on Community Policing. To further encourage the development of the Upi Police Unit into community-oriented policing unit, the core of police personnel who were trained on SARA (and are already considered community policing advocates within their unit) organized a Community Policing orientation – about 85 percent of the police force of the municipal station participated in this event. Among the topics discussed were the principles of community policing and the use of SARA as a problem-solving and community mobilization framework. Also discussed were case studies on successful application of community policing in solving crimes and disorder, as well as the establishment of a police organizational set-up patterned after the principles of community-oriented policing. These case studies included the KOBAN system of the police in Japan and the partnership strategy applied by the Boston Police Department to solve gang violence. PInsp. Lorigo Austria, the municipal Chief of Police, acted as moderator in the open forum wherein the group discussed possible areas of policing where they could apply community policing principles and the practices portrayed in the case studies. Some of the salient recommendations included shifts in the ways suspects are handled, and the organization of consultations and community education on human rights and community policing. They also discussed that, as part of their decentralization, police sub-stations in the crime-prone sites within the town center should be established.

Learning Circle on Effecting Arrest and Custodial Investigation. With the aim of enhancing police personnel's knowledge of proper procedures during arrest and custodial

investigation, Inspector Lorigo Austria, Upi's Chief of Police, organized a discussion session for his police officers with a lawyer. The discussion focused on the rights of the accused during arrest and the procedures officers must observe during custodial investigations. The event also served as a legal conference between the police and the resource person on possible courses of action for cases being handled by the Upi Police Unit.

Upi Police Help Barira and Guindulungan Personnel. In finalizing the Integrated Area Public Safety Plans of Guindulungan and Barira, police personnel from the municipality of Upi served as coaches during planning workshops for the two pilot areas. With their acquired skills in the use of the SARA framework, Upi personnel coached other core teams in drafting their respective public safety plans using problem-solving and community mobilization techniques.

Coaching Sessions on Developing a Law Enforcement Strategy for the IA/CPSP. To reinforce the community policing modeling being done by the core teams, coaching sessions on developing a law enforcement strategy were conducted for police personnel in all pilot areas. Ronald West, NDI's community policing consultant, discussed the importance of information gathering in decision-making. In these coaching sessions, participants discussed that regular conduct of beat patrols, a key component in community policing, must be undertaken in an organized manner. West talked about the use of a standardized Patrol Incident Report (PIR) form so that police can document information during patrols. He also encouraged the Chiefs of Police in pilot sites to have municipal maps in the police station so as to be able to track incidents of crime and disorder problems in the locality. The maps could also be used by police officers before and after-shift briefings.

After the group discussions in the pilot sites, a conference was held between the Chiefs of Police and their Senior Officers from the Regional and Provincial Commands. The Maguindanao PNP Operations Chief approved the adoption of the PIR format (attached as Appendix E). In addition, the officers discussed the establishment of COMPACTs and the value of clustering and household profiling – tools for police personnel in the municipality in defining areas of assignment for monitoring.

Support For MPOC Activities. Police personnel in Upi and Guindulungan were involved in community orientations as well as the youth camps organized by the MPOCs. In Upi, SPO2 Ninte and SPO4 Cangrejo acted as the resource speakers on Community Policing and Crime Prevention, while PO2 Neil Quimado, PO2 Margie Pahati and PO1 Carlo James Clarete acted as facilitators. Upi police also participated in two medical missions conducted in the locality; the first one was done during the foundation anniversary of Barangay Borongotan and the other one during the 50th foundation anniversary of Upi. In Guindulungan, SPO4 Dagkal Buat was designated by the Core Team to speak on Community Policing. Additionally, the Guindulungan police participated in the national highway cleanup activity aimed at improving the road-safety environment along the national highway in the municipality.

Referral to ICITAP. Local officers expressed that trainings on crime investigation and on-scene crime operations would be useful to them as they were well aware of their own competency gaps in these fields. To address these needs for training, discussions were held with the Regional Director of the Philippine National Police-ARMM, Police Superintendent Ikbala, to map out a training path. NDI also held discussions with representatives of the International Criminal Investigation Training Assistance Program (ICITAP) to explore how the training gaps could be

met. ICITAP agreed to accommodate qualified participants from the project sites and from the Police Regional Office in ARMM (PRO-ARMM) in some of its trainings on criminal investigation.

2. Organizational and Management Change Initiatives

Within this program phase, aside from regular interaction with the communities, Chiefs of Police conceptualized and introduced changes in response to increasing expectations of the citizens for a more professional and more people-oriented police force. These were most evident in the activities of Upi and Barira.

UPI

In Upi, the police complied with orders on a number of measures, including: the use of prescribed uniform while on duty, regular reporting of police personnel to the station, timely accomplishment of assignments, and station inspection on Saturdays. Within the Upi police unit, PO3 Margie Pahati shared, "our activities in the barangays gave us the opportunity to orient citizens on their rights, to know and work with the communities. The communities now see the police as partners in solving crimes not just acting on complaints lodged directly at the station. We also want to meet their expectations of the kind of policing we can offer." PO3 Pahati is in charge of the Women's and Children's Desk; and through activities in this pilot, she has shifted her operational approach. Rather than wait for citizens to approach her with initiatives, she began to plan a community education series on violence against women and children.

Throughout this phase, the Upi MPOC consistently showed an active response to the changes and challenges posed by community policing. As Inspector Cristobal presented during the monthly MPOC meetings, the *Ugnayan sa Barangay* gave the police a more realistic sense of community safety issues. Discussions have shifted from the humdrum of a report to more lively discussion on matters that come from actual incidents subjected to analysis by the community leaders. In the September 2005 MPOC meeting, Inspector Cristobal relayed the issues surfacing from the *Ugnayan*, such as the recall of assignment of the CVOs to their barangay of origin, and the need to acquire practical transportation and equipment. With the presence of 2Lt Mark Carlo Laygo of the 6th IB at that meeting, it was immediately decided that CVOs would perform their duties in their respective barangays. The Mayor also agreed to include allocations in the 2006 budget for the purchase of a mobile patrol car and the production of stickers bearing the Upi police hotline number.

At the barangay level, Barangays Ganasi, Blensong, Nangi and Borongotan reorganized their barangay tanods, based on the MPOC-organized orientation on roles and functions. Chairwoman Myrna Lou De Vera was quick to share that, "We are now constructing our own barangay outpost so that our CVOs would have their own headquarters. Our barangay tanods have been patrolling our barangay for the last three weeks now and members of the barangay council took turns in shouldering the cost of food support for them."

BARIRA

The Police Unit of Barira designed a reporting mechanism to intensify information gathering. Inspector Mustapha Bumbola, the chief of police, encouraged barangay officials and community leaders to regularly submit their peace and order situation reports to the police who will in turn report them to the MPOC for further action. To hasten the system of reporting, the chief of police designed a template to facilitate data consolidation. Aside from the peace and order situation report, the police also discussed with the barangay chairmen the need to gather baseline data of land conflict cases in their communities, the priority problem identified by the MPOC core team.

Towards the end of the program phase, Barira police officers had begun to make use of the Patrol Incident Report Form proposed by NDI. In addition, police personnel covering Barangays Bualan and Tugaig started to submit their monthly barangay peace and order reports. Chief Bumbola was pleased to note the sharing of information taking place in Brgy. Tugaig. In addition, barangays within Cluster III utilized their resources to construct a COMPACT station, as barangay leaders expressed the relevance and need of having a venue for the tanods and the citizens to interact regularly.

Support for Leadership Training. To implement community policing, PRO-ARMM faced challenges related to the state of its special training unit (STU) for community policing coaches. PRO-ARMM trained select senior police officers across the region to take the lead in promoting community policing in the provinces, addressing the lack of technical skills of the police in the municipalities.

In response to the some of the findings of the organizational assessment conducted in the first year of the program, NDI supported the efforts of the Ateneo School of Government (ASG) to assist the Philippine Public Safety College (PPSC) in developing and improving its leadership curriculum for law enforcement officials. ASG prepared modules for leadership trainings of police officers, covering technical and organizations dimensions of governance. The arrangement between PPSC and ASG calls for the training of 250 police officers in batches, 50 of which shall come from ARMM. NDI helped ensure that that police officers and potential trainers from the pilot sites be included in the training. The ASG Acting Dean relayed the appreciation of Undersecretary Margarita Cojuangco, concurrent President of PPSC, to NDI and USAID for the support to the College's initiative to make the PPSC relevant to the current needs of the police and the communities they serve.

Salaam Policing and Righteous Leadership. PRO-ARMM was also challenged with integrating Salaam Policing into the promotion of community policing. Salaam Policing is an approach based on the principles tied to the PNP's community-oriented policing system (COPS) that instills values using teachings from the Qur'an. The primary target groups of this approach are religious and traditional leaders in ARMM. Through NDI's program, a discussion with ARMM offices of the PNP National Police Commission and DILG was conducted to level-off training courses and subjects that could help discuss the Salaam Policing approach within the context of ARMM.

C. Greater support from the regional and provincial agencies to strengthen the community policing modeling and replication process

Community Policing Advisory Committee

In this program phase, the program continued to garner the support of local chief executives and relevant national and regional line agencies. In promoting the development of models and initiatives facilitative of community policing, NDI continued to foster partnerships with the ARMM offices of NAPOLCOM, DILG, PNP and the Offices of the ARMM Regional Governor and the Maguindanao Provincial Governor. These agencies, together with the Institute and the NDFCAI-Women in Enterprise Development, agreed to organize the Community Policing Advisory Committee (CPAC) and to formalize the partnership through the signing of the Memorandum of Agreement in December 2004. The agreement defined the roles and functions of each member agency/office in community policing model building as follows:

- Ensure the provision of technical assistance by the concerned government departments and offices within ARMM to the NDI project and actively encourage the adoption of the community policing models in other areas in the region;

- Promote community policing as an effective strategy for the administration of peace and order and public safety;

- Provide support through policies, directives systems and procedures supportive of community policing and assist in the documentation of the community policing model building as a good governance tool.

During the signing of the Memorandum of Agreement of the Community Policing Advisory Committee, representatives of the member agencies and offices reiterated their views on this undertaking. In the keynote message of PSSupt Sukarno DG Ikbala, the Regional Director of PNP ARMM, expressed his gratitude to USAID for supporting this project. He said, " community oriented policing system has been with the PNP for so many years now but its implementation especially in rural areas has been found wanting, so this effort of USAID is really a welcome note in our effort to find models that will be applicable in rural areas". The Maguindanao Governor Andal Ampatuan echoed the director's comments saying, "my commitment and full support to the project, and also my happiness for the province of Maguindanao for having a program like this that is most beneficial to all people, for this will be a great help in our desire for the transformation of the Province of Maguindanao into a peaceful and developed province". Atty. Aldin Hayudini, Regional Cabinet Secretary who represented the Office of the ARMM Regional Governor also shared Governor Hussin's support saying that, "this is one of the projects which is complementary to the present mechanism to maintain peace and order in a locality".

The monthly meetings of CPAC served as a formal venue for the member agencies to discuss areas of complementation in support of the three pilot areas. In the committee's meetings during the second phase of the program, discussions involved:

- the approval of the project's logical framework, work plan and performance measurement system;
- the approval of the organizational development assessment for community policing - NAPOLCOM, DILG and the PNP helped finalize the assessment study questionnaire by facilitating interviews and giving guidance to the team;
- support for the case studies on leadership and ethics among police in ARMM by the Ateneo School of Government; and
- the introduction of reporting and patrol forms to police to track crime and disorder;

In meetings with the representatives of NAPOLCOM, DILG, PNP and PRO ARMM, it was agreed that an enhanced community policing manual, integrating these concepts, would be designed. After the manual was developed, a series of seminar-workshops would then be conducted for the 288 police personnel assigned in barangay clusters and who will be tasked to be community-policing coaches. Currently, PRO-ARMM has assigned two policemen in each of the 144 clusters in Maguindanao province. A monitoring team and an evaluation system were also developed to observe the implementation of this initiative in Maguindanao.

Community Policing Communications Planning Workshop. Recognizing the need for a strategic mechanism to effectively promote community policing, NDI hosted a Community Policing Communications Planning Workshop for key project stakeholders. The activity provided the participants, which included representatives and coaches from the pilot areas as well as the Community Policing Advisory Committee, with essential skills relevant to the formulation of a communications plan to advance advocacy on community policing. By the end of the workshop, a Communications Team was formed to refine and spearhead the implementation of the plan, which would involve measures to reach out to both pilot and non-pilot areas. Chief Inspector Danilo Bacas, chief intelligence and investigation Officer of the Police Regional Office-ARMM, headed this team.

Advising MPOCs. In the regular meetings of CPAC, the member agencies discussed the developments of project implementation in pilot sites and took the attitude of finding ways to help. In a number of NDI staff visits to the sites, CPAC members volunteered to join and interact with MPOCs, either to get first hand information or help solve specific problems identified by the communities.

Participation in the Inter-MPOC Meeting. Dialogues among the MPOCs were organized to provide a forum for the pilot areas to exchange views on their successes and challenges in undertaking community policing. These dialogues also brought together MPOC and CPAC members to discuss how the lessons of the pilot could be further promoted in other parts of ARMM. CPAC members helped members of the MPOC core teams develop their next steps, based on the successes and challenges shared during group discussions. The member agencies also used the output of these discussions to design appropriate support programs for the pilot municipalities.

ARMM-Wide Conference on Citizen-Police Partnership. At the end of the program phase, CPAC and NDI organized the conference "Working for Safer Communities thru Citizen-Police Partnership," a forum to share the experiences of the community policing pilot and promote

lessons learned. The conference featured sessions facilitated by representatives of the Upi, Barira and Guindulungan in how they worked to foster citizen-police partnerships to address the most pressing public safety concerns in their areas. The PNP, through Police Deputy Director General Avelino I. Razon Jr., the PNP PMO Executive Director and the Deputy Chief for Operations and Regional Initiatives in PRO ARMM, also shared measures that the police organization was undertaking to make the PNP more community-oriented in ARMM. The event also included a workshop on *Ways Forward for Community-Police Partnerships for Safety and Security*, covering three themes: 1) support from LGU, PNP and community organization to make community policing work; 2) access to Justice and community policing; and 3) Integration of community policing to the culture of peace framework.

D. Increased access by pilot and non-pilot sites to information on principles of community policing; replicable practices and lessons learned in administering public safety

1. Informational Materials on Citizen-Police Partnerships

Together with information on the program's workshops, trainings and coaching sessions, the accomplishments of the pilot areas were printed in briefing materials and brochures that NDI continued to develop and distribute to program stakeholders throughout the program. Participants from the project sites took turns in writing up and sharing updates on their community policing efforts. Local TV, broadcast and print media were also invited by the core teams to cover local activities --- these have become regular partners in disseminating information on community policing.

2. Seminar-Workshop on Radio Peace Production and Programming

In response to a request by residents in the pilot areas, NDI conducted a seminar-workshop to help equip participating volunteer broadcasters of *dx*IB—Barira's community peace radio station—with important skills and techniques on radio production and programming. A similar activity was conducted for the broadcasters and technicians of *dx*UP, the municipality of Upi's counterpart of *dx*IB. As a result of the training, *dx*UP came up with *Bantay Bayan* (neighborhood watch), a daily morning news and current affairs program with a segment on police officers tackling relevant peace and order problems and public safety issues.

V. RESULTS/ACCOMPLISHMENTS

Output Results: Municipal Peace and Order Councils (MPOCs) in pilot sites model replicable community policing practices through public safety citizen-police core teams.

Performance Indicator 1.1: Existence of functional Municipal Peace and Order Councils with citizen-police core team applying the core components of community policing — problem solving and partnership-building.

Baseline	Status as of Project End	Observations
• Nonfunctioning MPOCs (Guindulungan and Sultan Mastura) to functioning MPOCs (Barira, Sultan Kudarat and Upi). Guindulungan and Sultan Mastura are newly created municipalities; local structures have just been or are not yet organized. MPOCs are organized mostly for compliance purposes. • Lack of understanding of MPOC's mandate and functions by its members. • MPOCs are open but cautious to try community policing. • Strong influence of traditional leaders in the MPOC.	• All MPOCs in existing pilot sites (Barira, Guindulungan and Upi) are now functional in varying degrees. Regular meetings and activities are conducted to discuss, among others, the status of the Integrated Area/ Community Public Safety Plan (IA/CPSP). • There is an increasing appreciation of Community Policing in the project area as manifested in the activities conducted by the MPOC. • Note: Sultan Kudarat and Sultan Mastura towns withdrew from the project. Sultan Kudarat Mayor Tocao Mastura cited human and financial resource constraints. Sultan Mastura Mayor Armando Mastura said his decision was based on the community's distrust of the police and the small number of police personnel serving the area. (However, Municipal Local Government Operations Officer Amina Dalandag shared that in the public safety assessment conducted for residents and the police, it was the first time that citizens and police were engaged in the same venue, and that discussions were particularly animated – a first in this area). • Traditional leaders continue to be influential and are tapped for encouraging community involvement.	• The community public safety assessment was widely appreciated and provided feedback to the Mayor, the MPOC and the police. As a result, the MPOC acknowledged their responsibility for public safety. There is also growing recognition among members of the need to work together to carry out their mandate and of the weaknesses in local governance in their areas.

Performance Indicator 1.2: Degree to which core team facilitated citizen involvement in the identification and implementation of responses to public safety issues and prioritized crime/disorder problems.

Baseline	Status as of Project End	Observations
• Very limited participation in the preparation of the IA/CPSP. Only the Chief of Police and the municipal	• Core teams generated significant community input into the IA/CPSP through the *barangay* public safety assessments (Barira, Guindulungan, Sultan Mastura and Upi). Over 1,000 citizens, representing different sectors	• Public safety issues identified are reflective of citizens concerns and facilitated recognition by the MPOC of their role. • Citizens begin to

operations officer are involved. IA/CPSP prepared for compliance only.	of 100 *barangays*, participated in the assessments. • Core teams are able to apply problem solving skills in public safety planning. • MPOCs, through core teams, are able to initiate partner building by mobilizing communities. • In an effort to minimize vehicular accidents along an accident-prone highway, the Guindulungan Core Team conducted a clean up of the road's shoulder and relocated structures. They also planned traffic education in schools along the highway and posted traffic signs. An existing police outpost, situated along the highway, is being utilized to monitor traffic. • Upi's MPOC core team in partnership with Karancho, Youth for Christ and *barangay* captains, successfully conducted the first-ever youth camp aimed at raising awareness on prevention of crimes and drug addiction and emergency response; a similar activity was held in Guindulungan. • A team led by Upi Vice Mayor Salik applied SARA in settling a clan conflict in *Barangay* Laguitan. • *Barangay* Matuber residents were convinced by the Department of Agriculture and Fisheries in ARMM and the Maritime Group to set up *Bantay-Dagat* to patrol illegal fishing activities. • Through the efforts of *Barangay* Captain Myrna Lou de Vera of Borongotan in Upi, the *barangay* received PhP 20, 000 worth of medicines from United Laboratories Inc. and a unit water pump to address health issues identified in the community public safety plan. The medical and dental mission was conducted in partnership with the PNP and 6th ID (Philippine Army). • *Barangay* Tapayan in Sultan Mastura	understand their roles in ensuring public safety. Community education on land conflict, aquatic resource management and dispute resolutions, helped them to strengthen their own local capacities in resolving local conflicts.

	identified illegal gambling as a public safety concern in the area. In response to this issue, *barangay* secretary Abdulbasith Calulong, members of *barangay* kagawads and police officers from the Regional Mobile Group (RMG) assigned in the area conducted consultations with gambling operators. They warned them of apprehension if illegal activity continued and discussed alternative livelihood projects. • The MPOC of Sultan Mastura also convened a municipal forum on the Comprehensive Agrarian Reform Program. The discussion, which involved representatives from the Department of Agrarian Reform, brought together local residents who raised their complaints and issues.	

Performance Indicator 1.3: Results of community policing monitored, evaluated, documented and reported per Peace and Order Council (POC) * *linked to performance element of indicator 3.4 of the Local Government Performance Management System (Effectiveness of the Local Peace and Order Council).*

Baseline	Status as of Project End	Observations
• No presence of standardized monitoring, evaluation and documentation system; only the Upi MPOC had regular discussions on the local peace and order situation, through the reports of the PNP and the Philippine Army during its monthly MPOC meeting.	• The MPOC core teams appreciated the use of results- based planning and performance measurement and recommended it be integrated into the IA/CPSP. MPOCs developed an initial draft of their monitoring and evaluation system by identifying: the basic information needed on public safety, the data gathering process, end users and the required support. • Upi now mobilizes the Executive and Legislative Agenda Monitoring Team and expanded its membership to include the police, tasked with monitoring the public safety plan. • Barira MPOC has used this monitoring tool. • Guindulungan MPOC has yet to apply this monitoring tool. • The MPOC of Sultan Mastura had the opportunity to integrate results based monitoring into their IA/CPSP. The	• The management of local government operations is weak. However, when the MPOC is able to track its achievements using measurable indicators, there is an opportunity for them to determine how they can address gaps and improve performance. Citizens' feedback gained through an objective process is an important feature of the monitoring and evaluation system. • Formulating a performance measurement system can better guide the MPOC in gauging the effectiveness of the strategies and responses applied to

	council had the support of key staff and implementers before the Mayor decided to withdraw from the project.	public safety issues. Systematizing the report and documentation of cases would allow the MPOCs to have an organized record of reports, identify crime and disorder patterns and assess results of customized responses.

Output Results: Improved capacities of police units in the pilot sites to promote community-oriented systems in the context of effective crime or disorder response and community policing.

Performance Indicator 2.1: Degree to which enhanced police capacity on more community-involved public safety administration is applied.

Baseline	Status as of Project End	Observations
• Low levels of appreciation among PNP for community policing and strategies that meaningfully involve the community. • Only the police and the municipal operations officer were tasked to prepare IA/CPSP. • Lack of diligence by PNP in using standard templates to record citizen's complaints of crime incidents. Heavy reliance on blotters. These blotters and the number of cases filed is usually the basis for crime statistics reported by the PNP in its National Crime Reporting System. • Within units, there was little effort to	• Increasing levels of appreciation for community policing among the local PNP and more efforts identifying actions that involve communities for crime prevention and response. • Police able to generate and analyze information on public safety with the residents. The police were part of core teams that conducted community public safety assessments. • Increasing appreciation for the patrol incident report format introduced under the pilot program. The format is able to generate a wider scope of information and allows for data consolidation for analysis. However, openness to diligent use of the forms varies—from reluctance (Guindulungan) to actually trying out the forms and appreciating the information generated (Barira and Upi). Consolidation of information to facilitate analyses needs to be improved. • Police increased their efforts to apply preventive measures at the community level by addressing the causes of crimes and disorder. Upi and Barira have conceptualized strategies to engage citizens meaningfully, initially through community education. Upi police personnel plan to conduct trainings on	• Community Policing as an approach in peace and order administration has gained the acceptance of the Chiefs of Police and those PNP personnel who consistently participate in NDI trainings and workshops. Making community policing the mainstream policing strategy requires acceptance by the PNP's major units and by the entire police unit of the municipality. • Police expressed concern for questions in the assessment guide on the community's level of awareness on human rights. They realized that if citizen knowledge is high, human rights violations conducted by police will be apparent. Prolonged detention of suspects is a common practice and is reported, according to the instructions of the mayor

analyze crimes in order to establish patterns and trends and to identify appropriate actions. • Police units did not comply with the national PNP's directives on mechanisms to involve communities - such as the establishment of COMPAC household clustering and profiling. • Policing is limited to responses to actual crime incidents and is usually reactive in nature (i.e. arrest, apprehension). Causes of crimes and disorder are not substantially covered. • Limited basic policing skills such as crime investigation and case report writing. • Limited skills relevant to Community Policing such as community organizing, familiarity with basic legal procedures, and public relations.	human relations and community organizing before going out to the communities. Barira police completed plans to address land conflict and launched a survey on land cases in all its *barangays*. • More willingness to implement the directives on COMPAC, household profiling and clustering with adjustments to fit local conditions and in response to public safety concerns. • Upi organize COMPACs per cluster to be headed by a police supervisor. • Barira convened a municipal-wide orientation on community policing and a planning session on COMPACs that will be established per cluster of *barangays*. A COMPAC unit was built in *Barangay* Bualan and plans were drawn up for the other three clusters. Upon the recommendation of Chief of Police Bumbola and approved by Mayor Alex Tomawis, *barangay* chairs were also instructed to regularly submit written peace and order reports. The reports were submitted by the *barangay* leaders monthly to the MPOC.	or council of elders, for the safety of the suspects.

Performance Indicator 2.2: Reforms instituted by the police units in pilot sites for more effective crime or disorder response.

Baseline	Status as of Project End	Observations

• Standard operating systems support traditional, reactive policing. • No clear directions on some core components of the Community Oriented Policing System (COPS), the government's community policing program.	• Positive responses to project inputs (trainings on problem solving techniques, public safety assessment workshop methods, orientation on rights, legal procedures and penal code, and reporting formats). • Gradual adoption of community consultation/visitation to restore community trust and encourage partnership in addressing, recording and reporting crime and disorder incidents. In Upi, Chief of Police Austria reports that when he and his personnel visit communities, the residents no longer try to walk away and avoid them. • Orientation on community policing brought changes in the way police respond to incidents. There is a gradual departure from knee-jerk reactions or usual policing actions. Upi shared an incident in which a man, frustrated with the slow progress of a murder case, stormed the police station, holding a grenade. The police opted to look for a relative to negotiate with the man and were able to end the crisis without injury or loss of life. According to the police, had it not been for their community policing orientation, their reaction would have been very different – they would have taken the man by force. Guindulungan police likewise shared that they would have not done more to address serious problems of vehicular accidents along their highway, if not for their training on problem solving and citizen engagement.	• Community feedback particularly during the public safety assessments motivated the police to formulate strategies to make the police force more responsive to the community. • Increasing appreciation for and gradual adoption of analysis techniques used to understand the nature of community problems and appropriate responses. • There is the need to begin mainstreaming these lessons and recommendations into standard PNP operating systems and to advocate for their adoption region-wide.

Output Results: Greater support from the regional and provincial agencies to strengthen the community policing modeling and replication process.

Performance Indicator 3.1: Presence of policies issued supportive of community policing.

Baseline	Status as of Project End	Observations
• Absence of operational guidelines to support regional	• Increasing appreciation for community policing among higher-level agencies through CPAC. For instance, DILG-Maguindanao issued a directive on the	• The creation of CPAC allowed for coordination and complementation of efforts through directives

level directives on implementing COPS.	formulation and submission of IA/CPSP for all municipalities. DILG GO-FAR is also viewed as an option for replication. • CPAC members finalized an Agreement among NAPOLCOM, DILG and PNP ARMM to define, in operational terms, the roles of each agency in mainstreaming community policing in selected ARMM areas. • Through focus group discussions and other events, regional PNP officials expressed appreciation of their roles in supporting frontline police. At the same time, the municipal PNP were able to obtain first hand information from the regional command. • The findings of the CPAC-sanctioned Readiness Assessment study provide substantial inputs to a roadmap for mainstreaming community policing in ARMM.	and referrals.

Performance Indicator 3.2: Presence of initiatives undertaken by regional/provincial agencies to support community policing, including functional MPOC Councils with citizen-police core teams.

Baseline	Status as of Project End	Observations
• Absence of a coherent regional plan on how to implement COPS.	• More visible and active regional agency participation in community policing activities. • DILG and NAPOLCOM conducted an orientation for MPOCs in the pilot sites on their roles and functions. • The regional PNP conducted a focus group discussion on community policing with the Upi municipal police unit • PRO-ARMM joined the Upi Core Team in the development of its IA/CPSP • PS Supt. Lumala Gunting of the Directorate for Police-Community Relations (DPCR–ARMM) also joined the coaching sessions conducted by NDI throughout the present project areas. Gunting recognized that the main role of the regional office is to support frontline personnel. • DILG, PNP and NAPOLCOM forged an Agreement among agencies on the implementation of community policing as	• While there is growing appreciation for community policing, there is a need to sustain the coordinated efforts and involvement of the assigned personnel/group from the regional agencies.

	a system of public safety administration in ARMM. • CPAC discussed the proposal to organize a mobile training team to support capacity building for police and community educators.	

Output Results: Increased access by pilot and non-pilot sites to information on principles of community policing, replicable practices and lessons learned in administering public safety.

Performance Indicator 4.1: Number of toolkits and resources on community policing and public safety readily available for pilot and other municipalities requesting assistance.

Baseline	Status as of Project End	Observations
• Limited literature on community policing reflective of the Philippine experience. Most are of American or British settings.	• Compiled and circulated available references and case studies on Community Policing from different sources, including the Philippines. • Training and other materials relevant to community policing are available in the project sites. • Resource materials such as case studies and manuals applicable in the ARMM context are being developed. • Presentation materials on community policing and updates on the project sites have been shared in various fora and generated interest for sustained partnership, particularly with the Philippine Public Safety College and NAPOLCOM. Discussions are being arranged with the Island Garden City of Samal which has its own community policing project and wishes to exchange best practices with the pilot sites. • Community peace radio stations such as DXUP in Upi and DXIB in Barira obtained skills in radio production and programming. DXUP produced Bantay Bayan which deals with crime prevention information and also invites police to serve as resource persons.	• Continued need to address the lack of information on community policing in the Philippine context, more so in the ARMM context.

Performance Indicator 4.2: Number of avenues for interaction among pilot sites and with other LGUs to share best practices and lessons learned in providing community policing.

Baseline	Status as of Project End	Observations
• Avenues to discuss	• Inter-MPOC meetings and events which	• Learning how one

best practices and lessons learned on community policing is limited to the police.	gathered MPOCs in the project sites were held to facilitate the sharing best practices. • Maguindanao-wide conferences on community policing and civilian oversight were venues to promote community policing, and opportunities to engage mayors on the parameters of their relationships with police. CPAC meetings attended by MPOC members were also venues for information sharing.	LGU "did it" strengthened the commitment of local leaders to pursue their plans and to support the initiatives of the core teams.

Performance Indicator 4.3: Presence of municipal-based persons able to act as resources or trainers on community education programs for crime prevention and public safety.

Baseline	Status as of Project End	Observations
• Absence of persons knowledgeable of community policing, although police chiefs had heard of the concept. • There are government employees, staff, local residents, and police capable of conducting community education on certain topics.	• The presence of persons who have been involved with the project since it started and are now very familiar with the community policing development process.	• Information or skills that should be available at the ground level do not exist.

VI. EVALUATION/CONCLUSIONS

Program progress was reported regularly to USAID and program stakeholders. As part of the evaluation of this program, NDI conducted focus group discussions in the pilot sites at the end of the pilot.

Upi

The participants explained how they had used the training and resources provided by NDI. Such experiences contrast with the manner in which similar tools were used by the municipalities of Barira and Guindalungan. While there may not be a direct link between Upi's use of nearly 100 percent of the tools presented through trainings and field activities and its status as the model project site, it is clear that Upi has taken great strides in advancing towards a more participatory style of governance, particularly as it relates to the role of police and other public order forces. A key additional factor in such progress by the municipality has been the multi-sectoral, multi-faceted donor assistance in other key areas: infrastructure; government modernization and capacity-building; local dispute resolution training; environment. This type of broad assistance, particularly when it involves multiple donors (USAID, World Bank, CIDA), is known as "flooding" and is beginning to be recognized in other regions of the world as a useful means of maximizing impact.

Barangay chair Myrna Lou de Vera expressed her appreciation to NDI for its assistance in Upi. De Vera noted that the trainings and follow-up guidance from the NDI team had taught her to strategically approach local problems in constructing innovative solutions. One police participant indicated that unlike many other trainings where the concepts presented were too vague or general to be of use, NDI trainings tended to specifics and the presentation of practical tools that empowered local residents to join together to work on priority issues. Of importance to the evaluation participants, all of the trainings in Upi were provided by NDI in response to needs identified by local partners. Such experience was echoed by Vice-mayor Salik, who described how he had used the SARA model while chairing a local task force. That task force successfully mitigated land conflict in a remote coastal *barangay* where two factions (one allied to MILF and the other with family from Sultan Kudarat Province and linked to Abu Sayaaf) had squared off in a land dispute that threatened to provoke wider conflict.

Modeling of effective practices in peace and order management was aided by the Lakbay Aral. The Upi delegation had been impressed by some of the practices of counterparts in the Northern Philippines, especially as they related to crime control by police auxiliaries (*barangay* tanods). The evaluation participants expressed an interest in the development of a formal relationship between tanods and police (through the office of the Chief of Police rather than *barangay* captains) and a training plan.

Chief of Police Cristobal noted that the use of community policing by officers from the central station in Upi was a critical factor in the success of police in apprehending a group of cattle rustlers from *Barangay* Bayabas. Cristobal, who is familiar with the concept of community-oriented policing from his previous posting in Manila, has designated seven clusters as the focal points for COMPAC. Recognizing that it is cost prohibitive to construct new facilities in every COMPAC location, Cristobal very creatively has located *barangay* halls or other traditional meeting places to serve as the buildings to be associated with the several COMPAC clusters. While Cristobal mistakenly attributed COMPAC to NDI programming, he pointed out a weakness in the current design of COMPAC as set forth by PNP: *barangay* administration needs to be reorganized in a manner that allows for COMPAC structures to be staffed by persons who will complement community policing activities occurring within the clusters.

SPO2 Ninte noted that accompanying the local drive to establish COMPACs, police have been working to increase the participation of citizens in crime prevention. The result has paid off in much more information being provided to police by citizens, which has assisted the police in shifting resources to where problems may arise and before escalating to an uncontrollable degree. Other police participants and Myrna Lou de Vera pointed to land conflict, a traditional problem in the area, which often fuels violence and even associated criminal activities. It was during an NDI conference that Upian representatives learned about the laws related to land conflict; a first of its kind opportunity.

Major Nantes expressed his appreciation for the activities implemented during the course of the project and stated that from a regional command perspective, NDI's work with local partners in Upi had given PNP an opportunity to better understand and execute programs formulated in Manila. Nantes underscored the relationship between PNP's efforts under the auspices of the NDI program with greater success in solving some major criminal incidents. He also stated that NDI's work at developing community policing within the region was regarded as a model within PRO-ARMM.

Police participants indicated that it was during the project period that police established a hotline and spread the word through *barangay* councils that a number was available for citizens to call should they require police assistance in any manner. This may have been one factor in the increased and more rapid reporting of complaints to police. As Vice-mayor Salik point out, cattle rustling, which was discussed during multiple training sessions with NDI, was the municipality's priority issue. In recent days, the police had carried out a multiple-location operation, which netted six suspects, who were turned over to the courts for prosecution. Ninte noted that the crime rate has risen during the last year - a classic case of increased citizen reporting leading to higher criminal statistics -- but that police have also been more successful in arresting suspects than in past years. It is also indicative of increased police confidence in their role within the community. This is backed by a stronger hand in the person of the new chief of police, who enforces discipline through the chain-of-command.

Chair of the MPOC, Sergio Baling claimed that the NDI program helped to bridge the gap between civilians and the police to the extent that most civilians now accept the role of the PNP in addressing criminal matters. Several examples were provided of parents turning youth over to the police when they were suspected of wrong-doing. This has improved levels of peace and order in the municipality. Following discussions during NDI workshops around the value of using local regulations as one useful way to complement other problem-solving efforts, the *Sangguniang Bayan* passed several local ordinances. In the main, these ordinances addressed a variety of traffic offenses (driving under the influence of alcohol; driving without a license; driving an unregistered vehicle). In addition, the ordinances attached penalties for violation, which are much more indicative of household income and cost of living than similar ordinances that are frequently copied from Manila. Two current proposals in front of the *Sangguniang Bayan* are zoning laws in the municipality center, and the regulation of "videokes", which frequently generate noise complaints.

Vice-mayor Salik indicated that the Peace and Order Council had been significantly empowered through NDI's activities in the municipality and region. Indicative of this characterization is the fact that the local AFP commander and police chief now make reports to the council and that during regular meeting times (the last Thursday of every month) members of the public have begun attending without need for advertisement or other notification. Such on-going dialogue has been bolstered by use of the radio. Police have been given airtime – five minutes daily and an extra 15 minutes on Tuesday mornings – to provide information to the public. Salik also hosts a public affairs program during which residents can text questions to the police.

De Vera followed up these statements returning to a common theme expressed throughout the evaluation: the level of trust between the public and police has risen perceptibly. Whereas in years past, the public would take peace and order problems to the closed AFP detachment (or, likely in some instances to armed insurgent groups), police and public understand that they have the tools to address serious problems together. Chief Cristobal reinforced such comments by noting that historically municipal mayors would ask army detachments to occupy troublesome areas. Such assistance was expensive in terms of the human and financial resources. (While not discussed during the meeting, it is also clear that this would have reinforced a negative image in predominantly Muslim areas: occupation versus collaboration with civilian agencies mandated to deliver critical services.)

One of the main social groups affected by such change has been youth, which were participating in municipal activities at an unprecedented level during the pilot. Major collaborative activities such as the youth camp were extremely popular in the municipality. Such changes could be summed up in de Vera's statement that "you have to understand where we were and how far we've come." Quite tangibly, this was reflected in the youth fundraising campaign whereby paint was provided to the police as part of their effort to fix up the physical image of the police station.

The participants had two main recommendations: 1) NDI should work more intensely in coastal *barangays* to deepen the local impact; and 2) NDI should work with regional and local partners to tailor trainings for Muslims so that elders will not worry that programs are seeking either the conversion of Muslim youth to Christianity or to motivate youth to become unbelievers.

Guindalungan

While Guindalungan is a municipality where NDI programming was initiated later in the pilot phase, discussions with a large number of participants in evaluation sessions complemented staff anecdotal accounts of progress in the municipality.

The mayor stated that what was of primary importance to him is that the real image of Islam be projected and that he appreciated the value of the project in helping his municipality to represent Islam well to other municipalities in the region. The mayor claimed that crime in the municipality had been reduced. He also tied the maintenance of peace in the municipality and surrounding areas to an opportunity for greater economic development - people cannot work in the fields if there is armed conflict.

Other participants offered two concrete examples of how NDI's activities helped the community in better maintaining peace and order. A *barangay* captain shared that NDI's assistance in problem-solving and with conducting a participatory public safety assessment had helped a group of citizens and police to recognize that they might do something about the many accidents on a highway running through the municipality. The group requested assistance from the Department of Public Works and Highways to clean up debris (and was amazed when the agency responded and carried out the work). Working with the Land Transportation Office, the group placed traffic signs in key places along the highway. The LTO administered a road safety program in the municipality, which was the first to receive the program in Maguindanao. The local working group also discussed with residents the importance of not lingering on the side of the highway and to exercise caution when crossing the roadway. Public education extended into the schools as teachers were made aware of the campaign. The *Sangguniang Bayan* was asked to pass a resolution and subsequently adopted an ordinance making it unlawful for people or animals to be found on the side of the roadway. *Sangguniang Bayan* also passed an ordinance requiring tricycles to be licensed. The problem was also discussed in the MPOC and citizens volunteered their time to keep the roadway clean. The rate of accidents has declined significantly in the time that the municipality has addressed the issue. (Previously, the rate was more than two major accidents a month; since the clean-up, there have been no reported accidents.)

Other participants in the evaluation indicated that the youth camp facilitated by NDI was a useful medium to discuss conflict and its prevention. Ulamas were brought in to discuss the role of elders and other leaders in the community and to exhort youth not to join armed resistance groups. Twenty scholarships were awarded to municipal youth subsequent to the camp with funding from the mayor's office. In addition, a community group organized a basketball tournament -- police indicated that several of the officers assigned to Guindalungan participated in that event.

In terms of activities in which participants at the evaluation session felt were most useful, the NDI-facilitated Lakbay Aral and training in conflict resolution, accompanied by a manual was referred to by a majority of respondents. The Lakbay Aral, in particular, was noted for its utility in helping community leaders to envision and plan for changes to the local police station. The only criticism, which could more aptly be characterized as an expression of frustration, was over the fact that the core team was not able to implement based on some trainings and activities because of the difficulty in reaching remote *barangays*.

As in the case of Upi, participation by members and observers in monthly meetings called by the MPOC has risen. Members of the council meet more regularly on an informal bases. In fact, the MPOC appears significantly strengthened since NDI began programming in the municipality. The core team within the MPOC was responsible for stifling the full outbreak of hostilities between the AFP and MILF earlier in the year. Core team members met with both sides; negotiated free passage for AFP troops, which were passing through an MILF encampment in chase of Abu Sayaaf. Furthermore, the core team acted as a resource for families fleeing the area in the wake of skirmishes by providing information about where services were available and in some instances bringing services to the IDBs.

Barira

One of the newer additions to the NDI Community Policing Project in ARMM was the municipality of Barira. Previously regarded as an MILF-AFP battleground and located a short distance from Camp Abubakar, as recently as 2003, security threats in the municipality posed such a significant obstacle to sustained assistance that NDI initially opted against working there. The negative image of Barira as a war zone meant that little outside assistance was rendered within the municipality, a nearby highway development project funded by USAID being the only close project of note.

A number of local leaders indicated that prior to NDI's entry into the area, they had worked with commanders from the MILF and the AFP to keep armed conflict outside the municipality. This appears to have been an intentional effort to attract development assistance in a manner that has been practiced elsewhere in the ARMM. In addition to securing pledges from rebel and military commanders, local leaders worked with the local government unit to enhance the MPOC. This occurred nearly simultaneous to program start-up by NDI. The enhanced council was perceived as the best mode by which the most common type of conflict, *rido*, could be managed. In many instances, inter-clan conflict had escalated to clashes between the MILF and the AFP as partisans had brought in organizational allies in escalating small feuds.

The leaders expressed appreciation to NDI for training them in a number of tools that furthered their ability to stifle violence in the community. The tools they found most useful were: 1) public safety assessment processes; 2) community policing orientations; 3) problem solving; and 4) action planning.

In statements by leaders, there appeared to be newfound respect for the value of dialogue and discussion as a result of NDI programming. In one COMPAC, for example, combatants/feuding parties have met continually to try to reach an amicable settlement when in previous instances of conflict in the same community warring factions would not place so much value on such windows of opportunity.

Others, such as the chief of police, indicated that they had learned the importance of leveraging outside resources to bear on aspects of problems like armed conflict. Chief Bumbola had arranged with the Regional Mobile Group for preventative patrols in an outlying area of Barira where officers from his station had difficulty in maintaining presence due to resource limitations. Bumbola had also worked with the local government unit to cluster *barangays* and had designated two officers per cluster as liaisons with the public to facilitate more rapid information exchange. Through public consultations, a COMPAC was designated for each cluster during the process that started in June and ended in October of this year. Even though most PNP commanders in charge of some aspect of COMPAC and their municipal counterparts have inferred from the national directive to establish such centers that new centers must be constructed, Bumbola and his counterparts in Barira very sensibly decided that instead of using the municipality's limited resources to construct new buildings, COMPAC sites could be designated at existing buildings. Thus, in one outlying *barangay*, a *barangay* hall serves as the COMPAC of the municipality.

COMPACs are not the only instance where national directives have been issued without accompanying guidelines or instructions to local bodies such as municipal police stations or local government units. When NAPOLCOM instructed local government units and PNP stations to formalize an Integrated Area Public Safety Plan (IAPSP), there was no guidance on how to include *barangays*. The NDI team taught a core team working within municipal peace and order councils of the pilot sites how to execute a public safety assessment. Partners in Barira expressed their appreciation for the utility of this tool not least because it assisted municipal leaders in mobilizing residents around action against the area's biggest challenge to peace and order, land conflict. Additionally, local leaders expressed that the tool will be employed in future annual iterations of the IAPSP and other initiatives.

Vigorous municipal action on the issue of land conflict has had spill-over effect on a number of other important but less tangible areas. Several members of JUMPOC indicated that the changed relationship between police and citizens furthered the capacity of JUMPOC to provide just solutions to cases coming before the council. As one individual noted, there are many serious problems in the municipality and the courts are far removed from them. The lengthy formal process is too long and does little to maintain peace as without an outcome, families take matters into their own hands, thus creating further turmoil. While sanguine about the relevance of formal courts, where in the words of the JUMPOC chair "justice can be bought", JUMPOC members now understand the importance of working with police as part of local government's capacity to keep peace and maintain order.

One such area where the police and JUMPOC had recently worked together was in setting guidelines for the detention of suspects by police and custodial process when citizens effected an arrest. According to local counterparts, the formalizing of local process in this regard, which was based on community-level discussions in addition to collaboration between JUMPOC and the police, has resulted in a marked increase of trust by the public that residents will be treated fairly should they at some point enter that process. It is such work on a local process that community members trust that has anecdotally led to a marked increase in reporting of crime and disorder; greater assistance to *barangay* officials by residents in taking suspects into custody and expressed closer relationships between all parties. All suspects are turned over to the police, who follow relevant policies and procedures. (By the third quarter of 2005, police in Barira were ranked sixth, out of 28 municipalities, in police performance. Previously, the police had never even made the list.)

In many cases, matters fall within the scope of JUMPOC's mandate to hear the case. It is uncommon for suspects to be held for extended periods of time in police custody. If the police are not intending to transfer a case to the formal system, JUMPOC is immediately notified so that a local hearing can be held. (In most instances, even if police were interested in pursuing a formal complaint through the courts, it is likely that the close working relationship between the police and JUMPOC would mean an arrangement sparing the suspect extended detention). But the working relationship is perceived by police to have other benefits: in recent months, the longest it has taken police to clear a case - i.e. either find no evidence worthy of sustaining a complaint or make an arrest - is three months. The common perception that police are working with the community to resolve common problems has led family members to turn in relatives suspected of committing a criminal offense or engaging in a violent act. This would be nearly

unheard of in any other community having a 100 percent Muslim population due to fairly common reliance on traditional arbitration customs across the region to the exclusion of engagement with other actors such as police.

But it was not merely training and hands-on assistance for the leaders and citizens of Barira that led to such collaboration. The importance of the *Lakbay Aral* as a learning tool was cited multiple times during the evaluation. Agreement on local process from everything to arrest to whether and when cases should be forwarded to the formal system via the public prosecutor is also based in part on an understanding by local leaders that punishments/sanctions must conform to socio-economic constraints - e.g. a poor population should not be expected to pay fines according to the same penalty structure as the population of more developed areas in the country. Such constraints are often overlooked in the formal system where it is perceived by many in the region that courts impose fines that are disproportionate to the severity of the offense and which residents of the region cannot afford to pay.

Chief Bumbola noted that he and his officers were working very hard to represent the national government. According to Bumbola, the role of the PNP in rural areas has always been quasi-military, but that his goal is to bring civilian government closer to the people by making sure that he and his officers act professionally. Bumbola hopes to slowly change what people in his region think about government as a means of moving beyond the recent past when many in the population supported the insurgency.

In moving beyond the past, the residents and leaders of Barira appear to have grasped that peace and order must be addressed in a multi-faceted, holistic manner if either is to be attained. Several participants of the evaluation session noted that more public education of a larger percentage of the population in areas such as establishing a culture of peace might be useful. One local leader remarked that even the local economy depends on peace and order: if people can farm for eight hours or more unhampered, family and *barangay* economies will improve.

Participants were exposed to how counterparts in other parts of the Philippines were carrying out national directives, such as the establishment of COMPACs. The experience, which took place within the context of a *Lakbay Aral*, was cited by members of the delegation as the one activity that probably most enhanced their understanding of the various aspects of implementing COPS. One leader from Barira stated that the experience was like being in college. Participants had an opportunity to discuss with counterparts how initiatives were organized, funded and carried out. Upon their return, participants formed an agenda for action that included wider public education drives within municipal *barangays* and the rapid establishment of COMPACs throughout the municipality. Local leaders and police believed it important to establish a tangible representation of the local place where problems can be solved. Such representations furthered strengthened process components such as JUMPOC, the role of *barangay* captains and the police. On more than one occasion, residents of MILF-dominated areas have even brought suspects into COMPACs, which is outside the norm of turning cases over to MILF commanders for adjudication.

For the most part, the municipality appeared at ease with adjusting outside assistance in a useful manner. This ease aside, however, meeting participants noted that they would have

appreciated more training to help them deal with citizens who ask tough questions. In listening to local leaders speak with pride about the changes taking place in Barira, it was clear that much of the progress had been made internally.

Community Policing Advisory Committee

CPAC members advised that the committee was growing larger as new members were being added and that they were continuing to work closely with the pilot sites as part of providing policy guidance at the municipal level. The consensus of the members was that Upi and Barira were making significant progress in terms of both mobilizing community-level support for changes in public safety management not the least of which has been shifts in the emphasis and style of policing. The members also noted that the mayor of Guidalungan needs to be convinced to throw his entire support behind the program.

Of all the activities carried out in conjunction with the local team, it appears that NDI's facilitation of discussions around recommended areas for policy change were the most appreciated by the group. CPAC also played a critical role in advising former Regional Director Ikbala to formalize in-service training through the formation of a Regional Training Unit. CPAC's initial recommendations emphasized both a composite team and a focus on specialized training - viz. criminal investigations; chain-of-custody and property management; report writing - following a 14-day training of trainers for RTU members in Salaam policing.

Several members expressed their hope that the practices which had been developed through field testing might be distilled for replication outside of the pilot areas. CPAC envisions that NGOs with which it has partnered would be instrumental in such replication efforts; primarily Notre Dame University which has been asked to play a coordinating role for NGO assistance. This ties in with a central weakness pointed out by one member - while agency headquarters (Manila) demand local implementation of programs, there are few resources provided. This makes it difficult for regionally based offices of national agencies to develop strong local partnerships unless the local executive is willing to provide some assistance. CPAC hopes that as local government units take on more of a role as training organizer/facilitator that that those units will become closer counterparts for regional agencies.

In terms of weaknesses or areas where CPAC will continue to require assistance, it was clear from the discussions that little progress was made by civilian members in advancing policy development within their home institutions. Much work remains to be done within agencies such as DILG and NAPOLCOM in order to increase the capacity of agencies to oversee policing, maintain accountability of line agencies tasked with maintaining peace and order, such as the PNP, and respond to new challenges.

Apart from its role in the committee, it appears that DILG may have taken on a stronger regional role as a result of a better understanding of barriers experienced by local leaders attempting to govern peace and order at the local level. This better understanding should be linked to exposure to NDI's local partners in the pilot sites. DILG sponsored the accreditation of JUMPOC through the regional *Sangguniang Bayan* following the successful modeling of that joint council in Barira. DILG is also supporting other initiatives that attempt to move local

leaders utilizing customary and informal practice into more formal roles. The ulamas and several CSOs in the ARMM play important roles in conflict mediation and management in the region and should become more formal in both structure and process in order to better control them. Further to this effort, DILG representatives indicated that Lumads and Tdurays were codifying and formalizing law in Upi.

PRO-ARMM Regional Police

The question of how firmly the new Regional Director will embrace community policing remains to be seen. One of the participants, Major Bajas, who noted that he is responsible for briefing the new director on the status of COPS (Community-Oriented Policing System as mandated by NAPOLCOM), stated that PRO-ARMM is committed to further advancing administrative and operational shifts in line with supporting the full implementation of community policing. Some discussion also centered upon the previous director's initiative, Salaam Policing. Even though Salaam Policing has no budget allocation from National Headquarters, PRO-ARMM believes the initiative to be an important outgrowth of COPS. As such, future meetings have been scheduled at the provincial level so that police may discuss what is needed to establish an implementation monitoring committee and several Salaam Advocacy Councils.

Evaluation participants indicated that written materials provided by the team during trainings were highly useful for command staff in understanding how better to carry out COPS and other related programs. Major Bajas stated that he found the training on problem-solving and the SARA model held for regional police to be very useful in explaining to line officers throughout the region how to act as community police officers. Other participants pointed to the quality of the IA/PSP developed by the municipality of Upi. Strikingly, the tenor of the meeting was different from the first meeting between the NDI team and regional police commanders in late 2003. At that time, regional police were unsure of whether a local model of community policing could be established in the ARMM. Many seemed dubious at that time of whether COPS could work in the Southern Philippines, where many had been witness to or participants in President Estrada's "all out war".

Evaluation participants set forth several other changes that were observed by command staff during the project period:

1. Citizens are providing police with both more and better quality information, which is reflected in intelligence and situation reports coming through the chain-of-command.

2. Police within pilot areas appear better able to handle typical crime problems due to increased confidence that they have a public mandate and a better understanding of problem facets.

3. Police within pilot areas are re-orienting patrols to become preventative in nature and in some cases relying more on regional police for support in hard to reach locations.

4. Improved information sharing between police stations in pilot sites and PRO-ARMM, particularly in area of criminal intelligence gathering and analysis.

5. Increased reporting by citizens, but especially by vulnerable groups such as women - attributed to increased awareness of rights by citizens and understanding of where to turn for assistance. One may also infer from this that police are becoming more aware that certain categories of crime, such as sex offenses against women and children, are not always minor offenses and that documentation and follow-up is needed.

6. Increased involvement by civic groups to support peace and order - e.g. Rotary Club grants/contributions for settlement of grievances and legal aid to indigent parties.

Evaluation participants noted several other changes taking place internally within the PNP that, while independent of the incumbent project, are part of a PNP reform effort that also supports the move towards greater community-based policing: observance of a quota for women officers within municipal police stations (and women officers being utilized to work with civilian women's associations; command evaluation of field units and basic areas, such as logistics, communications and equipment in order to improve service delivery at the street level. This coincides with an effort to better prepare officers for street duties in the curriculum offered in the Philippine Public Safety College's 45-day basic orientation course.

PRO-ARMM Legal Officer Abas noted that the training curricula must be improved in order to advance policing in the region. He suggested sensitivity training to make police aware of how to deal with cultural, social and religious groups different than themselves, adding legal courses and ecumenical moral (ethics) training. In this regard, he also suggested that promoting inter-faith training would expose officers to the customs and traditions of other religions.

NDI Staff

Through this program, NDI assistance has opened previously closed municipal level processes or practices related to such critical areas as conflict management and security in each of the pilot sites. While time will tell as to whether change processes have been permanently affected, anecdotal accounts by staff monitoring and evaluating activities appear to indicate substantial progress in both increasing public participation and in addressing community peace and order concerns.

Such change is reflected in two important areas: more frequent public dialogue around issues deemed to affect community safety; collaborative action by local government units, national/regional government agencies, and groups of citizens on previously discussed issues. Many communities have subsequently undertaken initiatives using tools provided by NDI.

While progress towards achieving peace and order in a community could be regarded as the primary objective of local partners in the pilot sites, project successes were by no means limited to this scale. Staff indicated anecdotally, which was later confirmed by the partners, that changes within key stakeholder groups such as police at the local station, local government and

citizen councils took place while activities designed to reach the larger public safety improvement objective were being carried out.

Furthermore, communities where the chief of police was open to changes at the local station, greater progress was possible in implementing community policing and in mobilizing effective citizen counterparts.

1. One of the biggest program achievements has been the opening up of peace and order governance in the pilot sites to structures beyond the local government unit and to persons other than the mayor. In Guindalungan, the *Sangguniang Bayan* and police have been working together in past months to resolve a range of matters, including disputes arising from traffic accidents and conflict over land. The mayor is often informed after-the-fact. In Barira, police are working more closely with *barangay* leaders and ulamas; not all cases are automatically referred to the JUMPOC. In Upi, where the mayor typically relied on his Peace and Order Council to maintain order in the municipality, municipal funds were allocated to purchase stickers bearing the hotline number by which to reach police in an emergency and purchase of a multi-cab to facilitate police patrols.

2. Success in tackling the first priority issue in the pilot sites has increased the confidence of partner groups such as the Peace and Order Council to the extent that the councils are now initiating responses to major problems with partners.

3. NDI's project has been successful in drawing interest from the private sector. Examples are the engagement of Globe Telecom, Pacific Boysen and other companies in supporting the activities of the pilot sites.

4. The project also facilitated coordinated efforts by other government agencies to address problems brought up during NDI training workshops.

5. In Upi, the membership of the municipal peace and order council (MPOC) increased due to the reform efforts of the chief of police.

6. In Guindulungan, the chief worked closely with the Association of *Barangays* Chair (ABC) in coordinating police-citizen efforts.

7. In Barira, the chief worked with the Joint Ulama Peace and Order Council (JUMPOC) to carry out a PNP initiative that seeks to establish designated action centers across communities.

8. Sultan Kudarat backed out of the pilot after the first year of the program. This poses an important corollary: chiefs of police make a big difference in terms of public safety development but where the mayor is unwilling to loose control of police administration and operations to a chief, a progressive chief stands little chance of carrying out a reform agenda.

But the role of the local police chief and his relationship to the mayor is still not the whole story. In a region that is highly traditional, leader-follower oriented and personalistic, citizens have begun to accept responsibility for peace and order. And this is where the project may have had its greatest impact. The police part of community policing has become less a public relations campaign and more about how to seriously tackle peace and order problems. Citizens no longer leave discussions about peace and order problems to leaders meeting behind closed doors. Some leaders have begun to realize what is possible when citizens become involved.

The question of whether the project might have been successfully executed relying more on the reinforcement of good processes and less on personalities is not easily answered. Based on the experiences of the team, it seems that stimulating good process inevitably depended on local personalities - in everything from getting community residents to attend meetings that they had never bothered with in the past to generating resources supportive of initiatives stemming from the project. Despite the fact that it would have been easier, as one team member noted, to stress the basic techniques of community policing and leave implementation to police and civilian administrators, the same personalities that were important for the actual community mobilization that took place may not have been so interested or well intended had they capitalized on the popular groundswell of support for the project. A period of hand-holding is nearly inevitable given the nature of the work and the sensitivities that surround it. Certainly, experience with community policing in different regions of the world evidencing similar characteristics to the society and institutions of the ARMM bears this out. This is fundamentally a question of how to replicate the practice of democracy - good practices need champions, especially when the environment does not lend itself to easy adoption.

Key Lessons

- Justice as a local process: this program provides clues into how police may re-establish credibility within multi-group communities by working closely with leaders and citizens to manage public safety and order. Initially, loss of credibility may be due to the inefficiency and unfairness of the formal system (as well as other practices such as corruption).

- Most police in the region are willing to participate in any opportunity that will advance them professionally and in many instances are interested in being perceived as members of a credible security force. Working with the Regional Police and the Philippine Public Safety College to enhance training curricula and to decentralize training in key areas related to community policing (hard and soft skills) is a critical part of force development as well as the government's ability to maintain stability in the region.

- Work to create linkages between future program implementation efforts and civic groups such as a local Rotary Club or Chamber of Commerce.

- More focus is needed on the individual members of CPAC and their institutional affiliations. While CPAC serves a useful purpose, it is also important that members return to their institutions and advocate for policy change from within.

- The local office was fairly successful at working with other donors. CIDA, in particular, through its LGSP initiative was a program with which the local office coordinated activities from project start-up and initial workplan development through the current period. The success of LGSP in Upi was an indication of an environment ripe for development. From conversations in the pilot municipalities during this and other trips, it is clear that residents, particularly leaders in the ARMM, recognize that if a municipality is peaceful enough to draw one donor program, there is a high likelihood of other programs also being implemented in the same municipality. Multiple programs running concurrently or near consecutively in one municipality may offer the greatest opportunity for deep impact and change, Such planning could also serve to leverage the cooperation of the municipality; a key ingredient for later successes in Upi.

- There will always be environments where implementing activities that bear on how power is distributed within a community, particularly as respecting security, cannot easily take place. Two of such communities, Sultan Kuderat and Sultan Mastura backed out of the project at the end of Year One. In these instances, the increased participation of community residents began to threaten the ability of powerful mayors to stifle public discussion about local corruption or repression. The program demonstrated that success in mobilizing community residents to participate in governance of peace and order, which, though essential to establishing effective community policing, too severely challenged the status quo. The experience suggests that some care must be exercised when implementing programs in municipalities with strong mayors afraid of losing their power base. The team's success in Guindalungan suggests that an entry point into closed, hierarchical municipalities can be non-criminal public safety threats such as those presented by a traffic condition. Many of the same effects demonstrated within MPOCs elsewhere were demonstrated in the MPOC of Guindalungan.

APPENDICES

Imagine CP in your Community!

… and the Possibilities of What Could Be

Imagine CP in your Community! is a facilitator's guide to an exciting journey towards the introduction of community policing in the community.

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National Democratic Institute for International Affairs

The National Democratic Institute for International Affairs (NDI) is a non-profit organization working to strengthen and expand democracy worldwide. Calling on a global network of volunteer experts, NDI provides practical assistance to civic and political leaders advancing democratic values, practices and institutions. NDI works with democrats in every region of the world to build political and civic organizations, safeguard elections, and promote citizen participation, openness and accountability in government.

Democracy depends on legislatures that represent citizens and oversee the executive, independent judiciaries that safeguard the rule of law, political parties that are open and accountable, and elections in which voters freely choose their representatives in government. Acting as a catalyst for democratic development, NDI bolsters the institutions and processes that allow democracy to flourish.

Build Political and Civic Organizations: NDI helps build the stable, broad-based and well organized institutions that form the foundation of a strong civic culture. Democracy depends on these mediating institutions—the voice of an informed citizenry, which link citizens to their government and to one another by providing avenues for participation in public policy.

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National Democratic Institute in the Philippines

In October 2003, the National Democratic Institute for International Affairs (NDI) signed a cooperative agreement with the United States Agency for International Development (USAID) for a project that will promote democratic governance of the police and enhance community-police relations in the Autonomous Region in Muslim Mindanao (ARMM). Under this program, NDI Philippines works with ARMM civilian administrators and officials to increase adherence to and advocacy for the principles and practice of community policing among authorities in the region. This work also involves developing capacities of and strengthening links between grassroots organizations and policy-making structures at the regional and local levels on addressing public safety issues, conflict resolution and crime prevention.

The Institute works with the municipalities of Barira, Guindulungan, Sultan Kudarat, Sultan Mastura and Upi to develop replicable community policing models. The model-building effort is supported by reinforcing actions of higher level agencies which are in the best position to direct processes facilitative of community policing and manage the replication process. For this, the Community Policing Advisory Committee (CPAC) was formed. The committee is a formalized partnership forged by NDI with agencies, which are in the position to direct processes so that policies, procedures and systems become more facilitative of community policing. NDI Philippines along with the ARMM Offices of the Philippine National Police (PNP), Department of Interior and Local Government (DILG), National Police Commission (NAPOLCOM), the Office of the ARMM Regional Governor; the Office of Maguindanao Provincial Governor, and the Notre Dame Foundation for Charitable Activities, Incorporated – Women in Enterprise Development (NDFCAI-WED) comprise the CPAC.

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List of Acronyms

CP	–	Community Policing
COPS	–	Community Oriented Policing System
NDI	–	National Democratic Institute for International Affairs
LGU	–	Local Government Unit
CPAC	–	Community Policing Advisory Committee
COMPACT	–	Community Police Assistance Center
NAPOLCOM	–	National Police Commission
PNP	–	Philippine National Police
DILG	–	Department of Interior and Local Government
ARMM	–	Autonomous Region in Muslim Mindanao
MLGOO	–	Municipal Local Government and Operations Officer
MPOC	–	Municipal Peace and Order Council
SARA	–	Scanning, Analysis, Response and Assessment
ToP	–	Technology of Participation
IA/CPSP	–	Integrated Area/Community Public Safety Plan
PRA	–	Participatory Rural Appraisal
LCE	–	Local Chief Executive
FGD	–	Focus Group Discussion
SB	–	Sangguniang Bayan
CJS	–	Criminal Justice System

"The PNP capabilities have limitations in terms of logistical resources such as handguns, patrol vehicles and investigative/communication equipment. The best fallback to compensate this weak spot within the PNP is Community Oriented System of Policing. This system believes in the indispensability of people power; the greatest source of power to wage war against criminality and other threats lies among the people. The idea of community policing is to mobilize as many people to help the police in combating crimes" – Comm. Miguel "Mike" Coronel of NAPOLCOM during the ARMM Community Policing Conference organized by NDI and CPAC in Davao City on September 22-23, 2005

Introduction

Community policing (CP) is a philosophy which began as early as 1900s and through several decades, continues to evolve. It has long been practiced in several countries such as the United States, Canada and United Kingdom and proved to be an effective way of policing. Several CP models emerged yet "to date, no succinct overview of community policing exists for practitioners who want to use this wide-ranging approach to address the problems of crime and disorder in their communities."[1]

In the Philippines, community policing is introduced through the government's Community Oriented Policing System (COPS) program. The Philippine National Police patterned this program from the *Koban* model of Japan and introduced it in 1994. In the years that followed, interpretations of the COPS program were manifested through the COPS in the Block, Police Community Precincts, *Kababayan* Center, Community Police Assistance Centers (COMPACTs) and the like projects of many police stations throughout the country. Efforts have been made to share and propagate this practice however budgetary constraints compelled the national government to slow down its advocacy and capacity-building. More than a decade later, several police stations have yet to hear of the program and to have enough knowledge and skills to operationalize COPS.

In October 2003, the National Democratic Institute for International Affairs piloted its own community policing program in the ARMM region. It employed two strategies: modeling community policing processes in municipalities and facilitating an enabling environment for community policing. The first strategy involved the municipalities of Upi, Barira, Guindulungan, Sultan Mastura and Sultan Kudarat. Main implementers and actors of the program were the Municipal Peace and Order Councils (MPOC), local leaders, police and the citizens. The program generated positive results and feedback among the sites. It gained the approval of the communities that indeed this practice is worth pursuing particularly in addressing peace and order. These municipalities made CP happen in their areas. Eventually, only the first three municipal governments persevered with the modeling process. The second strategy was expressed in the creation of the Community Policing Advisory Committee (CPAC)[2] at a level higher than the municipality. The CPAC is an advisory/policy body which periodically assessed the modeling process to determine appropriate courses of action to make community policing work. Members are the National Police Commission (NAPOLCOM), Philippine National Police (PNP), Department of Interior and Local Government in the Autonomous Region in Muslim Mindanao (DILG-ARMM) to provide the policy support needed to implement CP. CP worked in ARMM, it surely will in other parts of the countries.

In the spirit of gaining more advocates and believers in process that empowers communities to manage their own safety and security, this user's guide was conceptualized. This guide reflects the community policing experiences of NDI's pilot areas and draws heavily on the actual implementation of the program by the MPOC core teams such as what worked well and what should have been done.

This user's guide hopes to contribute to the growing literature on community policing in the country and wishes to share to various advocates and facilitators an easy way to do it. There maybe a thousand and one ways to do CP and this guide is certainly one of them. This guide crystallizes an experienced-based community policing process. It can serve as your guide and as a facilitator, feel free to experiment, modify and adopt approaches or tools as you deem fit to the communities you are serving.

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[1] Community Policing Consortium, "Understanding Community Policing: A Framework for Action", n.d., <http:www.communitypolicing.org/chap1fw.html> (September 25, 2005)

[2] See related story on CPAC entitled *Peace advocates form alliance* on Annex C-1.

Using this Guide

§ Who are the intended users?

This guide is intended for CP facilitators who could be the Municipal Local Government Operations Officers (MLGOO), Municipal Planning and Development Coordinators, Chief of Police, barangay leaders, community facilitators, and staff of non-government organizations. CP facilitators are individuals who would introduce this new kind of policing to their communities and facilitate the necessary shifts and adjustments to become a fully CP oriented community. Community policing is not only within the realm of the police rather it is practically for everyone who believes that promotion of community safety and security is everyone's concern. CP facilitators believe in the possibilities of community policing and want to give it a try.

§ How is this manual organized?

This is an easy to use, easy to follow guide on how to do community policing based on the experiences of NDI's pilot sites. The guide is organized into three parts: the orientation, the CP process and the references

Orientation highlights some basic questions on CP. It attempts to capsulize in Q and A manner, basic information to help you understand CP.

CP Process explains the 3-step cycle of community policing. It begins with the preparation of the teams for CP where information sharing on CP, organization of teams, capacity-building and clustering of barangays are the focus. This is followed by community safety and security planning that highlights issues affecting the feelings of safety and security of citizens and of the community, recommendations on paradigm shifts within the police structure and actual planning that is based on results. Lastly, the implementation where the identified activities are set into action, monitored and evaluated.

The CP Process identified three major steps. Each step has similar sections: What I Need to Know to Begin CP in the Community, the Key Actions to Facilitate CP and Learn Some More.

What I Need to Know to Begin CP in the Community refers to information and concepts that can help strengthen the facilitator's understanding of the required action to facilitate CP. It sets the context for the recommended actions.

Key Actions to Facilitate CP recommends activities for the facilitator to ensure that the objectives of the referred section are achieved.

Learn Some More suggests additional topics or information for the facilitator. It may contain additional points for learning of the facilitator, vignettes or stories about the experiences of the pilot areas to illustrate an application of the community policing principle or practice.

References, on the other hand, are additional reading materials, suggested forms, tools and instruments used in assessment, planning, community activities and monitoring and evaluation.

What Does A CP Facilitator Do?

Your role as CP facilitator is both exciting and challenging because you will introduce a novel concept that may be different from what is currently practiced but will come to discover that inherent in the community are practices that are building blocks for community policing. A CP facilitator needs to understand his/her role to become effective in delivering the required tasks and to maximize his/her role in encouraging participation among the citizens while dealing with the various realities on field.

To do this, you need to understand first what does a CP facilitator do?

A CP facilitator/coach is an individual who:

- Commits to help manage a process of information exchange and sharing among the partners without allowing his/her personal bias to influence the outcome of the discussion
- Allows partners to arrive at a consensus on HOW a CP process should proceed
- Provides opportunities for partners to participate actively in decision-making by drawing out their participation in community meetings, workshops, trainings
- Guides partners to establish partnership among different stakeholders
- Explores various options/alternatives with partners rather than offering a single, traditional, jaded response on a certain peace and order issue
- Imagines the wonderful results of developing harmonious relationships between the citizens and the uniformed personnel

Consider the competencies and characteristics of an effective facilitator as outlined by the Institute of Cultural Affairs (Canada)[3]:

Competencies of a facilitator:

- distinguishes process from content
- manages the client relationship and prepares thoroughly
- uses time and space intentionally
- is skilled in evoking participation and creativity
- practices honoring the group and affirming its wisdom
- capable of maintaining objectivity
- skilled in reading the underlying dynamics of the group
- releases blocks to the process
- adapts to the changing situation
- assumes (or shares) responsibility for the group journey
- demonstrates professionalism, self-confidence and authenticity
- maintains personal integrity

Characteristics of a CP facilitator: He/She commits to a style of:

- asking rather than telling
- paying personal compliments willing to spend time in building relationships rather than always being task-oriented

[3] Work911/Bacal & Associates Business & Management Supersite, "The Role of the Facilitator – Understanding What Facilitators Really DO!", n.d., <http://www.work911.com/articles/facil.htm> (September 30, 2005)

- initiating conversation rather than waiting for someone else to
- asking for other's opinions rather than always having to offer their own
- negotiating rather than dictating decision-making
- listening without interrupting
- emoting but able to be restrained when the situation requires it
- drawing energy from outside themselves rather than from within
- basing decisions upon intuitions rather than having to have facts
- has sufficient self-confidence that they can look someone in the eye when talking to them
- more persuasive than sequential
- more enthusiastic than systematic
- more outgoing than serious
- morel like a counselor than a sergeant
- more like a coach than a scientist
- is naturally curious about people, things and life in general
- can keep the big picture in mind while working on the nitty-gritty

PART 1. Orientation on Community Policing

You are at the center of a crowd. You speak so passionately about a safe community. You describe this community vividly to your audience: citizens roving in the community at night without fear for their safety, citizens attending a community meeting on organizing a neighborhood watch, regular weekend gathering of residents to talk about community activities, citizens working with the local leaders and law enforcers in combating cattle rustling, family conflict, theft, causes of armed rebellion. In this ideal community, neighbors look out for each other. Then you can see through your eyes people listening intently to you, nodding their heads, convinced about what you are saying and you can sense a growing excitement in the crowd.

Then you ask yourself, is it possible for a CP facilitator to do that? Can you really convince a group of people to adopt community policing? The answer is yes. First have the basics of CP at your fingertips. Arming yourself with this knowledge will help you prepare for the challenge of gathering more believers and practitioners. A good following would later redound to an increased number of practitioners and before you know it, it becomes the practice of the community.

So get ready to walk the way of community policing.

Did You Know?

(10 Q & A to Help You Understand Community Policing)

1. What is community policing?

   Community policing is a new philosophy of policing, based in the concept that police officers and private citizens working together in creative ways to help solve contemporary community problems related to crime, social and physical disorder and neighborhood decay. This philosophy is expressed in a new organizational strategy and in the way the police department thinks about its mission.[4]

2. Why the shift to community policing?

   Changing times and growing needs of the community calls for a more responsive and effective policing. Today's times are characterized by:

   - Increasing seriousness and complexity of crimes and disorder, magnitude of affected populations and impact
   - Fear of crime is increasing and has become a problem in itself (fear of crime limits activity, keep people at home and away from public places, given an image of decline and encourages criminality)
   - Decreasing stability of the family as the basic unit (increasing number of single / working parents thereby less time with children;
   - Increasing diversity of communities, with different interests and goals
   - Dwindling government revenues and increasing demand for public resources
   - Police strategies focused on arrests and rapid response did not effectively solve crime

   These developments require the police to go beyond the usual strategies of police arresting violators, crime fighting tactics, random patrol, rapid response or police responding only when there is a major disturbance in the community. Police should adopt a different approach particularly when the old one barely works.

   In the first place, the conditions for crime, violence and other threats to peace are found in the community itself. It makes perfect sense to help communities increase their capacities to govern their own safety and security, with the help of government agencies with mandates in peace and order.

3. What makes community policing any different from traditional policing?

   Reactive policing and isolation of the police from the people they serve has not done well in the preservation of peace and order in the community. Random patrolling or rapid response did not effectively result in greater familiarity with the people in the community and identifying steps to prevent problems from happening repeatedly. Thus, it is not surprising if the civilians and the police are reluctant to work with each other. Also, a centralized management of the police organization concentrated the authority to address crime and disorder to the law enforcers.

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[4] Trojanowicz, Robert and Bucqueroux, Bonnie, Community Policing: A Contemporary Perspective, Cincinnati (Anderson Publishing Co., 1990) p.5

Community policing, on the other hand, puts a high premium on *community empowerment*. It recognizes that citizens in the community are stakeholders of peace and can in fact be effective partners in administering peace and order in the communities, which is a welcome scenario for the police. The police no longer see them as passive or limited sources of information. Barriers between the police and the community are broken down and in its place is the idea of working together towards finding effective solutions for the community's problem. There is likewise a growing recognition that the police alone do not have all the answers to all the problems and that whether they have all the resources or not, it is to their interest to involve the community. Definitely though, police forces with limited strength resources makes a stronger argument for community involvement[5]

4. Does community policing define new roles and relationship between the police and the community?

Yes. It is about collaboration and partnership anchored on trust, openness, accountability and equity. Gaining the trust of the community does not happen overnight. Police should constantly make their presence felt by the people, promote the feeling of security and to treat them with sensitivity and respect. A decentralized and personalized policing can convince the people to share information with the police and to work with them. After all, every member of the community is a stakeholder of peace therefore community safety and security is a shared responsibility of all concerned.

Openness is based on mutual trust. An empowered community shifts highly centralized policing to community-oriented policing where police also share relevant police information and promotes awareness in the community. Information that can be shared can include citizen's rights and responsibilities, roles and responsibilities of various security forces in peace and order, citizens' actions in peace and order.

Accountability to the people they are sworn to serve gives the police credibility. Subjecting themselves to the review of the citizens/community further enhances the trust and confidence of the people who accept that they are dealing with well-meaning officers.

Equity. The community and the police share responsibility in addressing crime and disorder. Police acknowledges the role of the community to provide input on activities that will address its concern. While both explore new and creative ways in resolving community problems, each is committed to do its own part.

5. What needs to be initiated to allow community policing to work?

The two important components of community policing are *community partnership* and p*roblem solving. Community partnership* encourages community involvement in the administration of peace and order concerns and a pooling of community resources in combating crimes. *Problem solving* refers to understanding specific problem/s the community and coming up with specific solutions. If a third component is added, it is *management of change* particularly within the police organization and in the way the community organizes itself to work for its own safety and security. CP requires police organizations to decentralize its decision-making, adopt a management that guides rather than dominate, to rethink of its mission and to establish a clear set of values in response to its expanded police functions.

[5] Standard ratio for number of police officers to the total population is 1:500.

6. What are the steps involved in doing community policing?

There are three identified stages in "doing" community policing. First is the *preparation* of community partners, which includes the orientation, community profiling, structuring the community groups and training to enhance the capacities of the partners. Next stage is *planning*. It is about identifying priority issues, analyzing its root causes, defining what action to take on a problem and how to implement it. Last stage is the *implementation* where identified actions or services are delivered, established partnerships, strengthened community capacity to address problems and activities are evaluated as to how it impacted the community. Strategies are then replicated, changed or amended.

7. What are the possible actions/activities that could result from community policing?

Community policing is not a cut and dried process that limits the possibilities of responses to a certain issue. Its only limitation is one's creativity and imagination. As CP is a proactive policing, it takes preventive measures on a potential problem before it escalates into a bigger issue. Among the many activities that could be explored are:

- Crime prevention activities through community education or information dissemination
- Conflict Management
- Capacity building of local leaders and police
- Converging the services and assistance of potential partners

8. Among the police, how would you know that they take community policing seriously?

Community policing calls on the police to adapt to the required changes within the organization. When the police stations begin to reorganize its structure, work assignments, infuse positive values and attitudes towards policing, update needed police skills, knowledge and abilities and formulate new police programs responsive to the community needs, one could say that transformation initiatives are taking place. However, it should be understood that these do not happen overnight rather gradually and long-term.

9. What are the benefits of community policing?

In community policing, policing performance and resources could be maximized if police officers engage in a collaborative action with the community. Democratic participation of the community in resolving peace and order problems can bring better results. Active citizens participation also raises the consciousness of the police officers to improve their police performance.

10. What determines the success of community policing?

The real challenge of community policing is in encouraging different actors/players to sit down together and discuss partnership in resolving peace issues. The success of community policing depends on the commitment of the partners involved (i.e. local leaders, police and the community, government agencies). What more, a visible change in police performance, change in the perception of the citizens regarding police behavior, drop in crime and non-crime issues are a few indicators that CP is at work.

References:

- Trojanowicz, Robert and Bucqueroux, Bonnie, Community Policing: A Contemporary Perspective, Cincinnati (Anderson Publishing Co., 1990)

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- California Association of Human Relations Organizations (www.cahro.org)
- Community Policing Consortium, "Understanding Community Policing: A Framework for Action", (www.communitypolicing.org)
- Missouri Crime Prevention Information Center Resource Page (www.dps.state.mo.us)
- National Police Commission, Community Oriented Policing System (COPS) Operations Manual, 2000.
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- Information Materials of National Democratic Institute for International Affairs.

"With the enthusiasm of the police and local leaders, community policing could be a successful strategy in addressing the public safety problems in the community" - Hon. Ramon A. Piang,
Mayor of Upi, Maguindanao

PART 2. The Community Policing Process

Isn't it exciting to have new discoveries and learnings? You have read various literatures on community policing and you are convinced that this is the more effective policing. Simply put, it looks promising for your community and you are eager to share this to them. Community safety and security is everybody's concern and the best way to involve everyone is through community policing. You may even use community safety and security as your tagline to describe the strategy. Question is, how do you begin the journey to building a peaceful community?

The following section will walk you through the process of establishing CP as a philosophy and practice in your community. Doing community policing has no hard or fast rules. It all depends on the needs and responses of the communities and actors involved. However, there are basic principles and practices applicable to any community policing efforts. The process outlined here is patterned after the experiences of the pilot areas and it involves three major steps: the preparation, planning and implementation.

Are you ready? Let's go!

Step 1. Preparing for Community Policing

This step highlights the crucial task of preparing to propagate the philosophy of CP in the community. You are determined to change the way policing is done in your community ergo you need to influence more people. It takes a few committed individuals, organizations or partners to translate this philosophy into a practice. The more, the merrier and the stronger is the cause. This step will help you commence your preparation on familiarizing yourself with the CP concepts and at the end of this step you would have been able to:

- Orient and convince local leaders, key actors and partners on the benefits of CP
- Organize strong teams and communities for community policing
- Facilitate the capacity-building needs of the teams on essential skills needed to promote community policing

What Do I Need to Know to Begin CP in the Community

Who can be involved in community policing? As a facilitator, you need champions from the local government whose executive decisions can lead the change initiatives in the LGU on community policing. The most preferred option is working with the municipal peace and order council (MPOC) which has the mandate to address the local peace and order concerns of the municipality. The MPOC is chaired by the mayor and its composition includes barangay leaders, line agencies and the municipal police chief.

Case in Point. See related story on *COPS' success hinges on partnership* on Annex C-2.

If the MPOC does not exist in an LGU, you can opt to temporarily organize a mixed team of police and citizen, composed of 5-8 people, who are decisive to see through the implementation of community policing. This group can later lead the organization of the MPOC in the LGU.

Why the MPOC? "The POC is a unified and strongly coordinated body created to carryout a national program which threatens national unity and security. It empowers the local communities towards greater participation and involvement in the formulation and implementation of peace and order programs", as stated in the Executive Order No. 309. *(See Annex A-1and A-2 for more readings on MPOC)*

What are the roles of the MPOC in community policing? The MPOC will be the main actor in implementing community policing in the LGU. Their commitment will lay a crucial role in making or breaking CP in the communities. They will take on the task of leading the information dissemination, facilitating public safety assessment and planning, coordinating the linkaging and networking with partners, conducting community activities, monitoring and evaluation and reporting of the progress of the CP implementation.

Insert Barira JUMPOC Photo

You need a very strong and cohesive MPOC or organized CP teams to work together for the community's safety and security. Teambuilding activities can help the members discover their individual strengths and capacities which they can harness and build upon to better their teamwork.

What are the necessary skills and knowledge that the MPOC should possess? Before the MPOC members get overwhelmed with the task of commencing CP in the communities, they have to be adept with these important skills and knowledge:

General principles of community policing. Discussed under this topic are: the principles, advantages and benefits of community policing; the core components of problem-solving and community partnership; and necessary changes, organizationally and individually, that would facilitate community policing processes.

Problem solving techniques. As multi-sectoral problem solving is a critical component of community policing, CP teams will be honed in the use of tools including the Scanning, Analysis, Response and Assessment (SARA) model. Problem-solving focuses on the underlying causes, related conditions and effects of crime and disorder problems with the aim of developing responses targeting all problem levels.

Insert Photo of Upi police facilitating PSA

Participatory facilitation techniques. The introduction of community policing processes entails the organization of consultations, presentations and planning. These activities demand good facilitation to bring about a clear and logical process of discussion, strategy development and implementation. Members of the MPOC can be more effective if they further develop their facilitation skills.

What is the best way to mobilize the communities for community policing? In most rural municipalities, there is a wide expanse of land area and scattered population. Also, it is a reality in the country that the ratio of the police to the population is several times over than the standard 1:500. It is suggested that municipalities cluster their barangays based on their geographic location for easy access and management. A defined location and area of operations will enable the MPOC including the PNP to focus its attention and energies on a certain geographic area, develop their familiarity with the community, establish connection, contacts and most of all develop trust among the citizens.

Key Actions to Facilitate CP

1. Familiarize yourself with the CP concepts. You will be convincing the leaders and people from the community to adopt the philosophy and practice of CP. Your articulateness, adeptness in sharing your knowledge will play a great role in persuading them to say yes to CP, not to forget your strong passion and belief on this practice. Your knowledge of the principles of CP will further help you understand the work you need to do in the communities. The *Did You Know* section of this manual is a good place to start studying CP. You can also check out the publications and documents of the National Democratic Institute (NDI). NDI is a rich resource on this topic.

   Insert learning circle photo with PNP

2. Get a sense of the state of security and safety in the community. You can do this by asking casually about issues affecting people's feeling of safety, perceptions about the police, participation in efforts to promote safety and security. Another way is through informal interviews or by browsing

through public records, existing plans and programs of the LGU. Your initial assessment can aid you in influencing the key leaders in adopting CP as a strategy for public safety and security.

3. **Outline the information you will share with key personalities.** You now have both the CP theories and actual community situation with regard to safety and security as your data. You can now start putting together the information by choosing what important ideas on CP you need to share. Stick to the basics. Let the 5W's and an H guide you in drafting the information. Your draft can become your presentation material on CP to be shared with partners.

4. **Meet the key people from the LGU and excite them about CP.** You need supporters in pursuing CP who can give decisive decisions and galvanize CP initiation in the area. Convince the local chief executive, Vice-Mayor, police chief and Sangguniang Bayan Committee Chairman on Peace and Order.

> *Case in Point*. See related story on *Stakeholders support community policing* on Annex C-3.

If it's a go for CP, make sure you accomplish the following:

- ü Identify partners whom you will be working closely. Of course you have a bias for the MPOC but if it's non-existent, opt for an organized mixed group of citizens and police that would eventually lead the organization of the MPOC
- ü Ask for a point person whom you will coordinate. You can work directly with the MLGOO who is the secretariat for the MPOC
- ü Schedule of CP orientation with partners.

5. **Set the meeting to orient partners on CP.** It is best to conduct the orientation during an MPOC meeting. Make sure that barangay chairmen of all the barangays, members of the Sangguniang Bayan and other sectoral representatives are present including police chief and police officers.

At this meeting, you can use the CP presentation material you did earlier. Check if it contains the following:

- ü Definition of CP
- ü Objectives of CP
- ü Benefits of CP
- ü Cycle of CP; activities in CP
- ü Who are involved; roles and responsibilities of implementers
- ü Defining the geographical areas of operation by clustering of barangays as a recommendation.

> During the Meeting:
>
> § After the usual introductions, present the agenda and make sure that everyone understands it well. The agenda should cover the presentation of the CP concept and proposed plans to implement it, which includes how the MPOC intends to put together a team to manage the CP process and the proposed activities to make CP work within the context of the place.
>
> § Make the presentation and discussions exciting. First ask what your participants expect. You can post questions like:
> - What will excite me to talk about in this meeting?
> - It will be interesting if…
>
> § Present the CP concept. Let it be short, sweet and substantive. Make it exciting that everyone wants to be part of it.
>
> § Manage an open forum that allows for a free expression of views but do structure the process.
>
> § Consensus-building. Make sure that before you part ways, a certain level of understanding has been reached on the clustering of barangays, organizations of CP teams for every cluster and identification of activities and schedules to facilitate CP. Annex B-1 has a sample template to help you summarize the consensus points of the group.

6. **Conduct CP preparatory activities for the team.** MPOC needs to be equipped with the essential

knowledge, skills and values before they set to begin CP. Continuous learning on CP would help them internalize fully and appreciate its benefits. *Learning circles* are interesting fora where you could have a small group discussion on certain topics such as the exchange of more knowledge and views on CP.

Also, CP teams need to develop the *skill on SARA*, a problem-solving model that aims to understand the occurrence of a certain issue by studying the underlying causes of the problem.

Insert ToP training of MPOC core team or SARA training with Ron

CP involves several activities where CP teams should facilitate therefore it is also necessary that they develop their *skill on facilitation* particularly one that advocates participatory processes such as the Technology of Participation (ToP). "ToP attempts to provide non-threatening processes to allow individual contributions and an environment which harnesses creativity, encourages differing views to be expressed and explored, develops team relationships and trust, and empowers individuals and groups[6]. ToP provides approaches to encourage participation and for strategic planning, leadership, team-building, organising events and focused discussion".[7]

Moreover, you would need a cohesive team that will work with the same passion and fervor as you in seeing CP through. This can be possibly done through *teambuilding exercises*. Allow the members to discover each other as a person and as partners to help them become more sensitive and understanding towards each other while working together.

Learn Some More

- *SARA as a Problem-Solving Tool*. This document provides a background on how SARA can be applied in solving a community safety and security issue. The narrative is an excerpt from the proceedings of the Community-based Policing Development Workshop facilitated by NDI's Community Policing Consultant, Mr. Ronald West in Upi, Maguindanao on March 15-16, 2004. It can be found on Annex A-3.

- *Action Plans based on SARA.* These documents are samples of action plans developed by Barangay Borongotan in Upi and Tapayan in Sultan Mastura on issues of land conflict and drug addiction respectively using SARA as a problem-solving tool. See Annex A-4.

- *CP Guide*. A trainers guide explaining Community Policing and its elements. This is developed by Mr. Ronald West. Check the References Section, on Annex A-5.

[6] Participatory Planning Monitoring and Evaluation Resource, "Technology of Participation", <http://portals.wdi.wur.nl/ppme/index.php?Technology_of_Participation> (October10, 2005)
[7] Ibid.

"Community policing is a good opportunity for the police and citizens to strengthen their ties and work together" - Hon. Alexander D. Tomawis,
Mayor of Barira, Maguindanao

Step 2. Planning for Community Safety and Security

The preparatory activities gave MPOC members their baptism of fire on CP. But the real action is about to begin in this step. Now, ready the MPOC to get close and personal to the communities they serve. In this step you will journey with the MPOC in knowing and rediscovering what threatens the feelings of safety of the citizens and their communities. Together, you will also challenge your imaginations in coming up with creative responses to better address the issues on safety and security. As you go through the suggested actions on this step, you would have been able to:

- Prioritize community safety and security issues in a participatory process and identified creative responses to these issues
- Formulate the IA/CPSP which shall become the basis of concerted effort and action of the various stakeholders
- Determine requirements necessary for police transformation to a more community oriented policing

What Do I Need to Know to Begin CP in the Community

What is community safety and security?

Community safety and security is about the freedom of the citizens from worries of sickness, crimes, disorder and even disasters caused both by nature and humans. It covers issues that threaten feelings of personal and community safety and causes fear among people such as theft, vehicular accidents, cattle rustling, land conflict, family feuds, flood, logging, dynamite fishing, lack of infrastructure, access to potable water and health problems like malaria, dengue and the like.[8]

In the government, community safety and security is equated to public safety. The crime prevention and coordinating service manual of NAPOLCOM defines this as "a generic term which covers the end-result of law enforcement, crime prevention and control, maintenance of peace and order, fire safety and protection and jail management and penology. Public safety includes all the many elements that enable residents of a community to enjoy its streets, sidewalks, parks and other spaces as well that sense of security in their homes, schools and workplaces. It stretches from protection of children to concern for the elderly, from business security to neighborhood watch. It includes working with at risk youth and educating homeowners against fraud. It ranges from preventing youth from involvement with crime; eliminating fire hazards, protection from hazardous materials, calamities whether natural or manmade to helping inmates reenter the community productively."

How do we plan for community safety and security? There is what we call the IA/CPSP which is a snapshot of the priority public safety concerns of the local government unit (LGU) and outlines the responses to each of the identified problem. It serves as the basis of the partnership of the LGU, the police and the communities. It contains issues ranging from peace and order, criminality and disasters among others affecting the state of order in the municipality. Each of the identified problems can be subjected to a problem-solving method (thru the SARA technique discussed in the

Insert photo of Guidulungan during action planning

[8] Definition of community safety and security of the participants during the community-based safety and security assessment in the pilot areas of the National Democratic Institute for International Affairs done in 2004

previous step) which allows for an in-depth analysis of the problem and lead to better solutions for the problems. Aside from the peace and order issues, the plan also incorporates contingency plans for disasters affecting the municipality. Though issues like these may not happen frequently, preparations for its eventual occurrence should be in place to mitigate its effect. National Police Commission requires the LGUs to submit this plan annually.

A good and sound IA/CPSP springs from community-based consultations/assessments involving representatives from all sectors. Participatory consultations and planning ensures the inclusion of the issues of the different sectors and not just those of the few; the acceptance and ownership of the stakeholders of the plan; and also the gathering of broad-based supporters for the plan.

Who implements and coordinates the activities contained in the IA/CPSP? The activities outlined in the IA/CPSP reflect the integrated action to be done by different stakeholders. Actions are not limited to the police or the local leaders. It is a shared responsibility now with the citizens, local leaders, government agencies and law enforcers such as the police and groups that have a stake in peace. It is imperative then that as the teams think through the persons/groups to involve in the effort, they also need to check if there are certain groups that exist in the community which they can explore some partnership with them.

What is the implication of issues that surfaced in the public safety plan to the police? The issues contained in the IA/CPSP reflect the true situation of the communities and the prevailing feelings of the citizens on their safety. It challenges the police to be more creative, less routinary in their responses and together with the community, focus more on preventive actions. Now, police officers should give emphasis on crime prevention, decentralized management of community issues (i.e. citizens are involved in safeguarding security, police as community facilitators while it establishes trust with the citizens). In short, a change in management has to take place in the police organization in order to accommodate the requirements for community oriented policing.

Insert photo of Barira police during cluster COMPACT consultation

Key Actions to Facilitate CP

1. Community-based Safety and Security Assessment. The public safety assessment is a prelude to the development of the IA/CPSP. It intends to gather baseline information on the municipal-wide public safety concerns of all the barangays of the LGU. A community-based, multi-stakeholder consultation enables your plan to be richer and more reflective of the true picture of the communities. As the facilitator, here's how to do it:

   Be familiar with the instrument for the assessment. There are several instruments/tools that can be used in the conduct of PSA such as participatory rural appraisal (PRA) tools. *Annex B-2* is a sample of a community safety and security assessment module used in the two-day public safety assessment in NDI's project areas. The module has 5 sessions focused on identifying the community's familiarity on basic rights, community dynamics, community profile, public safety assessment and community peace commitment building. The sessions are designed to be highly participatory, fun and creative. Check if the questions are relevant to the setting and context of your community. Feel free to improve or refine the instrument.

   Case in Point. See related story on *Cops, citizens take more hats to build peaceful communities* on Annex C-4.

Also, know the tasks necessary to pull off this assessment. Remember to delegate tasks to members such as: facilitators for every session, documenter, process observer, the master of ceremonies, person in charge of assessment materials.

Train the MPOC in conducting the community-based assessment. Be sure that you have reviewed the SARA model. The application of this skill is highly utilized in Session 4 of the module from the identification of the issues, analysis and coming up with innovative responses to address it.

Insert photo of MPOC core team preparing for the assessment

MPOC members should be familiar with the instrument to be used in the assessment and the process of handling the sessions. It will help if you do a "trial" of the community assessment with them. Among yourselves you can practice on how to facilitate each session and give each other feedbacks. As you walk through the sessions, you and the CP members will surely see your strengths and work ons as a facilitator, documenter or process observer. What more, you can anticipate the scenario and possible questions from participants. The "trial" can help build the confidence of everyone involved too.

Check preparations for the assessment with community leaders. Consult the barangay leaders of the cluster when is the best time to set the activity, who should be invited, where is the venue, what are the arrangements for food preparation and sharing of expenses.

Bear in mind to invite representatives from the different sectors in the community. If you want broad-based supporters for CP, participants for the assessment should also be inclusive of all sectoral groups. (i.e. farmers, fisher folks, teachers, elderly, market vendors, youth, barangay tanods and religious groups among others)

CP teams should also prepare their materials for the assessment such visual aids, forms, templates. The assessment module contains sample forms and templates for documentation. *See Box for the checklist for the assessment.*

Conduct the community-based safety and security assessment. This is the big day. You and the MPOC members should be at the venue an hour before the agreed time for the start of the activity. Do a last minute check of the venue. Are you satisfied? Also, check your checklist if you have covered everything.

At the end of the day, always regroup with the MPOC members. Congratulate everyone for a job well done and evaluate your performance for the day. What made everyone excited about the day's event? What areas need improvement? What can you do more to improve this? Given the assessment, agree with the team to

Checklist for the Community-based Assessment

Materials
- q Session templates
- q Pentel pens
- q Masking tapes
- q Manila papers
- q Meta cards
- q Pencils/ball pens
- q Bond papers
- q Colored pens
- q Attendance sheets

Venue
- q Check location of the registration table, streamer
- q Availability of the sound system/ karaoke/microphone
- q Physical lay-out of the venue
- q Areas where sub-groups can discuss without disturbing other teams

Food
- q Drinking water
- q Coordinate the schedule for meals and snacks with the person in-charge?
- q Be conscious of the dietary restriction among participants? (i.e. no pork for the Muslim pax)

Participants
- q Are there representatives from every barangay?
- q Participants may have to go home to faraway areas. When is the best time to end the session?

change strategy or do more of what works well.

Consolidate the data. Once you're done with the assessment in all the clusters, the MPOC can start processing and analyzing the data. Here, you will find a trend among the issues that surfaced even the connectivity and link among them.

Review the police records to determine what are the pressing peace and order concerns of the community and how did the PNP respond to these issues. Compare these findings to the public safety assessment results. The comparison can validate the records, provide more information or reveal new information.

Reminder! Don't forget to update the LCE, Vice-Mayor, police chief and other key leaders on the progress of the community-based assessment. They can act on issues that need immediate intervention. Keep them in the loop.

2. PNP Response towards Community Policing. The shift towards a community oriented policing requires the police to change the way it do its policing. This will not happen overnight but the gradual transformation should commence soon. Work with the police chief on the following:

PNP readiness assessment. A parallel assessment should also be done to the police of the municipal PNP. This is to assess the local PNP's capacities and readiness for community policing. This can be done through a focus-group discussion (FGD). It is recommended that the SB Committee Chairman on Peace and Order join you. S/He can advocate for issues that need to be referred to the LGU, MPOC or PNP higher command.

Insert photo on FGD with police

It is best that police chief is not around to allow his subordinates to freely talk. An ideal set for this activity is 6-8 persons. Among the topics you can discuss are:

- Current capacities and efforts of the local PNP in terms of policing;
- Familiarity of the police on CP, views about it and level of interest to pursue CP
- Recommendations to make CP work in the community and within the PNP station

Present findings to municipal PNP and discuss necessary adjustments in the PNP station. Once the analysis of FGD data is done, you have identified factors that may hinder or facilitate the implementation of CP in the LGU. Encourage PNP to respond to the emerging concerns from the community to be more efficient in police services. Examples of organizational changes to be initiated are: regular conduct of foot patrol in the barangays, community visits of the police, conduct of crime prevention activities like school to school campaign against drug use, improved documentation of crime incidents (see *Annex B-3*) and conduct of weekly meetings.

Make sure that police chief is committed to lead the individual and organizational changes. It's a guaranteed way to make the changes work within the station. A new policing culture is being developed in the station and so every personnel should also be involved.

Insert Upi photo on the repainting of the station

Start urging the LGU to support the efforts of the police. You have the PNP family getting ready for a makeover. Financial and moral support from the local government including the community will boost their confidence and strengthen their determination to make the changes possible.

Reminder! Don't forget to update the LCE and Vice-Mayor and other key leaders on the progress of the PNP assessment. They can act on issues that need immediate intervention. Constant feedback will allow them not to lose sight of this project. Keep them in the loop.

3. Participatory Planning for the Integrated Area/Community Public Safety Plan. It's time to plan! While MPOC gears up for the formulation of the IA/CPSP, influence them to plan for results.

   Plan for results. At the beginning of the planning process, everyone should have a clear and common understanding of what needs to be achieved, by whom, how achievements will be assessed and how will you utilize the results to contribute to the success of MPOC in addressing community safety and security. Activities should also be contributory to the direction set by the MPOC based on its vision, mission, objectives and goals and not mere activities for the sake of conducting activities.

   Results-based planning is focused on results that go beyond outputs but more on outcomes and impact. This must guide MPOCs in identifying activities to respond to community security and safety issues: think of activities contributory to changes in behavior. How will you know the quality of results of the activities? Changes can be tracked through the performance indicators that serve as evidence of results. *Refer to Annex B-4 for a sample of a results-based IA/CPSP.*

   Prioritize community safety and security issues that gets into the plan. At the municipal level, data prioritization should also be made. Among the priority issues of the clusters, issues that can be handled at the community level can remain as an activity to be led by the barangays. On the other hand, issues that need the intervention of the municipal government can be adopted by the LGU.

   Involve representatives from line agencies. The appreciation and support of government agencies in supporting the plan is higher if they are involved in planning. They can immediately offer their technical expertise and resources on issues related to their mandate. MPOC need not go back to square one in convincing them to support community activities.

   Presentation of the final IA/CPSP to the MPOC. This is to gain the support and commitment of all the stakeholders and also for the adoption of the Sannguniang Bayan. *See Annex B-4 for the required outline and template in formulating an IA/CPSP*

   Criteria (based on the IA/CPSP Handbook) for selecting these issues could be the following:

   - ü *Magnitude* – what is the extent of the crime?
   - ü *Rate of change* - How is the problem changing? Is it increasing?
   - ü *Seriousness* – How many people are affected? How does it compare to other problems?
   - ü *Locality* - Where does it occur? Where does it grow at the fastest rate? Where is it more serious?
   - ü *Who* – who are committing the crime?

Learn Some More

- § *How to formulate the IA/CPSP?* This is a suggested format in developing the IA/CPSP anchored on results-based planning. This is also based on the Model Integrated/Area Community Public Safety Plan Handbook of the NAPOLCOM. Check the Reference Section on Annex B-4.

"Community policing challenges us to uphold more on our values and beliefs to ensure safety and security of our constituents" - Hon. Datu Midpantao M. Midtimbang, Mayor of Guindulungan, Maguindanao

Step 3. Implementing the Plan

Work the plan! After crafting the public safety plan, the next logistical step is executing the activities and projects in the plan. You don't want a plan that gathers dust in the shelf. Call on everyone to make your dreams and visions for your communities become a reality. How will you do this? Work the plan!

There are three major components under this particular step namely; *implementing what is in the plan*, *monitoring and evaluating the progress of implementation and reviewing and amending actions*. This step will outline the key activities for the effective implementation of community policing and at the end of this step you are able to help the MPOC to:

- Implement programs and activities;
- Establish reporting mechanism from the barangay to the municipal level and vice versa;
- Forge partnerships with stakeholders.

What Do I Need to Know to Begin CP in the Community

What is the importance of tracking the progress of IA/CPSP implementation? Can you picture a blind leading another blind? Yes this can happen to the MPOC and the communities too if both are lost on where it is headed for or where it is going. In the earlier section, planning for results was mentioned where activities are not mere solutions to public safety problems but should result to positive changes in the community behavior and in the relationship between the local authorities and the community. The only way to know if these activities are indeed resulting to positive changes is by monitoring its results. Whatever are the findings, MPOC can use the data to strengthen their strategies or if it is not working MPOC can change or amend the strategies used.

Key Actions to Facilitate CP

1. Capacitating the MPOC and the PNP. Under community policing, the activities and projects are innovative and creative responses to the public safety issues and concerns identified during community public safety assessment. While working on the responses, the implementers such as the PNP and the Peace and Order Council must also undertake organizational transformation and capacity enhancement. The suggested training activities to effectively carry-out Community Policing

    a. *Criminal Justice System*. It is fundamental that the implementers of community policing have deeper understanding of the Philippine Criminal Justice System (CJS). This is providing the implementers the substantial information and deeper understanding of the relationships between different pillars of the CJS.

    b. *Culture of Peace and Human Rights*. This is to introduce the value of peaceful approaches in crime prevention and problem-solving as respect of basic human rights laws and principles and the rule of law.

    c. *Conflict Management*. Based on the experiences, local government leaders and police officers described alternative or

> *Case in Point*. See related story on *T'duray leader to promote new conflict resolution method* on Annex C-5.

traditional dispute resolution mechanisms as effective venues by which conflicts are commonly resolved. In recognition of the prevailing practice by ethnic groups of indigenous ways of dispensing justice, members of the MPOC and police personnel should know the nuances of this system so as to effectively compliment with traditional leaders in resolving local disputes.

d. *Campaign Management Training.* In Community Policing, the community plays a significant role in the maintenance of safety and security. This means that the administrators of peace in the municipality should have basic training on mobilizing mass support for campaigns against crime and disorder. This training would include effective dissemination of messages across all sectors of society and developing alliances and linkages.

e. *Training on Project Development and Management*. Community Policing as mentioned in several sections of this manual is a creative way of preventing, mitigating or even eliminating the conditions that breads crimes and disorder. This means designing innovative actions by creating alternative options for people that are vulnerable or most likely be involved to unlawful acts.

f. *Leadership Training*. Democratic leadership will be given importance in this training recognizing greater participation of various partner organizations in community policing. On the part of the police personnel, this training is very critical especially if the local police unit decentralizes its operation by assigning police personnel in defined geographical areas as this is the usual practice in police units shifting towards community policing.

2. <u>Increasing the community capacity in safety and security</u>.

a. *Community Education Sessions*. These will be conducted in the community to increase citizens' capacity to respond to public safety threats. Topics to be discussed in these community education sessions are those that are relevant to *crime prevention and disaster management, human rights and the rule of law or about issues and problems identified during community assessments*.

Insert photo on Talakayan in Guidulungan

b. *Strengthening Community Peace Mechanisms*. Along with the education activities, important steps for the strengthening of community structures and mechanisms with mandates to look into peace and public safety will also be done. It is suggested that if the police has to be integrated in this mechanisms to emphasize the vital role of the police in community safety and security.

Case in Point. See related story on *PNP chiefs enjoin execs to try community policing* on Annex C-6.

3. <u>Partnership building and resource generation</u>

a. *Networking with potential public safety partners* that will help solve or curve the pressing public safety concerns is essential in community policing. Partnership should be developed in order to mobilize more stakeholders in support to any crime prevention and public safety projects. The MPOC and the community local peace mechanisms should maintain a database of resource partners where priority projects will be submitted for funding support.

Case in Point. See related story on *LGUs address health problems as public safety threats* on AnnexC-7.

4. Monitoring and Evaluation.

Periodic assessment activities are important to gauge the efficiency and effectiveness of the activities being undertaken viz the plan. Hence the community policing program implementers must undertake regular assessment. Indicators worth noting for during assessments are the positive changes in mindset, attitude and behavior of the community resulting from the activities conducted and the implementers as well. Another aspect that needs to be monitored would be the improvements in the organizational and individual competencies of the community policing implementers. The result of the assessment serves as the basis in reviewing the activities and making adjustments on the plan.

The team implementing the program of activities needs to assess the implementation of community policing plan using the performance standards set during planning. Regular schedule for gathering of feedbacks should also be set.

Results-based Monitoring and Evaluation, often referred as RBME, is a powerful tool in tracking progress. It should be regularly discussed and communicated to all the stakeholders.

Learn Some More

- *Partnership Development/Collaboration through COMPACTs*. These are stories on the efforts of NDI's project areas in establishing COMPACT and their realizations. Check the stories entitled COMPACT brings cops closer to communities and Barira folks to set up police assistance center on Annexes C-8 and C-9. .

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Part 3. References Section

This section holds a rich collection of community policing reading materials, stories on the CP experiences of NDI's project areas, sample templates, documents, tools and instruments which can help you visualize the CP concepts. What are you waiting for better check it out now!

Annex A

Reading Materials

Annex A-1

EXECUTIVE ORDER NO. 309 November 11, 1987

REORGANIZING THE PEACE AND ORDER COUNCIL

WHEREAS, the threat to peace and order posed by criminality, insurgency and subversion requires the dedicated efforts of all government official and citizens;

WHEREAS, it is the duty of local governments, the law enforcement agencies, the prosecution services, and similar institutions of Government to assist the Chief Executive in the proper enforcement of the laws and the administration of justice;

WHEREAS, Government efforts at peace and order need to be fully coordinated to effectively prevent and suppress criminality and to maintain public order and safety in the land;

WHEREAS, the participation of the citizenry in peace and order is of critical importance;

NOW, THEREFORE, I, CORAZON C. AQUINO, President of the Republic of the Philippines, by virtue of the powers vested in me by the Constitution and the laws, do order and direct the following:

Sec. 1. Reorganization of the Peace and Order Council. The Peace and Order Council is hereby reorganized on the national regional, provincial, city and municipal levels of government to be constituted as follows:

(a) The National Peace and Order Council shall be composed of the following:

The Secretary of Local Government as Chairman;

The Secretary of Justice;

The Secretary of Social Welfare and Development;

The Press Secretary;

The Director of the National Security Council;

The Chairman of the Commission on Human Rights;

The Chairman of the National Peace Commission;

The Director of the National Bureau of Investigation;

The Executive Director of the Dangerous Drugs Board;

The AFP Chief of Staff;

The Chief of the Philippine Constabulary; and

Three (3) representatives from the private sector who shall be appointed by the Chairman, representing the academic, civic and religious organizations.

(b) The Regional Peace and Order Council shall be composed of the regional counterparts of the departments, offices and agencies enumerated in paragraph (a) above, wherever applicable, to be appointed by their respective agency heads, with the Regional Director of the Department of Local Government as Chairman. The Chairman of the Regional Peace and Order Council shall appoint the three (3) representatives of the private sector, upon consultation with the members of the Council. Departments, offices, and agencies with no regional and/or field offices may deputize their representatives on the sub-national levels.

(c) The Provincial Peace and Order Council shall be composed of the Provincial counterparts of the department, offices and agencies as enumerated in paragraph (a) above, wherever applicable, to be appointed by their respective agency heads, with the Provincial Governor as Chairman. In addition, there shall be one representatives of the Sangguniang Panlalawigan to be chosen by it from among its members. The Chairman of the Provincial Peace and Order Council shall appoint the three (3) representatives of the private sector, upon consultation with the members of the Council at his level. Departments, offices and agencies with no provincial and/or field offices may deputize their representatives on the provincial level.

(d) The City or Municipal Peace and Order Council shall be composed of the city or municipal counterparts of the departments, offices and agencies as enumerated in paragraph (a) above, wherever applicable, to be appointed by their respective agency heads, with the City or Municipal Mayor as Chairman. In addition, there shall be one representative of the Sangguniang Panlungsod or Sangguniang Bayan, as the case may be, to be chosen by said Sangguniang from among its members. The Chairman of the City or Municipal Peace and Order Council shall appoint the three (3) representatives of the private sector, upon consultation with the members of the Council at his level. Departments, offices and agencies with no city, municipal and/or field offices may deputize their representatives on the city or municipal levels.

Sec. 2. Responsibility of the National Peace and Order Council. The Peace and Order Council at the national level shall be responsible for the following functions:

(a) To prepare and recommend for the approval of the President, proposals, measures, thrusts and strategies that would effectively respond to peace and order problems.

(b) To coordinate and monitor peace and order plans, projects and the operation of Civilian Volunteer Self-Defense Organizations and such other counter-insurgency programs and activities.

(c) To perform such other duties and functions as the President may direct.

Sec. 3. Duties and Functions of Sub-National Councils. The Regional, Provincial and City/Municipal Peace and Order Council shall have the following duties and functions:

(a) Formulate plans and recommend such measures which will improve or enhance peace and order and public safety in their respective areas of responsibility.

(b) To monitor the implementation of peace and order programs and projects at the provincial, city or municipal levels and the operation of Civilian Volunteer Self-Defense Organizations and such other counter-insurgency programs and activities.

(c) Make periodic assessments of the prevailing peace and order situation in their respective areas of responsibility and submit a report thereon with recommendations to the Chairman of the National Peace and Order Council.

(d) Perform all other functions assigned by law, the President, or the National Peace and Order Council.

Sec. 4. Peace and Order Council Secretariat. There shall be a Peace and Order Council Secretariat which shall handle the administrative and technical activities of the Peace and Order Council that is organized in the various administrative levels of government. Specifically, the Secretariat shall prepare plans and programs for the consideration of the Councils; supervise, direct and monitor, for the Council, implementation of approved policies, plans and programs; undertake liaisoning and coordination of activities with appropriate agencies of the government and provide a forum for interdisciplinary dialogue and deliberation of major issues and problems affecting peace and order.

The Chairman of the National Police Commission shall act as the Secretary General, and shall be assisted in his functions and duties by the regular staff personnel of the National Police Commission and by the representatives of the various government offices and agencies composing the National Peace and Order Council.

Sec. 5. Implementing Rules and Regulations. The National Peace and Order Council shall issue appropriate implementing rules and regulations to carry out this Order.

Sec. 6. Repealing Clause. All prior issuances on the organization and functions of the Peace and Order Council inconsistent herewith shall be deemed superseded by this Order.

Sec. 7. Effectivity. The reorganization of the Peace and Order Council as herein provided shall take effect immediately and be completed within thirty (30) days thereafter.

DONE in the City of Manila, this 11th day of November, in the year of Our Lord, nineteen hundred and eighty-seven.

Source: http://www.lawphil.net/executive/execord/eo1987/eo_309_1987.html

Annex A-2

PEACE AND ORDER COUNCILS

Through Executive Order No. 309, the Peace and Order Councils (POCs) were created to implement and execute national policies, plans and programs on peace and order; develop and implement a well-coordinated program of action such as the Integrated Area/Community Public Safety Plan (IA/CPSP); monitor and evaluate all governmental peace and order programs and projects in the locale; and conduct studies and researches to identify and address the problems on criminality, rebellion, insurgency and other forms of public disorder. The POC is a unified and strongly coordinated body created to carry-out a national program which threaten national unity and security. It empowers the local communities towards greater participation and involvement in the formulation and implementation of peace and order programs.

The Napolcom Central Office is the secretariat of the National Peace and Order Council (NPOC) while its regional offices are the secretariat of the Regional Peace and Order Councils (RPOCs). To enhance the effectiveness of the POCs, the Commission continuously conducts meetings, fora and seminar-workshops. Likewise, resolutions and memorandum circulars were issued to address both national and local peace and order problems and needs.

Source: NAPOLCOM Website (www.napolcom.gov.ph)

Annex A-3

The following narrative is an excerpt from the Community-based Policing Development Workshop in Upi, Maguindanao on March 15-16, 2004 facilitated by Mr. Ronald West.

Session 1: Community-based policing and the SARA technique for problem-solving

Community-oriented policing can be defined as a formal partnership between the police and the citizens for the purpose of reducing crime, eliminating the fear of violence, maintaining order and improving the quality of life in the community.

The whole idea of problem solving for more peace in the community must be anchored on a shared vision of what a perfect community is. This may not be accomplished overnight but will hopefully benefit the future generations; that in order to achieve a goal, there has to be a vision and drawing the perfect community is one way of looking at the desired community of the citizens.

Community action is inspired by shared values. This set of values will serve as resources that need to be looked at in addressing the community problems previously identified by the participants.

Community-based policing is value-based. It addresses underlying causes of a wide range of problems. The institution, which is the police force, is not isolated from its environment (community). It stresses the partnership between different actors (different groups, etc.) within and outside the community. The aim of policing is not only to repress crime but also recognizes that it is indeed a form of service; that in order to solve the problems, there is a need to look at conditions leading to the occurrence of the problem. This is the main concern of community policing.

Community involvement is very important in the realization of an efficient and working community-based policing.

The Scanning Analysis Response Assessment (SARA) Model is a pattern of solving problems.

SCANNING involves the identification of the problem. The success of community policing depends on the partnership between the police and the people, and the ability of that partnership to solve problems.

A *problem* refers to multiple occurrences of related events/incidences that can cause harm/damage and which demand response from one or more sectors of the society.

Prioritize the problem that needs to be addressed first. There are a number of problems faced by the community but resources (including time) are limited and that a well-thought recommendation can in fact impact on several problems. Hence, there is a need to prioritize the problem according to what affects the community the most. Prioritizing does not mean ignoring the other problems but knowing which should be handled first. There is also a need to devise a method in prioritizing a problem.

Prioritize the problems by considering the following factors:

- By the seriousness of the problem: impact, damage, harm (i.e. number of individuals affected by the problem)

- § Frequency
- § Time/resources
- § Public demand
- § Level of difficulty of the problem

- Determine the relationships among the problems; several relationships that exist between problems. These links maybe: 1) that the offenders of a specific problem, for example, may be committed by one group; 2) that the victims of such problems may be the same; 3) that the manner by which such problem occurs is the same; 4) the motivation for the commission of problem is similar; 5) the timing of the crime/problem is the same; 5) that the place where the problem occurs is the same. By looking at the relationships that link problems of the community, actions to address the problems will be more effective.

The PRA results state that the most common problems in Upi are land conflict, drug addiction, illegal gambling, cattle rustling, excessive drinking resulting to public disturbance, child labor, estafa, *rido,* robbery, sea piracy, illegal fishing, domestic violence and illegal logging.

Based on the consensus of the participants, the priority problem in Upi is drug addiction.

ANALYSIS is the detailed examination of the problem which can be done by asking the 5 Ws and 1 H (who, what, when, where, why and how)

State the problem clearly. This statement would include who is involved in the problem, where the problem is taking place, why it exists, when does the problem take place and how does this problem affect the community.

For example: drug problem

Why does the problem exist:

- Availability of illegal drugs (shabu, marijuana)
- Low price of the drugs
- Lack of parental guidance / supervision
- Curiosity/Experimentation
- Lack of education / information /campaign about the harmful effects of drugs
- Lack of government support in fighting drug addiction
- Lack of cooperation and coordination among line agencies
- Corruption in government (e.g. arrested users, pushers go free)
- Financial incentive for pushers
- Lack of cooperation from the community (e.g. people do not give info thereby allowing drug ad diction to happen.
- Lack of personnel to enforce laws against drugs. This is the mandate of Philippine Drug Enforcement Agency (PDEA). PNP's role is in arresting.
- Lack of income generating options (e.g. employment)

Where is the problem taking place? USAGE	Poblacion, remote barangays, private residences, schools, where there is little police visibility and less

SALE	social control Poblacion, remote barangays, areas where police visibility and social control are less
When does the problem take place?	Paydays, day/night time, when a person feels the need to take drugs, drinking spree/parties
What will be its impact to the community?	Family trouble, stealing, public disturbances
How can one buy and sell the drugs?	Some students buy the illegal drugs in Cotabato City and upon their return sell these same drugs to their friends Some conceal the drugs in canned milk while others hide the same drugs in ladies' undergarments

RESPONSE includes the formulation of the plan of action, including the execution of the plan.

- The action plan begins with a clear statement of the objective, organizes actions to be taken not only in sequence but also according to phases and mobilizes partnerships also in an organized manner.

- What is to be done with the problem over a specific period of time should also be clear. It will be any of the three: a) elimination b) reduction; and c) better management of the problem.

- Actions can be categorized as follow: preventive (addresses pre-conditions), treatment (addresses proximate causes) , rehabilitative (addresses effects) and elimination of the problem (addresses consequences).

- The action plan must also be cognizant of the barriers that hinder its successful implementation. For the drug problem. The main barrier identified is lack of communication among concerned parties.

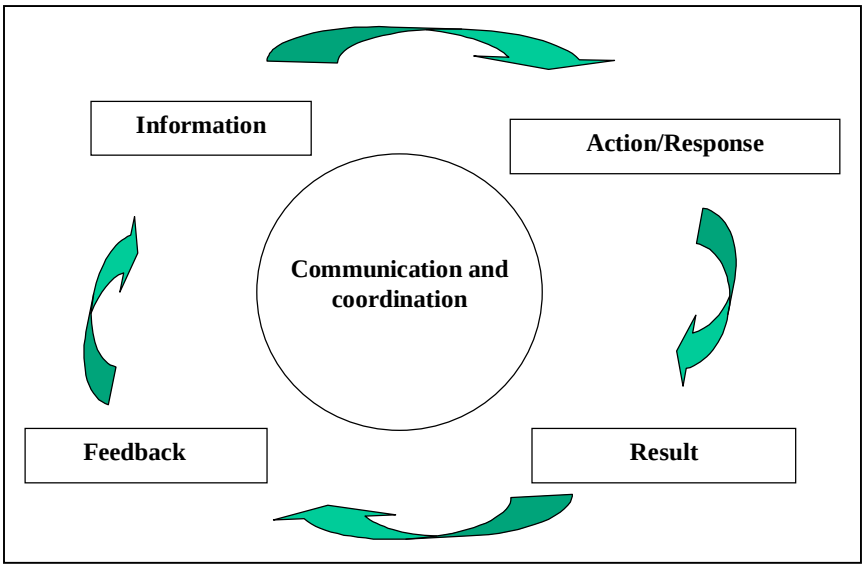
- There is also a need to identify key partners in the community. This will generate the widest scope of response from a wide coverage of the community. Mobilize members/ participants into the working groups who are respected, credible, are interested in what the working group wishes to accomplish, exerts positive influence in the community. As a result, one will be able to come up with a coordinated response.

Action plans are inspired by the vision of a perfect community. Action planning means developing strategies to address an identified problem. A good action plan contains the statement of the problem, the objectives and the time frame. It also contains all the necessary information like who is involved in the problem, when and where does the problem occur, why the problem exists and how could it possibly affect the community including the people whom the community can rely in addressing the problem.

ASSESSMENT takes a second look at action plan to confirm if it will work. At the end, it also measures achievement viz objectives. To better understand failures, if such occurs, it is necessary to assess/to gauge the impact of the response to see if the strategy is working/effective, if it does not, it needs to be changed. In measuring success, results have to be reported back to the people, to inform them about what has been done.

The successful partnership between community and police is dependent on the level of their communication and coordination. Information feeds into a good action/response. Whatever is the response, it creates result that should be shared or feedback to the concerned parties. As feedback is provided it generates new information that becomes a new input to actions. This will either strengthen or change the response to a problem and the cycle goes on and on.

The action cycle shows the flow of information – it first feeds into the formulation of actions and execution of the response which can either be positive or negative. The results are reported back to the community. This new information can be an input once again in coming up with new strategies or sets of actions that will either strengthen the existing response or totally change it and the cycle goes on and on. The success of information sharing, executing a response and giving feedback depends on communication and coordination. Cycle is show in the next diagram.



Annex A-4

Community Action Plan
Brgy. Borongotan, Upi, Maguindanao

I. Rationale

Brief Barangay Profile

Brgy. Borongotan is strategically located next to Nuro, the center of the Municipality of Upi. It is an agricultural area, covered by the Comprehensive Agrarian Reform Program (CARP), with rice and corn as its primary products harvested twice a year. Of the total land area, 215 hectares is devoted to irrigated riceland and 175 hectares for the non-irrigated. Farmers compose 83% of the labor force in the barangay and they are classified as tenants, landowners and farm workers. Given the agricultural character of the community, conflicts arising from land disputes are frequent.

Problem Statement

Land disputes arising from the mortgage of lands and fair sharing of harvests between landowners and tenants is a common occurrence in Brgy. Borongotan particularly during planting season and on harvest time resulting to cases/complaints filed and/or referred to the Brgy. Council, Municipal Agrarian Reform Officer, Provincial Agrarian Reform Office and the police.

Problem Analysis

The implementation of the Comprehensive Agrarian Reform Program (CARP) provided both the farmers and the tenants equal rights in the utilization of the agricultural lands. However, in the course of time, the program failed to lessen the number of land disputes among the farmers. Some of the cases that has been recurring time and again is the disagreement between the tenants and landowners over the equal sharing of the harvest, tenants ejected illegally from the lands they till for several years, tenants mortgaging the land without permission from the landowner, usurers and middlemen imposing high interest rates on farm inputs. This problem is also prevalent in Puroks Santan, Sampaguita and Begonia of Brgy. Borongotan. The limited information on the rights of tenants and landowners as prescribed by CARP resulted to the frequent problem on the leasehold contract covering the sharing system on the agricultural harvest and the mortgaging of lands by either tenants or landowners. Under the program, leasehold contract allows a 75%-25% sharing of the net of the total production between tenants and landowners respectively.

Also, harsh realities confronting the farmers compounded the issue. Farmers have to contend with the high cost of farm inputs like the fertilizers and insecticides during lean months and planting season. This forced some of them to resort to *"financers", who impose high interest rates, to subsidize the cost of the planting activities. In most cases, come harvest time, yield is not enough to pay the debts incurred. Tenants often sacrifice the share of the landowners on the harvest as payment. As tenants and landowners claim his/her "rightful" share of the harvest, both can't agree on a fair sharing basis. Other farmers are strained to mortgage the land even with the absence of land titles or permission from the landowners in the

* Financers are also usurers who provide the capital for the farm inputs i.e pesticides, fertilizers, etc.

hopes that in harvest time they can redeem the property. Yet, return on investment from the farm is often low and given a tight financial situation, some farmers can no longer repossess mortgaged land. Much to the surprise of landowners, a new farmer tills the land and claims ownership on the said area.

Complaints/cases on land disputes are usually high on planting season (planting season is from April to June) and after the harvest season where land preparation for planting follows (September to November are harvest months). If these issues are not acted upon immediately, it may lead to more serious situations like threats to the lives of the parties involved. Emerging complaints/cases are referred to the BARC Chairmen while unsettled cases are forwarded to the barangay and to the MARO or the court should both parties can't agree on settlement.

Barangay Agrarian Reform Committee (BARC), the barangay-based organized committee of the Department of Agrarian Reform tasked to participate and give support to the implementation of the programs on agrarian reform failed to assist the farmers on mediating or conciliating on disputes emerging from leasehold contract, land acquisition, tenurial rights among others.

The Barangay leaders hope to address this problem and in partnership with the National Democratic Institute, a community action plan has been developed to guide the barangay leaders and the community working groups organized by NDI in administering the issue.

II. Objectives

Beginning June 2004 to June 2005, Barangay Borongotan intends to reduce the number of land dispute cases referred to the barangay by accomplishing the following:

- Increase relevant information on CARP among the farmer beneficiaries in the Barangay
- Encourage community participation in addressing the issue of land dispute together with the Barangay Agrarian Reform Committee Chairmen, Municipal Agrarian Reform Officers, police and other partners
- Encourage new farming initiatives to increase agricultural production

III. Action Plan

Activities	Time Frame	Partners	Expected Participants	Expected Results
Data Gathering				
Form a community working group (CWG)	June 2004		LGU, Brgys, PNP, CSO	CWG Formed
Gather information on land conflict	September 2004		WG, police, BARC, Barangay Public Safety Officers (BPSO)	List of land owners, tenants in conflict; identify areas of concern
Ocular inspection	September 2004	MARO, PNP, BARC, BPSO, PNP	WG, police, BARC, BPSO	Familiarization on the attitude of the farmers
Information Dissemination				
General Barangay Assembly § Introduce Community	Quarterly (August, November, February, May)	Brgy. Council, PNP	Community residents	§ Informed the residents on the efforts and initiatives of the Barangay to address

policing; Community Action Plan and the WG § Present the functions, roles and responsibilities of BARC; members of the BARC Committee § Open Forum between the police and the farmers § Report on the problems encountered, issues and success of the WG in addressing land conflict				the issue on land conflict § Mobilized the community to take part in the efforts designed to reduce to reduce the occurrence of the problem.
Seminar on: § Comprehensive Agrarian Reform Laws and Program § Livelihood program of the Department of Agriculture (DA)	3rd week of August	MARO, PARO, DA	Landowners, tenants, police, Brgy. Council	Farmers are more aware of the agrarian laws as it affects their status as farmer beneficiaries and government programs assisting the farmers.
Interview on DXUP (community peace radio)	Once a month	DXUP staff	MARO, police, Brgy. Council, farmers	Shared the initiatives of the community through the community radio
Lakbay-Aral (Educational trips)	After the harvest season (November)	LGU, DAR-Maguindanao	Brgy. Officials, CWG, LGU	Exposed to other areas where new farming initiatives increased agricultural productivity.
Police Visibility				
Police with the Brgy. Public Safety Officers patrolling in the community	Twice a week	PNP and BPSO	PNP and BPSO	§ Community becomes more comfortable with law enforcers
Construction of police outpost in front of the barangay hall	First week of December	LGU, Civic Organizations, NGOs		Accessible law enforcers in the event their assistance is needed
Capability-building				
Training of the police and the Brgy. Public Safety Officers	3rd week of September	DILG, PNP	BPSO	More skilled and knowledgeable officers re their roles, responsibilities and functions as peace

				keepers.
Training of the BARC members	2nd week of October	DAR	BARC Members	Enhanced capacities of BARC to mediate or conciliate land disputes
Farmer's training on increasing agricultural productivity: high-yielding crops and animals	2nd week of September	DA	Farmers	Complementary livelihood opportunities for the farmers.
Mediation				
Settling of disputes by the BARC and the Brgy. Council	As the need arises	BARC, Brgy. Council	BARC, Brgy. Council	Settled land conflict cases at the barangay level sparing both parties high cost of litigation
Involvement of Vice-Mayor Abdullah Salik in settling land disputes	As the need arises	Vice-Mayor	Vice-Mayor, BARC, Brgy. Council	Unsettled cases at the barangay level are referred to the Vice-Mayor who is a respected personality from the barangay
Referral of cases to the MARO by the CWG, BARC/Monthly meetings with the MARO	Once a month	MARO, PARO	CWG, Brgy. Council, BARCs	Updated the municipal officers on the status of land disputes at the barangay
Networking				
Tap partners who can provide other livelihood opportunities	August 2004	Dept. of Agriculture, NGOs	Farmers	Farmers have an option to augment their income from the farm by accessing other livelihood options
Scholarship grants	April-May 2005	DAR, DepEd	Deserving children of farmers in the area.	Farmers are able to access scholarship assistance for their children from agencies/ organization

COMMUNITY ACTION PLAN
Barangay Tapayan,
Sultan Mastura Municipality
Province of Maguindanao

I. PROBLEM STATEMENT

"Presence of illegal drugs in Barangay Tapayan leads the young people, aging 16-30 years old, to use it resulting to problems on peace and order and loss of their moral values in the community."

II. PROBLEM ANALYSIS

The influx of illegal drugs in the form of shabu in Barangay Tapayan engaged young people, aged 16-30 years old, in drug use affecting the peace and order situation in the community and manifesting a gradual loss of their moral values.

Accordingly, an approximate of more than 300 young individuals ranging from 16 to 30 years old, live on the village. Out of this number, 60% are drug users and unemployed individuals. Limited access to employment opportunities, idleness, influence of friends involved in the activity and a common desire for satisfaction encouraged them to use drugs.

Drug users habitually conduct their session in the southern part of the Tapayan Elementary School between 5:00 o'clock in the afternoon to 8:00 o'clock in the evening. Different personalities are involved daily where groups of two to five persons enter the vicinity and begin the session. Users utilize the southern part of the school as the session area due to its advantageous characteristics like crowded houses and absence of electric facility. Hence, users could not be easily identified while entering the area due to darkness. Moreover, there are neither law enforcers nor Barangay Public Safety Officers (BPSO) patrolling and enforcing peace and order in the community.

On the other hand, selling of illegal drugs is an easy income for the pushers. Some of them come from the Municipality of Parang and the City of Cotabato. Consequently, this problem disrupted the peace and order in the community. Some of the residents are afraid of the new attitude of the youth who are now beginning to argue with their parents, others are involved in stealing properties of the residents.

The Barangay Council and residents hope to address this issue before it gets totally out of hand. In partnership with NDI, under its community policing project, Community Working Group is organized and are committed to formulate and implement the Community Action Plan.

III. OBJECTIVES

After 2-years of full implementation of activities, presence of/problems on illegal drugs will be reduced or better managed by the community by specifically adhering to the following:

1- Strengthen the capacity of the Community Working Groups (CWG), BPSO and the law enforcers to address problem on drug use through community policing.
2- Reinforce moral and Islamic values in the community.
3- Promote activities that will channel the energies of affected individuals to positive endeavors.

IV. PLAN OF ACTIVITIES

ACTIVITIES	TIME FRAME/ SCHEDULE	INVOLVE AGENCY/ PARTNERS	INVOLVE PERSON/ PARTICIPANTS	EXPECTED RESULTS/ OUTCOME
1) Strengthen the capacity of the Community Working Groups (CWG), BPSO and the law enforcers to address problem on drug use through community policing.				
1.1. Orientation of BPSO and CWG on community policing.	July 2004 (2nd week)	NAPOLCOM, DILG, LGU, Municipal Law enforcer and RMG	Brgy. Officials, BPSO, CWG and community	CWG, BPSO and law enforcers are convinced of community policing and committed to work together.
1.2. Construct police outpost and streetlights to the identified area where the problem takes place.	August 2004 (1st week)	MAGELCO, LGU, and local PNP.	Brgy. Officials, BPSO, WG, PTCA and community	Minimized drug use activities in the area
1.3. Lakbay-aral (field trip) to Zones of Peace	December 2004	Peace Advocates Organizations, LGU, and Municipal Law Enforcer/AFP.	Community, Barangay Officials and Working Group	Exposed CWG on peace-building efforts of communities identified as Zones of Peace.
2) Reinforce moral and Islamic values in the community.				
2.1. Conduct Islamic symposium.	September 2004 to September 2006 (Once a Month Activity)	MADARES and DARUL IFTA.	Religious Leaders, Ustadz, youth, Brgy. Council, CWG and community	Fortified the respect and practice of Islamic values.
2.2. Conduct orientation on the ill effects/health implications of drugs.	August 2004 (2nd week)	IPHO, MHU, RHU, and PDEA	PTCA, youth, Brgy. Officials, WG and community.	Raised awareness on effects of drugs on one's health and future.

3) Promote activities that will channel the energies of affected individuals to positive endeavors.				
3.1. Conduct skills training and livelihood program for the youth, the unemployed and individuals involved in drug use.	From 3rd week of July 2004 to July 2005.	TESDA, DSWD, DOST, DOLE, LGU and Donor Agency.	Youth, Brgy. Officials and selected residents.	Developed skills among the youth and residents which can aid them in accessing livelihood opportunities.
3.2. Construction of sports facilities.	October 2004	LGU and Donor Agencies	Brgy. Officials, Sangguniang Kabataan, CWG and community.	Young individuals engaged in sports. Sportsmanship promoted in the community.
3.3. Conduct sports festival.	(Twice a year) - Every month of May Brgy. Fiesta. - Every Mauliddun Nabi (Every Birth date of Prophet Mohammad S.A.W) "November"	LGU, and Donor Agencies	Brgy. Officials, Sangguniang Kabataan, CWG and community.	Sports festival conducted in the area where residents are encouraged to work together and young individuals are focused on friendly competition.
3.4. Construction of training center/multi-purpose building.	January 2005	LGU, DSWD, TESDA, DOST, and Donor Agency.	Brgy. Officials and community.	Training center/multi-purpose building is constructed as a permanent venue for training, seminars and symposium such as training on literacy.

Theory: Explaining Community Policing and its Elements

By: Mr. Ronald A. West

METHODOLOGY: participatory learning

OBJECTIVE: participant(s) can describe the core elements of community policing; understand the issues that related partnerships are designed to address; able to properly employ the SARA model and relevant problem-solving techniques and to facilitate community and police understandings of same; demonstrate creativity in outlining possible responses to existing local problems.

LENGTH OF LESSON: about (4) training days

NUMBER OF PARTICIPANTS: no more than (20) persons per training day

MATERIALS NEEDED: (02) flipchart stands with paper; masking tape; markers; pens & paper for participants; 5x6 cards or larger (at least 1 dozen per participant)

I. Introductions

A. Instructor objectives

After instructor introduces self to participants, s/he should state goals of the trainer.

Note: See Appendix X for handout to be provided to participant on specific knowledge and skills to be acquired during the course of the training.

B. Participants goals

Instructor to write down participant goals on paper and display them prominently in venue throughout duration of the training.

II. Foundations of community policing

Instructor, ask participants whether there are any questions about any of the materials covered so far in the training upon returning from major breaks – i.e. lunch – or upon starting the following day and after having reviewed the goals of training [review facilitator's guide and place this phrase throughout the manual]

A. About communities

Ask → "What do you think we mean by the term "community policing?"

List responses on whiteboard or flipchart paper

Say → It is impossible to define community policing without first making sure that we understand the term "community" and that we understand the function of police in a democracy.

Here is one way to define "community": a group of persons living in proximity within a geographic boundary or sharing a common interest or association. Some examples of the second type of community include the following: fisherfolk (trade/business); XX (minority ethnic); members of the armed forces and their families (professional).

Ask → What are the communities of which you are a part?

List on board

B. About police

Say → Police serve as public officials in a democracy. That means that they *are not supposed to* serve only wealthy people, elected officials, or others against the common interest.

"Common interest" refers to what is best for a society versus what is best for one or a few individuals. Another difference between police that are part of a democratic government and those that are part of other types of government such as dictatorships is that they must uphold the law at the same time that they are subject to the law. What this means is that all persons, whether police, or rich, or poor, or Christian or Muslim are *equal* under the law. The job of police is to fairly enforce that law.

Ask → Why does a community (or a society) need police?

Discuss → lead into following section

C. Historical background of policing

Say → Most societies or communities have a way of regulating the behavior of residents. This is true even of societies and communities that are not very advanced technologically.

The alternative to public police is private police, such as security, or the military or groups of citizens. Private police cannot be held accountable to citizens for their actions. The role of the military is to protect the nation from foreign attack. If there is no police force, then groups of citizens might take up the job of policing a community, but they risk being regarded as illegitimate enforcers by other members of the community. The community risks conflict between a group of citizens *acting* as police and a clan or group that does not recognize those citizens. It is fair to say that when private citizens try to do the job of police that there is more potential for conflict and for some members of the community to feel targetted for enforcement.

To avoid this conflict – and because it has frequently happened all over the world, even in the United States – it is necessary to designate a public agency to enforce laws. That is how many police forces came into being around the world.

If the first important change took place when police became public officers, then the second took place when police, government officials and citizens began to realize that traditional policing was not always working.

What was it failing in? Traditional policing was failing to provide either effective or efficient solutions to many common crime or disorder problems. This was particularly true in communities with large numbers of racial or ethnic minorities, who did not automatically hold all of the same views as their neighbors from majority ethnic groups. Traditional policing also lacked a mechanism for bringing everyone around one table to discuss *community values* and *how* they would be protected.

Group Exercise: Materials needed are flip chart paper, small, rolled pieces of tape, 5x6 cards and a marker

Set up flip chart paper with two columns marking "traditional policing" and "community policing" as the headings of each column respectively. On 5x6 cards note the following descriptions and hand out to participants. Ask participants to tape their card in the appropriate category. Participants allowed to adjust cards prior to correct answers being confirmed. Any participant making a mistake is asked to do a second card. →

Descriptions of traditional policing: reports to military; reactive; repress groups; commanders make all decisions; primary value is security; netfishing; authority comes from law; control criminal activity = reactive; highly centralized command; contact with citizens through enforcement; react from stations; internal accountability

Descriptions of community policing: intelligence driven; target individual suspects; reduce causes of crime; proactive or preventative; public inputs solicited; spearfishing; authority from law and public demand; de-centralized command; innovation; responses developed through direct citizen contact; internal and external accountability

Discuss → Looking at the two categories, do you think the PNP should be placed in either the traditional or community policing category? Why?

[Instructor - It is possible that a local station may reflect qualities of both at the same time. Hopefully that means PNP is moving in the direction of more community-oriented policing.]

D. About partnerships

Ask → Does anyone think they can define community policing now?

List on board definitions or words supplied by participants defining community policing.

Say → The formal definition of community policing is a formal partnership between police and citizens for the purpose of 1) reducing crime, 2) reducing fear of violence, 3) maintenance of order and 4) improvement of the quality of life in the community.

[HINT: if participants correctly identify some of the elements, circle and include in the written definition, which you supply on the board.]

Instructor also lists the four parts of the definition on board.

Say → As you can see, community policing is defined by its purpose. It must lead to one or more of the following changes indicated (*instructor, point to definition and the four purposes of community policing)*.

Community-oriented policing is a style of policing in which police authority is legitimated through both the law *and* citizen demand. When police respond, they are providing a public service not simply repressing anti-social or disorderly behavior by citizens.

The type of demand that we are concerned with is that based on values held commonly by members of the community.

Ask → What are the values of the community where you live?

Group Exercise: Materials needed are large plain pieces of paper; black markers; and masking tape

Divide participants into groups with no more than (5) persons per group. (If this is a mixed training with police, citizens and/or government officials in attendance, make sure that each group has a mixture of whoever is present.)

Provide groups with above materials.

Tell the participants that they have (15) minutes to draw their ideal community. There is to be no talking. No movement between groups. There are to be no words, letters or numbers used of any kind. Each person in the group must participate. At the conclusion of the exercise, one person from each group must make a presentation to the class describing what is represented in the drawing.

Instructor comments: the drawings represent the collective vision of your ideal community. The fact that the drawings of each of the different groups represent similar things – e.g. religious expression; development; good government; order; peace; etc… - means that many of us have similar values *even if we are not part of the same community*.

Ask → Do the police in the room hold these values as well? (*Instructor, ask for a show of hands here if police are present.)*

Say → Why, because they are police? No, because even if they don't live in your community, they may work there, which makes them part of your community. As we can see from how similar the drawings are in many instances, we all have similar, positive visions of an ideal community where we can live in peace with our families and friends.

[HINT: it is very important that the participants vocalize their understanding of this point as it is a cornerstone for constructing community policing relationships. You will find that while the quality of the drawings will differ, the values represented are nearly always the same no matter the affiliation of participants or where the training is being facilitated.]

E. Purpose of partnerships

Ask → Why do you think partnerships are important?

List responses on board

Say → There are a few very basic and good reasons why we should care about partnerships when we're considering changing the way policing happens in our communities.
[Instructor puts highlighted sections on board.]

These are:

1. Even though it is the job of police to fight crime and prevent disorder, it is the responsibility of each community member to contribute something to the effort.

2. The police by themselves do not have enough resources, either human or material, to win the fight against crime and disorder by themselves.

3. Partnerships provide a platform from which partners can mobilize the community for greater development.

4. Partnerships make it easier to communicate and to coordinate, which means greater efficiency (less duplication of effort; less time wasted; better understanding of strengths/weaknesses) and greater potential for effectiveness.

5. For the police in the room, partnerships will improve your capacity to gather good information about criminal or dangerous activities. Partnerships will also improve your capacity to respond strategically and to make long-term impact.

Say → The main idea that we all should be thinking about is that there is not one agency or organization that is capable of eliminating serious crime problems on its own – *even if the mandate of just a few organizations empowers them to address crime problems*. In order to eliminate serious peace and order problems in a community, all elements must work with the police to bring about a change.

This does NOT mean that the police are suddenly in charge. The partners share an equal responsibility. At no time should our local community policing arrangements violate basic democratic principles of government.

F. Building partnerships

Ask → What are the characteristics of good partnerships?

List responses on board

Illustration: *take two index cards, hold them up and ask participants to imagine that they are two pieces of board. Ask participants which is the strongest way to attach the two pieces using glue.*

The strongest bond for two pieces of wood being glued together would be to take the largest surface from one piece and lay it equally against the second piece. Any other way would not provide as strong a surface for attaching. So with partnerships – in order to form the strongest possible partnership with police, the community coalition must be broad-based and inclusive, representing a broad base of interests.
Ask participants to name a Philippine hardwood and a Philippine softwood. Ask if the hardwood is stronger or weaker when attached to the softwood.

Both pieces of wood are stronger when properly attached. Separately, even the hardwood is easier to break. However, when attached to the softwood both together are stronger. Even our weaker partners make us stronger when we work together.

Say → Confirm that these critical elements are part of your partnerships

Equality
Different/diverse areas of strength
Communication
Coordination/cooperation – moving in same direction

III. Problem-solving and community policing

Instructor reviews previous day's training by asking questions of participants. The attached KSA guide provides some of the fundamental themes that the participants should now be able to discuss comfortably.

Instructor reviews training course goals and participants' goals and progress made against those goals during the previous day's session. [about 1 hour for review of training and goals]

A. Introduction to problem-solving [about 30 minutes to III.A.-]

Say → There are some preliminary rules that are very important to establish before beginning to look at community problems. This is especially important to present to mixed groups of partners, who will bring their own values and attitudes into a problem-solving session.

The basic rules are as follows:

- Be creative
- There are no experts
- Each participant's opinion counts equally
- If you do not understand, ask

Also, it is important to be remind participants that community policing is:

- Linked to community values
- Will improve the quality of life in a community
- Is a partnership between the community and the police

B. Goals of problem-solving and relationships between problems

1.
Ask → Why do you think a problem-solving approach is necessary? Or, why should we care about problems anyways?

List responses on flip chart

Say → Let's talk about how to define what a problem is in order to answer those questions.

A problem: 1. happens more than one time; 2) causes damage or is capable of causing damage; 3) is something that one or more community groups demand a response to.

2.
Ask → What are some of the common relationships that might exist between two or more problems? Why is it important to ask that question?

Say → What are some of the important relationships that we will need to think about in looking at different examples or manifestations of the problem?

List any responses on flip chart.

Instructor to use example from local context. For example, there have been multiple murders in X city. The police have recovered a number of bodies. However, the police know very little else about the crimes and want help from the community in tackling the problem. from different parts of the city. and believe that the killer(s) [about 30 minutes for example and discussion]

The common relationships between different problem manifestations are:

Location (answered by raising question, "where" were the bodies recovered)
Impact on community (answered by raising question, "what" has the crime done to the community)
Suspect groups (answered by raising question, "who" are the groups that the suspects might come from)
Victim groups (answered by raising questions, "who" are the groups that the victims belong to)
Behavior (answered by raising question, "how" were the people killed)
Motivations (answered by raising question, "why" were the people killed)
Timing (answered by raising question, "when" during the day were people killed)
Evidence produced (answered by raising question, "what" was recovered by police in addition to the bodies)

[*The preceding section can be covered in much less time if the facilitator believes that participants would not have an opportunity to use such questions in working with police. It is a section that would be appropriate when police are part of the training and discussion*.]

3.
Ask → What are the possible/realistic goals that we should have in working on problems? [about 30 minutes for discussion with example]

Say → There are three general objectives of any problem-solving exercise. These are a) reducing the problem; b) eliminating the problem; and c) managing the problem better.

There are also several rules that go along with setting problem-solving exercise: a) partners must agree on the overall objective of any problem-solving exercise; b) partners must be realistic in determining the objective; c) partners may agree to delay setting the objective until understanding the prioritized problem better (after *analysis* stage of SARA, part xx); d) partners may have to consensus-build; step can be associated with prioritizing of the problem.

In real life, the only types of problems that lend themselves easily to complete elimination are those that are disorders, such as traffic problems.

HINT: If participants do not understand the differences between these objectives, consider using an example such as the "crocodile in the house".

Describe example prior to turning in

Instructor, ask participants whether there are any questions about any of the materials covered so far in the training [review facilitator's guide and place this phrase throughout the manual]

C. SARA Model – as problem steps

1.
Say → SARA stands for Scanning, Analysis; Response; and Assessment

List steps on flip chart

Say → Each SARA step must be open and participatory in nature while working in the community. It is not ideal if the police are directing this process unless community members agree that those principles are being respected.

2.
Say → Scanning = identification of problems

It is important that a partnership establish the means by which problems can be nominated for discussion as time goes on. However, for the time being, it is important to identify all of the problems that a particular community feels that it is having and to make decisions on how responses to problems should be prioritized.

Ask → How should problems be prioritized if there is more than one? (approximately 30 – 45 minutes depending on number of participants)

Instructor to use the prioritization of issues as a practical exercise for participants

Say → Some ways in which communities prioritize problems are based on the following standards: perceived urgency in addressing the problem; perceived benefit of resolving the problem; amount of resources available; amount of harm or fear created by a problem; degree of difficulty associated with a problem; degree of ease associated with solving a problem

Group Exercise: *Materials needed are large plain pieces of paper; black markers; 5x6 cards; and masking tape*

Instructor, in this exercise participants will be both identifying and prioritizing problems consistent with the first step of the SARA model, Scanning.

Go around the room and ask participants to note one problem for their community. (If the participants come from multiple communities, each community representative is allowed to voice one problem they consider a priority for their community. If the participants come from one community, make sure that the list does not exceed (6) community problems. Additionally, the list should include both serious types of criminal offenses – e.g. murder, rape, robbery – and less serious disorders such as traffic problems.

List problems on flip chart. Conduct voting for number one priority in rounds. Top total vote getter is winner. Given that participants will likely disagree as to which is the most important problem, write number of votes received next to each problem. A clear winner negates the need for subsequent steps. However, two or more problems receiving a close number of votes indicates lack of consensus in the room.

Note: This exercise may be adapted if the number of participants is larger than 15 by changing top priorities to 3 rather than 2 and adding extra rounds to build consensus around the priority problem.

Second round of voting, instructor asks participants to identify what their number two priority problem would be from the list. As with the first and subsequent rounds, write number of votes received next to each problem. Participants may not vote for the same problem as in the first round.

Total number of votes received during first and second rounds for each nominated problem. Problem(s) having received the least number of total votes is struck from the list and becomes the "least important problem" for the sample community. (Vote totals include all votes received as either a number one or number two priority problem.) Do not strike any problem(s) that draw enough votes to make them eligible for second or third place priorities. (In the attached example, the problems of assault and sex offenses would be stricken from eligibility in voting during subsequent rounds, whereas murder,

robbery and gangs all drew enough votes to remain in contention during subsequent rounds.) Allow community representatives to caucus on nominated problems and to offer a 3-minute presentation to the entire group of participants on why they believe their problem should be the priority for the entire group. Representatives of a problem should be the most committed from among group that nominated a particular problem.

Conduct round three of voting where participants again state their number one priority problem. Examine whether there is a clear winner – i.e. once again, not two problems having received a close number of votes, which would still indicate a lack of clear consensus in the room.

In round 4, top two vote-getters from round 3 face sudden death vote with loser becoming the number two priority problem of the sample community. If there are still three close priorities by the fourth round, other problems may be considered the sample community's least important priorities and may be struck for consideration at a later time. Repeat process of participants ranking problems as first and second priorities with top total vote getters going either to a final sudden death round or being the final top three problems from the list.

Instructor, winner of the prioritization exercise becomes the main problem example for class discussion.

3.
Say → Analysis is the study of a problem in order to better understand and respond to it.

Instructor, ask volunteer to draw a large tree on the flip chart.

Identify the three essential qualities related to any tree: roots; soil, sun and rain; branches and leaves. Without any of these three elements we would not have a healthy tree. Write "Roots", "Conditions" and "Effects" in the appropriate places near the problem tree.

Say → Problems are similar. Without root causes, supporting conditions and effects, we would not have a problem. Removing only part of the tree does not ensure that the tree will completely disappear and so too, responding to only part of a problem is little guarantee that the problem will eventually be resolved.

Group Exercise: Materials needed are large plain pieces of paper; black markers; and masking tape

Discuss → Instructor, using questions below as a guide, discuss with participants the root or underlying causes of the sample problem from Step 2, above; conditions supporting the problem; and effects of the problem on the community and society. List responses on flip chart paper under appropriate headings, "Roots", "Conditions", or "Effects".

Questions related to root causes:

1. Why does the problem occur?

HINT: in general, root causes are socio-economic conditions such as lack of education; poverty; joblessness; and other general issues that feed a variety of entrenched social problems resulting in crime and violence.

Questions related to conditions:

1. How does the problem occur?

2. When does the problem occur? Look at environmental conditions – i.e. presence of lighting during hours of darkness; other events distracting police from prevention work; etc...
3. Where does the problem occur? Look at environmental conditions – i.e. presence of lighting during hours of darkness; other events distracting police from prevention work; etc...
4. What is the presence or lack of government regulations related to some part of the problem?
5. What groups do the suspects or victims come from and is there any type of behavior associated with either that should be examined?

HINT: in general, conditions are more specific details that are usually only understand when a cross-section of the community is together with police discussing instances of crime, violence and disorder. For example, if drunkenness is a problem in a community, one condition may be related to the availability of alcohol and the time(s) of day when it is sold by vendors.

It is sometimes confusing to distinguish between causes and conditions. However, conditions are usually much easier to affect through better regulation or social control than causes that demand long-term and wide-spread interventions.

Questions related to effects:

1. What sorts of harm and damage is caused in the community by the problem?
2. What is the cost in terms of human and material resources associated with responding to the problem as it currently exists?
3. How does the problem affect one or more of the partners in the room or another segment of the local population? – e.g. vendors in marketplace being robbed after hours of their earnings.

HINT: participants often give vague or general responses to questions related to the effects of a particular crime, disorder, or manifestation of violence on the community. In order to get the kind of strong commitment that will be necessary in order to get results in resolving a problem, the *specific* effects and damages of a problem should be noted. *The instructor may also wish to note that analysis of a problem need not happen within a few hours and that in a real community problem-solving exercise, one or more partners may need to go and research information that will lead to richer analysis and therefore more realistic and relevant responses.*

4.
Say → Response is action taken by partners either preventatively or in reaction to the problem and its parts identified and discussed during previous phases.

While responses to the effects of the problem may be reactive, community policing emphasizes pro-active responses to problems. Reactive responses, especially by police, are associated with traditional policing.

So, while one step we may wish to take in responding to a problem could target, for example, suspects after they commit a crime, most of our efforts must focus on changing the behaviors and environments that fuel crime and disorder or allow such social ills to grow larger and more uncontrollable.

Before developing a list of responses we must determine what the goal of our responses will be.

Ask → What is the objective of trying to resolve the identified problem (from exercise, above)?

Instructor, participants must decide whether they want to reduce, manage better, or eliminate the previously identified and analyzed problem.

List objective at top of flip chart sheet.

Say → Action responses must correspond to previously identified roots, conditions and effects of the problem.

Make headings on flip chart sheet(s): 1) Roots; 2) Conditions; 3) Effects.

List participants' responses under appropriate headings.

5.

Say → Now that we have generated a list of possible actions to take on our problem, we should make sure that we have all of the partners that we will need in order to be successful.

Ask → Looking at the responses, can you name the partners that we will need in order to fully carry out each of the actions?

Who are the groups that need to be at our table in responding to this serious community problem?

List participants' suggestions on board

Say → Among others, the critical partners are agencies, organizations, or individuals, who have a mandate for addressing some part of the problem, or are impacted by the problem. Some of the most common types of important partners to consider at the beginning of creating community partnerships are as follows:

1. Line agencies of government having responsibility for some part of the problem – e.g. police;
2. Officials – e.g. mayor's office; barangay captains/chairs;
3. Impacted community members (victims)
4. Those with a high degree of moral authority

The list is by no means definitive and other partners could well be added to it later on.

Group Exercise: Materials needed are large plain pieces of paper; black markers; and masking tape

EXAMPLE 1 – Participants to name specific, possible partner individuals/organizations using the hypothetical situation. Lately, robberies of vendors have been taking place in the marketplace during closing hours. The police have ***not*** been provided with any information from confidential informants. Many vendors are fearful of being robbed; some have taken to arming themselves. There is no further information regarding suspects other than that they are armed with handguns and that they have beaten some of their victims.

Instructor writes participants' responses to example on flip chart. Some of the important groups are listed in the table, below.

Public services	Officials	Impacted community members	Moral leaders

1. police 2. hospital/clinic 3. utility company	1. mayor's office 2. regulating authority? 3. barangay captain - tanods	1. market vendors 2. creditors	1. village elders 2. religious leader(s)

Discuss →

1. Why is it important to include the utility company in the hypothetical situation of vendor robberies during closing hours?

2. Why might it be important to have a representative from the closest hospital or clinic working with the group?

3. Give at least three reasons for why it would be important to include the market vendors in the partnership that is trying to put a stop to on-going market robberies.

Notes for use with discussion

1. If the robberies are taking place when the vendors are closing their shops then it would be important to find out if lack of street lighting is providing concealment for the robbery suspects. If this is a problem, a representative from the utility company might be able to work with the group to find solutions to the lighting problem. In addition, having a representative of the mayor's office or other regulating authority at the table is important since the addition of lighting could impact the municipality's budget.

2. In the example, there is information that some of the vendors who were robbed were also beaten. If any of the victims went to an area hospital or clinic for treatment of wounds, that hospital or clinic would have medical records relating to the type of wounds inflicted and possibly tentative conclusions as to how the wounds were inflicted. By including a hospital or clinic (or several hospitals and clinics) as a partner, it might be possible to ask hospital or clinic staff how frequently the victims of beatings have been seeking treatment during recent weeks. The answer to such a query might reveal some important facts about both suspects and the people victimized.

Suspects: if the robberies were carried out using firearms, were the victims beaten with firearms or with some other object? (useful because this could increase police knowledge of what the suspects may have been carrying during the robberies).

Victims: were they locking up shops during the robberies?; counting out their money?; was there a customer in the store near closing that turned out to be part of a group of robbers?

3. Victims may be able to a) provide additional information about the conditions at the time of the robberies (environment); b) provide additional information about the *modus operandi* (method of operation or behavior) of the perpetrators; 3) will be advocates for action.

Say → What is important to bear in mind is that partners often hold information relating to different parts of the same puzzle. Putting those pieces together within the context of good partnerships is all part of successful community policing.

Remember, the point of having partners is that agencies, organizations and individuals cannot on their own direct enough resources (human and material) against most types of crimes and disorder. As you can see from the example of the market vendors, there is also not just one individual, agency or organization in possession of all the information necessary to effectively fight crime. You *need* each other in order to keep your communities safe.

The partnership is simply a mechanism for coordinated action. In the sample partnership, above, the police perform their functions, the hospital and staff perform their functions, and other persons/groups will perform their function.

Say → Let's spend a few minutes talking about the "nuts and bolts" of community-level partnerships. Sometimes, no matter how good the local partnership with police is functioning, it is important to build relationships with organizations or agencies from outside the community.

In terms of local experience, pilot testing of how best to locally institutionalize the process and the partnership has revealed that creation of core teams that report to the Municipal Peace and Order Council appear to be the most natural mode by which to structure partnerships.

While a core team is composed of a range of partners, it is possible that some partners would only be solicited for certain tasks. Specifically, the core team would likely be composed of police, elders, religious leaders, representatives from the local government unit, and other persons representing a cross-section of the community.

Other partners, such as the aforementioned utility company or a hospital might be partners in certain instances but not belong to a policy-making team that functions on an on-going basis. In the above example, for instance, the utility company might only be a partner when police investigation reveals that a factor in the increase of a municipality's robberies or cattle rustling is low lighting. The same utility company may not need to be at the table when the core team meets to discuss a recent spate of sexual assaults *provided that low lighting was not a factor in any of the incidents*.

How such a core team functions will likely differ by municipality.

6.

Starting up a partnership team

Say → There are several important questions to resolve before work can be done.

Ask → Who will facilitate the first meeting in your municipality?
→ Do you have the support of local authorities?
→ Is there already a group in the municipality that represents a broad cross-section of the community?

Action → Try to get participants to choose a facilitator for the first meetings from among the group in the room.
If this is not possible because participants would prefer this nomination to happen within the context of a larger municipal meeting, attempt to schedule the event on the soonest possible date.

The facilitator's responsibilities for the first meeting would include:

- Arranging meeting space
- Inviting potential partners

- Setting the agenda for discussion

At some point, a permanent facilitator must be chosen, or an agreed upon arrangement struck by working group partners so that there is no confusion as to whose role it is to properly facilitate on-going meetings.

Group Exercise: Materials needed are large plain pieces of paper; black markers; and masking tape

Instructor, if group decides to nominate a facilitator, ask for nominees and list on board.

If more than one person is nominated, ask for a show of hands. Person receiving the most votes is the temporary facilitator.

Everyone in room must agree to the process.

If more than two nominated, voting takes place in rounds. Participants decide on number of rounds. Suggested course of action is 3 – 5 candidates, top two vote-getters face off in second and final round.

If there are more than 5 candidates, move to top three vote-getters and hold two more rounds – i.e. second round eliminates last place candidate; third round pits other two candidates against each other.

A similar process would be useful with more participants. The number of rounds may be increased as necessary depending on the number of nominees and the closeness of votes.

7.

Say → Now that our sample community has a functional partnership established, it is important to discuss the following: a) how long is it going to take the various partners to carry out the responses listed previously?; b) how will the partners know that they are succeeding in resolving the problem?

Even though the assessment phase of SARA comes next, setting time and success criterium and indicators is an important part of the critical evaluation that follows our responses.

Discuss → *Instructor, ask participants (preferably the partner that will carry out a specific action) to give realistic estimates as to how long it will take to fully implement the response and the period of time during which the response will be carried out.*

Instructor, ask the participants to identify indicators for how partners will know they are succeeding along the way.

HINT: in general, indicators will be small results expected from each action that together lead participants to realizing their goal of resolving a problem

8.

Say → Assessment is both the setting of indicators in the previous stage and a realistic appraisal of the successes and failures of the actions take in response to the identified problem during an evaluation.

Therefore, work in this phase actually commences during the response phase as partners should seek to make progress against previously identified indicators. Monitoring of this progress through the partnership is important to completing our understanding of a problem's elements – roots, conditions and effects. It is

likely that some responses will not have the desired impact and it will be necessary to return to the original analysis to see if part of a problem was overlooked. Additional responses or changes to existing responses can be the positive results of a good assessment and increase the chance that a community will accomplish their objective of resolving a problem.

D. Practical Exercise (minimum 2 hours)

Instructor, divide participants into equal groups. If police are present, police should be evenly distributed across groups. If multiple communities are present, as evenly as possible mix participants within exercise groups. Under no circumstances should one group contain all women or all men (unless there are limited numbers of either), or all police. Allow group representatives to draw out of a hat for their problem assignment. (Problem assignments should be the other identified problems from the previous scanning exercise.)

Each group must do a complete run-through of the SARA Model and problem-solving steps.

END

Annex B

Templates, Formats and Instruments

Annex B-1

Sample Template for Documenting Consensus Points in the Meeting

Agreements	*Recommendations*	*Actions to be Taken*	*Point Person*
Clustering of Upi barangays for CP	§ Cluster barangay based on geographic location § 4-5 barangay per cluster	§ Cluster 1 – Brgys. Borongota, Nangi, Bayabas, Blensong, Ganassi § Cluster 2 – Brgy. Nuro, Darugao, Mirab, Kibleg Kibukay	Police chief and SB Committee Chair on Peace and Order
Organize teams for each CP cluster	§ All Brgy. Chairmen should be members of the CP teams § 2 police officers will be assigned in the cluster § Members of the cluster to include tri-people representative	§ Brgy. Chairmen to develop criteria for the selection of police officer; better if community is consulted § Select cluster team leader among the members	Cluster Team Leader
Strengthen MPOC capacity as CP implementer	§ Train MPOC members on needed skills, knowledge and values § Develop teamwork of the MPOC § Institutionalize MPOC activities	Activities to be conducted are: § Learning circles on CP – October 4, 11, 18, 2005 § SARA training - November 8-9, 2005 § Teambuilding Exercises – once a month § Training on ToP – 3rd week of November	CP Facilitator Cluster Team Leaders Police Chief

Annex B-2

Community-based Safety and Security Assessment Module

Developed by the National Democratic Institute for International Affairs
2004

Getting Started

Objective	At the end of the session, the participants would have been able to a. Know about the community policing project partnership between the Municipal Peace and Order Council (MPOC) and the communities b. Understand the role of the MPOC and the barangays in the preparation of the Integrated Area/Community Public Safety Plan (IA/CPSP) c. Appreciate the role of citizens in ensuring community safety and security in their barangays by discussing issues and strategies for safety; d. Get to know each other**;** e. Level-off on expectations and agree on group rules during the workshop
Methodology	Speeches, question-answer
Time requirement	30 minutes
Materials Needed	Presentation on community policing

Opening Program will proceed as follows (Emcee: MPOC/CP Facilitator)

- § Opening Prayer — Participant
- § Welcome Remarks — MPOC or Brgy Chairman
- § Introduction of Participants — Emcee or Brgy Chairman
  The participants can be introduced by barangay, sector or agency. Ask each for a cheer or yell.
- § Overview of the Activity/CP Presentation — CP Facilitator
- § Expectations Setting — MPOC

In the next two days, we will talk about the safety of our community. What can you share to make this workshop a success?

Sa susunod na dalawang araw, pag-uusapan ho natin ang tungkol sa kaligtasan ng ating komunidad. Ano ho ang maiambag/maitutulong natin para maging matagumpay ang workshop na ito?

Based on our sharing, some group rules have been pointed out. Would you like to add some more? For example –

1. Each of us has her/his personal views and we should respect that.
2. Be silent and listen when one is talking.
3. Keep the surroundings clean.

Mula ho sa mga sagot natin, may mga nabanggit na po na alituntunin o group rules. Mayroon ba ho bang dagdag?

Tulad halimbawa –

1. *Bawat isa sa atin ay may pananaw at ito ay dapat igalang*
2. *Manatiling tahimik at makinig habang may nagsasalita.*
3. *Panatilihing malinis ang ating kapaligiran*

Is there anything else you would like to add?
May dagdag pa ba tayo?

We are going to write the agreements for everyone to see and serve as our guide during the discussions. Thank you very much for your cooperation. Let us proceed to our main sessions.
Ang mga kasunduang ito ay isusulat para makita ng lahat at magiging gabay natin sa pag-uusap. Marami pong salamat sa inyong kooperasyon. Tutuloy na po tayo sa ating main sessions.

Before starting any of the following sessions, make the participants feel comfortable with you as the facilitator, with their co-participants, their surroundings and the process.

This can be done by clearly explaining the following:

1. What the workshop is for (citizens taking an active role in matters that affect their lives) and what will happen after the workshop

2. What the two-day event will take from them (most importantly, their views but also their time out of their daily routine)

3. What the two-day event will look like (scenario, process, management) including what the group rules are going to be (each one has a right to speak so respect views, one person at a time speaks, and silence while one is talking, everyone participates, maintain cleanliness, etc

4. Before starting the exercise, clearly explain to the participants the objectives of the activity

   - § Unfreezing Activity[1] (Kumusta Ka? Pakilala ang sarili using body language? Pumila ayon sa?)

[1] See Annex A for the songs

Public Safety Assessment Sessions

Session I. Story of My Community
(Kuwento ng Aking Barangay)

Topic	Historical background of the barangay with emphasis on peace
Objective	At the end of the session, the participants would have been able to rediscover the history of their communities particularly in relation to peace and how the good practices can be replicated in the present time
Methodology	Story-telling and Mapping
Time requirement	2 hours
Materials Needed	Pentel pens, manila papers and masking tapes

Activity 1: History of the Barangay

A. Process:

1. Ask a priming question: (Who are the oldest residents of this barangay? How many years have you been living in this barangay? Since what year?). The questions will instantly highlight the presence of the elders. Group the participants according to their barangays.

2. Tell the participants that in this session they will be rediscovering their communities through the memories of their elders including those of the younger generations. Ask each group to assign a facilitator, a reporter and a documenter.

3. Each group will answer the following questions and at the end of the sharing the reporter will present to the plenary the highlights of their discussion:

   - Can you recall a time/period/experience in the past that you felt very safe/safest in your community? How was it like then?
     Sa maalaala ninyo, anong panahon o karanasan mayroon kayo na syang nakapagbigay sa inyo ng pakiramdam na kayo ay ligtas? Maari ba ninyong ilahad kung ano ito noon?

   - What elements/factors present at that time which contributed to the safety of your community and to your personal feelings of safety and security?
     Ano ang nakatulong para maging ligtas ang inyong komunidad/ maging ligtas ang inyong pakiramdam nung panahon na yun?

   - What was the role of the elders, women, youth, police, barangay officials at that time?
     Ano papel na ginanmpanan ng mga matatanda, kababaihan, kabataan, pulis, at opisyales ng barangay noong panahon na yun?

B. Deepening

1. What did we do?
   Ano ang ginawa natin?

2. What did you like most in the activity? Is it relevant?
   Ano ang nagustuhan mo sa activity? Makabuluhan ba ito?

3. Ask the participants what among the good practices in the past can be replicated or relived by the citizens and what can they recommend to commence that practice.
   Tanungin ang mga kalahok kung anong mga magandang gawain na nakatulong sa pagpalaganap ng kapayapaan noon ang maaaring gawin uli ngayon at ano ang kanilang rekomendasyon para masimulan ito.

Template :	Template:
Summary statements on the community peace activities which can be replicated or relived?	Recommendations by category (session) to be presented to the MPOC

C. Closing

Thank the participants for their openness and active sharing.

Session II. Let Us Know the Law and our Rights
(Ating Alamin ang Batas at ang Ating mga Karapatan)

Topic	Familiarity with the Law/Basic Rights
Objectives	At the end of this session, participants will have been able to demonstrate the level of awareness/familiarity on basic rights and national laws and subjects like rights of IPs, children, women, basic rights during police action, environmental laws
Methodology	Quiz a la *Tama* o *Mali* (True or False Quiz)
Time Requirement	1 hour
Materials Needed:	Meta cards

A. Process:

1. The facilitator will ask or show a picture or card that contains a statement about rights or laws (criminal justice, laws on the environment and of indigenous peoples, rights of women and children).
2. Audience will fall in line either in front of a " *TAMA*" (True) signage or "*MALI*" (False) based on what he/she thinks is the right answer.
3. The facilitator and the documenter will take note of the number persons in every line to determine the level of awareness of local residents on the given subject. If getting the number is difficult, just get a sense of which line had more people in it

B. Group discussion

Facilitator will process the given questions after the suggested *Tama* or *Mali* quiz game. Based on the result of the game (as shown in the tally sheet) or after each question[2], ask one view for each line and share what the law states.

The group will say their general observations on the following:

1. What part of the activity did you enjoy?
   Ano hong bahagi ng activity natin kanina ang inyong nagustuhan?

2. Is it important for us to be familiar with our laws?
   Mahalaga ho bang malaman natin ang ating mga batas?

3. If yes, what can they suggest so that citizens get informed? Who will they want to partner with and when will these activities take place? Prioritize conduct of the education sessions according to what the participants need to know first.

The summary statements shall be written on the Summary template while the recommendations will form part of the Action plan. Always get the group to confirm both.

[2] See Annex B for the set of questions.

Template :	Template:
Summary statements on the level of familiarity with each law/right discussed	Recommendations by category (session) to be presented to the MPOC

C. Closing

End the activity by highlighting the major findings and recommendations in this session. Thank everyone for participating.

Session III. Resource Mapping
(Ang Aming Kayamanan)

Topic	Community resources
Objective	At the end of the session, the participants would have been able to describe the resources found in their communities
Methodology	Resource Mapping
Time requirement	1.5 hour
Materials Needed	Canvas cloth, oil pastel color or crayons, pentel pens, bond papers, and masking tapes, basic information on the barangay

A. Processing

1. Ask a priming question: (ex. I am your new friend and I am interested to know what your community looks like; or the facilitator will make a sketch of the barangay as s/he asks the participants questions like I am going to visit your barangay but I don't know where it is so tell me how to get there and I will draw it so I will not forget) – this encourages group discussions and primes participants to the mapping exercise or for indigenous people, the question can be asked in a way that is sensitive to how they give directions.

   Now let us all try to draw the map of our barangays.

4. Ask the participants to draw a map of their own barangays on the bond paper. Think of your barangay in relation to a certain common landmark among the barangays participating in the workshop. Begin by drawing the boundaries among the sitios and the major road networks of the barangay.

5. Distribute the canvas cloth and pastel colors or crayons to each group and ask them to transfer their drawing on the cloth.

6. Then ask the group to locate in the map the sitios and the natural resources (e.g. rivers, forests, ricefields, cornfields).

7. Having identified the sitios and the locations of the natural resources in the community, ask the participants to locate significant landmarks e.g. schools, market, stores, police stations, terminals, barangay hall, health center, day care center, bridges, military (army/CAFGU/CVO) detachments, churches.

   Ask them to draw 5 huts in areas most populated and 2 huts in areas least populated.

   After completing all the maps, post all the maps according to how the barangays are located to each other and ask the group to provide the needed information written in the matrix:

Pre-written for validation

Name of Barangay	
Population	
Major tribes	

Dialect/s spoken	
Main source of livelihood	
Civic organizations present	
Law enforcement forces present	

B. Deepening:

4. What did we do?
   Ano ang ginawa natin?

5. What did you like most in the activity? Is it relevant?
   Ano ang nagustuhan sa ginawang activity? Makabuluhan ba ito?

6. Ask the elders what is their vivid memory of their barangay when they first came? What did you recall while drawing the maps of your barangay?
   Tanungin ang mga matatanda kung ano ang hindi nla makakalimutang alaala ng kanilang barangay ng una silang dumating dito? Ano ang mga naalala ninyo habang ginagawa ang mapa ng barangay?

7. Is this how your barangay looked like a year ago? 5 years ago? 10 years ago? Have there been changes? What are these and when did these happen?
   Ito ba ang itsura ng inyong barangay noong nakaraang taon? 5 taon na ang nakararaan? 10 taon ang nakararaan? May mga pagbabago ba? Ano angmga ito at kailan ito nangyari?

Ensure that the documenter plots the answers on the provided template which everybody can see. At the end of the session, facilitator highlights the discussions written on the template.

C. Closing

Thank everyone for his or her participation. Cite the importance of knowing where we are now to know what we can do to make our places better and safer.

Session IV. Safety and Security Concerns of the Community
(Usaping Kapayapaan ng Barangay)

Topic	Community Safety and Security
Objectives	At the end of this session, participants will have been able to share their views on the peace and order/community safety and security/personal security and conflicts in their barangay
Methodology	Focused Group Discussion/Historical Transect
Time Requirement	2 hours
Materials Needed:	Templates written in manila papers, pentel pens, masking tapes, cut-out symbols from cartolina, list of pre-identified public safety issues

A. Process:

1. Ask participants from the same barangay to gather together again. Distribute colored papers shaped into different symbols.

2. Ask a priming question: What is the first thing that comes to your mind when we say safety? *(Kapag sinabing kaligtasan, ano ho ang una nating naiisip?)* Let's look at the maps again. Would you say your barangay is more peaceful now? *(Masasabi ho ba ninyong mas ligtas na ang inyong barangay ngayon?)*

3. Get a show of hands and ask the following questions: Do you think people in your barangay feel safe walking alone in the day? After dark? Why do you say so? *(Sa tingin ho ba ninyo ang mga tao sa barangay ay nakakaramdam na sila ay ligtas habang naglalakad/nag-iikot sa umaga? Sa gabi?*

4. Ask the participants to identify what in their barangays affects their feelings of safety. (You can show a menu[3] of problems to give them more ideas on public safety issues).

    a. How serious are these problems? *(Gaano kalala ang problemang ito?)* How much of the population is affected? *(Gaano karaming populasyon ang apektado?)* What has been the effect of these problems on the population (physical: injury? Deaths? Social: loss of trust? etc) *(Ano ang naging epekto ng ganitong problema sa populasyon ?kamatayan? Pagkawala ng takot?)*
    b. Among these problems, which three do you think require immediate attention? *(Sa mga problemang ito, ano ang tatlong pangunahing isyu na nangangailangan ng agarang atensyon?* Use the above questions as basis for prioritizing the problems.

5. Following the identification of the top three issues, subject this to problem-solving using the SARA model. Proceed with the probing questions and use questions written on the matrix.
    a. For this problem, who are the usual victims? *(Sa ganitong problema, sino ang kadalasang biktima?)* Who are usually suspected to commit these problems (not names but types of characters)? *(Sino ang kadalasang suspek sa ganitong problema – hindi pangalan ng tao kundi klase ng karakter ng tao)* To whom do we usually ask for assistance when confronted with this issue? *(Kay sino tayo kadalasang humihingi ng tulong kung may ganitong problema?)*

[3] See Annex C for the menu of problems

b. Where does this problem usually take place? *(Saan kadalasang nangyayari ang problemang ito?)*
c. How does this problem occur? *(Paano nangyayari ang problemang ito?)*
d. How often does this problem occur? *(Gaano kadalas mangyari ang problemang ito?)*
e. Why does it happen? *(Bakit ito nangyayari?)*

6. Now that we have analyzed the problems, let us proceed to action planning. Using the suggested matrix subject the top 3 issues to immediate and doable action in the period of one year. Questions include:

   a. If you can have your way with the community safety and security issue, what do you wish to do with it? (This can become your objective for the problem)
   Kung mayroon kang kakanyahan para lutasin ang problema, ano ang gusto mong gawin? (Ang kasagutan ay pwedeng buuhin na layunin na tugon sa problemang ito)

   b. Picture your community a year from now. What changes in your community and in the people do you see when this issue is addressed? (The answers can be formulated as the expected output which will help you track the achievement of your objectives)
   Ilarawan ang iyong barangay isang taon mula ngayon. Anong mga pagbabago sa barangay at sa mga tao ang nakikita mo mula ng tuunan ng pansin ang problema? (Ang mga kasagutan ay maaaring buuhin na" expected output" na siyang makakatulong upang i-monitor ang pagkamit ng iyong layunin)

   c. What proofs can you present to indicate that indeed such changes are taking place?
   Anong ebidensya ang iyong matukoy upang malaman na ang mga pagbabago ay sadyang nangyari?

   d. What activities can be done to address the problem and help achieve the objective?
   Anu-ano ang maaari gawin para matugunan ang problema at maisakatuparan ang layunin?

   e. What is the timeframe for each activity?
   Kailan dapat maisagawa ang mga gawaing ito?

   f. Who are the potential partners (example organization, individual or government agency) that can help us achieve our objective?
   Sino ang maaaring magbigay ng tulong sa atin (halimbawa iba't ibang organisasyon, individual o ahensya ng gobyerno) para matupad ang layunin?

B. Deepening

Ask participants to reflect on their answers written on the template and answer the following questions:

a. What did we do?
Ano ang ginawa antin?

b. How did you find the activity? Is it useful or not? Why or why not?
Ano ang iyong masasabi sa bago lang na gawain? Makabuluhan ba ito o hindi? Bakit at bakit hindi?

c. What can you do to help the barangay promote activities for the community's safety?
Ano ang maitutulong sa barangay para maipalaganap ang gawaing pangkaligtasan?

C. Closing

Mention that no one knows the barangay better than the residents themselves. Appreciate the participation of everyone and you can end this session by singing the closing song/ or any peace song familiar to the participants or *Magagawa Natin.*

Session V: Journey to Peace *(Lakbay Kapayapaan)*

Topic	Community Peace Commitment-building
Objectives	At the end of this session, participants in the barangay will have been able to agree on their vision of peaceful community and ways of getting there
Methodology	Drawing plus creative presentation
Time Requirement	1 hour
Materials Needed:	sound system, canvass

A. Process:

1. Ask the participants to once again go back to their groupings according to barangay.
2. Ask them to look at their maps and then draw an image that signifies their vision of their community as a peaceful one write a word to describe the vision
3. Ask the participants to prepare for a creative presentation of their community.
4. Prepare a script for the commitment ceremony to mobilize people's energies towards the vision.
5. Consolidate their definitions of safety *(kaligtasan*) into one statement
6. Present all the summaries and recommendations once again.
7. Prepare for the closing/commitment ceremony. Be sure that community songs are ready.

Annex A (Suggested Opening Songs)

Kumusta Ka?

Kumusta Ka, Kunichiwa
Appa Kabar, Appa Kabar
Good day everyone!

Ituro ang paa, iindak ang isa
Umikot ka, umikot ka
Humanap ng iba

Magagawa Natin

Magagawa natin ang lahat ng bagay
Ang lahat ng bagay sa mundo
Isang bagay ay di magagawa
Di magagawang nag-iisa

Malulutas natin
Ang mga problema
Kung lahat tayo'y magkaisa
Ang suliranin dagling gagaan
At may bagong buhay
Ang sulirani'y dagling gagaan at may bagong buhay

Annex B

Topic: Let Us Know the Law and our Rights *(Ating Alamin ang Batas at ang Ating Karapatan)*

Activity: Tama o Mali Quiz

Statements/questions:

1. The traditional leaders of the indigenous peoples or the bangsamoro like the Datu or Timuay can mediate cases or community issues especially when the case is under the jurisdiction of the Barangay Justice. RA 7160 or Indigenous Peoples Rights Act agrees with this.
   Ang mga tradisyunal na mga lider ng mga katutubo o bangsamoro gaya ng mga Datu o Timuay ay maaaring mag-ayos ng mga kaso o gulo sa pamayanan lalo na pag ang kaso ay napapasailalim sa hurisdiksiyon ng Katarungang Pambarangay. Ang RA 7160 o Indigenous Peoples Rights Act ay sumasang-ayon din dito.

   Answer: **True -** Cases under the jurisdiction of the Barangay Justice System can be settled at the level of the traditional leaders before it can be elevated to the Barangay Lupong Tagapamayapa
   *Sagot: **Tama** – ang mga kasong sa ilalim ng jurisdiction ng katarungang pambarangay ay maaaring ayusin sa antas ng mga tradisyunal na mga lider bago pa man mai-angat sa Barangay Lupong Tagapamayapa.*

2. Wife beating or maltreatment of a husband to his wife is a domestic problem. If the wife files a case against her husband, the law enforcers can intervene.
   Ang pananakit o pag-maltrato ng lalaki sa kanyang asawa ay isang problemang pampamilya. Kapag ang babae ay nagsampa ng kaso laban sa kanyang asawa, ito ay pwedeng paki-alaman ng mga alagad ng batas.

   Answer: **True** – The wife can report her husband to the police because wife beating is a criminal act. This is a violationof the Domestic Violence Act.
   *Sagot: **Tama** – maaring i-report ng babae ang kanyang asawa sa pulis at mag-file ng kaso dahil ayon sa batas ang pananakit o pagmaltrato sa asawa ay isang criminal act. Ito ay labag sa Domestic Violence Act.*

3. As a general rule, a suspect can be apprehended by the law enforcers even without the warrant of arrest.
   As a general rule, ang isang suspek ay maaring hulihin ng mga alagad ng batas kahit na walang warrant of arrest.

   Answer: **False –** Law enforcers should have a warrant of arrest before apprehending the suspect. A suspect can be apprehended without a warrant of arrest if: 1) s/he is about to commit a crime, 2) s/he is in the process of committing a crime or has just consummated a crime, 3) if a person to be arrested is an escapee.
   *Sagot: **Mali** – ang alagad ng batas ay kailangang kukuha muna ng warrant of arrest bago hulihin ang isang Suspek sa isang krimen. Maari lamang hulihin ang isang tao na walang warrant of arrest ; 1.) ang isang tao ay akmang gagawa ng isang krimen, 2.) kapag ang isang tao ay aktong gumagawa ng krimen o katatapos lamang gumawa ng krimen at ang humuhuli ay may personal na knowledge sa krimen, 3.) ang aarestuhing tao ay isang takas sa bilangguan o escapee.*
   Note: Civilians can apprehend suspects under the three conditions.

Note: kahit sibilyan ay pwedeng maghuli sa ilalim ng tatlong sitwasyon na ito.

4. The following are children's rights: to live peacefully, to obtain good education, to have adequate food and a healthy and active body.
   Ang mga sumusunod ay karapatan ng mga bata: mamuhay ng mapayapa, makapag-aral, magkaroon ng maayos/mabuting kalusugan.

   Answer: **True**
   Sagot: Tama

5. Law enforcers can enter and conduct a search to one's dwelling anytime of the day if there's a probable cause such as being suspect to a crime or involved in illegal activities.
   Ang ating pamamahay ay maaring pasukin o halughugin ng mga alagad ng batas ano mang oras o araw kapag tayo ay pinaghihinalaan na may ginagawang labag sa batas.

   Answer: **False –** law enforcers can only search our dwelling if there is a search warrant. However, they may effect search without a search warrantif you waived your rights against unreasonable search – meaning you gave them your consent.
   Sagot: mali – ang ating pamamahay ay maari lamang pasukin o halughugin ng mga alagad ng batas kapag may search warrant. Maaari lamang pasukin ang ating bahay kahit walang search warrant kapag nag "waive" tayo ng ating karapatan against unreasonable search – ibig sabihin pinahintulutan natin pasukin ang ating bahay with consent.

6. Children in conflict with the law should be detained immediately.
   Ang mga batang napatunayang nagkasala sa batas ay dapat ilalagay agad sa bilanguan.

   Answer: **False** – Children below 18 years of age proven to be guilty of a crime should be put in the custody of DSWD or any accredited children's rehabilitation center.
   Sagot: Mali – ang mga batang hindi pa umabot sa edad na 18 taong gulang at napatunayang nagkasala (ibig sabihin convicted of a crime) ay ilagay muna sa isang children's rehabilitation center or i-custody muna ng DSWD.

7. These are women's rights: participate in political activities like elections, in organizations at the barangay, own a land and properties, opportunity to work.
   Ang mga sumusunod ay karapatan ng kababaihan: sumali sa mga pulitikal ng gawain ng komunidad gaya ng pagsali sa eleksiyono sumali sa mga organisasyon sa barangay, magmay-ari ng lupa at iba pang mga ari-arian, magkaroon ng sariling trabaho.

   Answer: **True**
   Sagot: Tama

8. A logging Company was given a DENR permit for logging operations in a certain area, for example in an LGU. This company can now cut trees even in even in a declared watershed area.
   Ang isang Logging Company ay nabigyan ng DENR ng permit na mag-operate ng logging sa isang lugar halimbawa sa isang munisipyo, kaya maari na siyang mamutol ng kahoy kahit sa loob ng isang declared watershed area ng lugar na iyon.

   Answer: **False** – Cutting of tress in a declared watershed area is prohibited.
   Sagot: Mali – hindi pwedeng mamumutol ng kahoy sa loob ng isang declared watershed area.

Annex C

Topic: Safety and Security of Our Community

Example of threats to safety.

Natural disasters -Flood -Earthquake -Volcanic eruptions -Tidal wave/tsunami -Landslide -Drought -Deforestation - - - - -	Industrial/technological -Water pollution -Air pollution -Noise pollution -Spillage -Explosions -Fire - - - - - -
Crime -Robbery -Auto theft -Highway robbery -Murder -Homicide -Drug-related -Rape and sexual assault -Arson -Destruction of property -Child abuse -Sea Piracy -Terrorism -Rebellion -Cattle rustling - - - -	Non-crime -Land conflict -Child labor -Family conflict -Discrimination against indigenous peoples -Homelessness -Epidemics -Unsanitary surroundings -Excessive Drinking -Drug addiction -Poor garbage disposal - - - - - - -

Session 4 Template

Brgy: _____ CP Facilitator:_____

	Assessment of Top 3 Problems/Issues		
	1	**2**	**3**
Priority Problems *Ano ang nakikitang problema?*			
Who are the victims? *Sino ang kadalasang biktima/naaapektuhan?*			
Who are the suspects? *Sino ang kadalasang pinaghihinalaan?* ***(This question is applicable to crimes)***			
Partner/s in Addressing the Problem? *Sino ang kadalasang nilalapitan (tao o organisasyon) para hingian ng tulong?*			
Where does the problem takes place? *Saan kadalasang nangyayari?*			
How does the problem occur? *Paano nangyayari?*			

When did it happen? How often does it happen? *Kailan nangyayari ito? Gaano kadalas mangyari?*			
Why does it happen? *Bakit ito nangyayari?*			

Brgy: _____ CP Facilitator:_____

ACTION PLAN					
Top 3 Identified Problems *Problema ng kaligtasan ng pamayanan*	**Objectives** *Kung mayroon kang kakanyahan para lutasin ang problema, ano ang gusto mong gawin*	**Expected Output** *Ilarawan ang iyong barangay isang taon mula ngayon. Anong mga pagbabago sa barangay at sa mga tao ang nakikita mo mula ng tuunan ng pansin ang problema?*	**Indicators** *Anong ebidensya ang iyong matukoy upang malaman na ang mga pagbabago ay sadyang nangyari?*	**Activities/Projects** *Anu-ano ang maaari gawin para matugunan ang problema at maisakatuparan ang layunin?*	**Partners** *Sino ang maaaring magbigay ng tulong sa atin (halimbawa iba't ibang organisasyon, individual o ahensya ng gobyerno) para matupad ang layunin?*

Annex B-4

HOW TO FORMULATE THE IA/CPSP?

The Model Integrated Area/Community Public Safety Plan (IA/CPSP) Handbook of NAPOLCOM details how to develop the local government unit's IA/CPSP. The formulation of this plan is heavily linked to the results of the community safety and security assessment workshop.

Below is the suggested outline or format of the IA/CPSP based on the NAPOLCOM Handbook, actual field experiences of NDI and additional topics considered relevant and applied by NDI into practice (i.e. results-based planning).

IA/CPSP has 6 important sections. This covers the vision, philosophy, goals, assessment of community safety and security issues in the locality, identification of the major community safety and security issues and a matrix called Form A by NAPOLCOM containing the results-based plan addressing the major problems. Each section will guide you on what part of the assessment module can you extract the information or how you will formulate it.

Proposed IA/CPSP Outline

I. *Vision* – is a mental image of what the locality intends to attain in terms of public safety. (*Link this to Session 5 of the Community-based Safety and Security module – Journey to Peace*)

Example: In the Name of Allah, the most gracious and most merciful, We, the constituents of the Municipality of Barira, Province of Maguindanao, envision a self-supporting and self-reliant communities to live peacefully, safe and best secured municipality where residents promote conservation of the environment, sharing a culture of peace and promoting social justice. *(Barira, Maguindanao 2005 IA/CPSP)*

II. *Philosophy* – is essentially a statement of core values and beliefs that directs individuals or groups in their attempt to achieve a purpose; it explains why things are carried out in the way that they are; and it serves as a directive to the way a purpose is achieved. (*Link is in Session 1 of the Module – Story of My Community*)

Example: In promoting public safety, we shall adhere to the values of: transparency, accountability, tri-people participatory approach, people empowerment and strong belief to the Divine Providence. *(Upi, Maguindanao 2005 IA/CPSP)*

III. *Goals* – A statement of broad direction, general purpose or intent. A goal is general and timeless and is not concerned with a particular achievement within a specific time period.

Results – are consequences of actions taken; an effective formulation of a result statement shows the change you want to see. Usually describes a completed or accomplished "change" or situation usually in terms of conditions, structures and behaviors; often stated in the past tense

Indicators – is a device against which a performance is measured; an evidence that a change actually happened or is happening.

Example: (Sultan Mastura, Maguindanao 2005 IA/CPSP)

Goal: To sustain environmental management and protection.

Target result: Illegal fishing activities (unlawful and unsafe acts) within the area minimized.

Indicators: 1) Evidence (both anecdotal or qualitative) of fisherfolks who have converted to legal fishing
2) Number of illegal fishers apprehended in year 2005 compared to 2004 or previous years.

IV. *Assessment of Community Safety and security in the Locality* – is the comprehensive assessment of the community safety and security situation of the local government unit. The results of Community-based Safety and Security Assessment using the module developed by NDI for the assessment can form part of this section. A narrative highlighting the results of the 5 sessions can be included here.

V. *Resources and Constraints* – looks at the inherent and present resources within the community which can be tapped to creatively address the community's problem. Constraints on the other hand refers to the challenges that could delay, block the efforts to put an end to the occurrence of a problem. (*Link is in Session I, II and III of the Module)*

VI. *IA/CPSP Program, Project, Activity Matrix Format (FORM A)* – is a matrix containing the action plan for all the major community safety and security issues. There is a required format from NAPOLCOM. NDI suggests the format below; enhancing the current format where results-based planning is integrated and allows the document to be a monitoring instrument at the same time.

FORM "A" – MASTER PLAN

Community Safety and Security Issues	Objectives	Expected output	Performance Indicators	Programs/Projects/ Activities	Strategies	Time Frame		Linkages	Status of Implementation
		Quantitative/ descriptive				Date started	Date completed	Lead agency and Supporting organizations/ agencies	
Murder	Prevent commission of murders in the area of responsibility	Reduction in the number of murder case in the AOR	§ Number of murder cases in 2004 compared to 2003 § Anecdotal evidence that people feel more secure with respect to murder	§ Task force lansangan. § Balik baril program	1 patrol every 2 days	Jannuary 2005	On-going	Lead – PNP Supporting – Brgy. Tanods,RHU	

Source: NAPOLCOM, Model Integrated Area/Community Public Safety Plan (IA/CPSP) Handbook, November 2001.

REPORT ON THE ORGANIZATIONAL ASSESSMENT OF THE READINESS AND CAPACITY OF BARIRA, GUINDULUNGAN, AND UPI LOCAL PNP TO UNDERTAKE COMMUNITY POLICING

I. Background

A. Rationale

The National Democratic Institute for International Affairs (NDI) is currently assisting communities in Maguindanao Province to build and nurture partnerships with the local police that would ensure safety and security of their areas. In pursuing this, NDI recognizes that parallel purposive efforts need to be extended to the Philippine National Police (PNP) to facilitate establishment of community policing structure and system in the localities. Foremost among these efforts is to determine internal concerns of the Local PNP and improve on their capabilities.

This proposal responds to the need of the NDI to identify capacities and other critical factors that facilitate development and institutionalization of community policing in its pilot areas, namely, the municipalities of North Upi, Barira, and Guindulungan, Maguindanao Province, Autonomous Region in Muslim Mindanao. The task complements earlier focused group discussion activity conducted by the institute for and with the local PNP in ascertaining capacity needs and determining possible actions to respond to such requirements. The result of this assessment shall serve as one of the bases for firming up technical assistance to the police force as well as the community in pursuing and sustaining partnership that promotes and works for safety, security and well being of the populace in the area.

B. Objectives of the Study

This undertaking shall present information on local PNP's readiness in terms of capacities and police force's competencies in the three (3) municipalities and issues affecting development of community policing. It will also provide directions that NDI can take relative to building and enhancing capacities for effective and efficient delivery of policing functions as well as actions to address community policing institutionalization needs.

At the end of the assessment, the following shall have been accomplished:

1. Assessed the capacities and readiness of the local PNP unit to undertake Community Policing in the three pilot municipalities of Barira, Guindulungan, and North Upi;
2. Determined current efforts of the local PNP relative to community policing;
3. Identified the factors that hinder and facilitate the development and institutionalization of community policing in the project sites.

4. Recommended program strategies that NDI can undertake to build and enhance capacities of the local PNP in the pilot municipalities to engage in community policing for effective and efficient delivery of policing functions and to maintain security and order.

C. Assessment Framework

Readiness is referred to as the state of having necessary conditions that enable a group or sector to perform task and achieve target. In the case of the local PNP in Barira, Guindulungan, and UPI, it is having the necessary capacities – organizational and individual competence to engage in community policing. This does not only pertain to abilities to manage internal concerns, it also involves optimizing available opportunities and the rest of the external environment in pursuing expected and desired functions**.**

Set in this context, readiness assessment of the local PNP shall focus on organizational capacities and police force's competencies as well as their current initiatives in practicing and promoting community policing. Likewise, it includes how they deal with local/traditional/indigenous mechanisms and practices in conflict resolution/management, peacekeeping, and enforcement of law/rules. Furthermore, it will also look into other issues and factors external to the Local PNP but affect their capacity to pursue community policing.

A set of indicators was used to measure readiness. These are shown below.

READINESS ASSESSMENT DIMENSION	*INDICATORS*
1. Local PNP as an Organization	
1.1 Institutional Capacities	• Philosophy and Directions (Statement/understanding of police mission, role and functions/services) • Logistics and resources availability/capacity • Organizational structure and personnel • Leadership • Planning and performance measurement/Human Resource Development • Information management • Change management
1.2 Personnel Competencies	• Values/self-perception of role as police officer • Technical/legal knowledge and skills • Training needs
2. Community Policing Practices and Capacities (current efforts/initiatives)	• Mechanisms and strategies for community interfacing • Perceptions on community role in policing • Perceptions on Community Policing (strengths, and how difficulties are managed)
3. Processes	• Delivery of services • Problem solving • Partnering, collaboration

READINESS ASSESSMENT DIMENSION	*INDICATORS*
1. Others	• External support (Central agency, LGUs, private sector, etc.) • External relationships

II. Survey Analysis And Findings

A. Organizational Diagnosis

The simplest diagnosis would be to assess the amount of variance for each of the seven variables in relation to a score of 4, which is the neutral point. Scores above 4 would indicate a problem with organizational functioning. The closer the score is to 7 the more severe the problem would be. Scores below 4 indicate the lack of a problem, with a score of 1 indicating optimum functioning. (Please see Annex B for details)

The average scores of the responses to questions on the seven variables (Purposes, Structure, Leadership, Relationships, Rewards, Helpful Mechanisms, and Attitude Toward Change) of the three Local Police Stations range from 1.81 (Leadership) to 2.39 (Attitude Toward Change) with 'Leadership' nearest to 1 and 'Attitude Toward Change' nearest to 4. This means that there is no problem in the organizational functioning of the three Local Police Stations under study with respect to the Community Policing undertaking.

The results show that:

a) The Personnel of the three Local Police Stations under study are aware of the goals and purposes of Community Policing and what is it all about (Questions # 1, 8, 15, 22, and 29);
b) The work and activities on community policing are divided among the personnel of all three Local Police Stations. (Questions # 2, 9, 16, 23, and 30);
c) There is someone in the three Local Police Stations providing directions and keeps the other six variables in balance. (Questions # 3, 10, 17, 24, and 31);
d) The three local police stations adequately manage conflict among the personnel. (Questions # 4, 11, 18, 25, and 32);
e) The three Local Police Stations have incentives and adequate compensation for the needed tasks in Community Policing. (Questions # 5, 12, 19, 26, and 33)
f) The coordinating mechanisms and technology are existing and adequate in the three Local Police Stations. (Questions # 6, 13, 20, 27, and 34);
g) There is positive attitude toward change and readiness for change among the personnel in the three Local Police Stations. (Questions # 7, 14, 20, 28, and 35)

It should be noted though that when the respondents were interviewed and assisted in answering the 'Organizational Diagnosis Section', it was observed that almost all the personnel do not want to answer in the negative and choose to provide positive responses to all the questions even though it does not reflect what they really feel because they do not want to offend the "higher ups" or show their station in a bad light, specially since their name appears in the questionnaire. One

respondent even commented that he is afraid to answer negatively as he might lose his job as a policeman in the Municipality where he is now stationed.

Thus, most of the responses to all the questions are '1-Agree Strongly' or '2-Agree'. One or two in the Barira Police Station (BPS) and UPI Police Station (UPS) answered '6-Disagree' and '7- Disagree Strongly' in the questions that refer to the 'Reward System' and 'Attitude Towards Change'. In Guindulungan Police Station (GPS), the lowest answer is '4-Neutral' and only in Question #33 and only 1 of the 3 respondents answered this way.

Given this observation, it is safe to conclude that the three Local Police Stations under study might have some organizational problems in the area of 'Personnel Attitude Toward Change' and 'the Adequacy of Incentives and Reward System'. These two areas got the lowest average of 2.39 and 2.13, respectively which are nearer to '3-Agree slightly' (the lowest of the three positive responses).

B. Current Situation

1. Barira

a. Functions of Police Officers

As shown in the list of respondents (*see Annex 1 List of Respondents*) the 20 police officers that were interviewed for the study occupy different designations from Chief of Police down to the Beat Guard. With their specific designations, each performs specific tasks and functions.

Both the Chief of Police and the Deputy Chief of Police primarily perform supervisory functions. The Operations Non-Commission Officer serves the warrant of arrest, and he also sees to the conduct of "pulong-pulong" on public order and safety at least twice a week. The investigators primarily carry out investigations on cases reported at the police station; if there are none, they also go on patrol. Investigating on cases that involve women and children is carried out by the Women and Children Police Desk Officer.

Those in the alert team, along with the beat guards, do the daily rounds of patrolling and respond to reports of disorder. One beat guard secures the Municipal Hall compound area. The rifleman stays on guards at the police station.

Documentation of police activities, which include taking of photographs, is done by the Police-Community Relations Officer.

Their other functions include assisting their colleagues in the performance of police duties. The Supply Officer, for example, also involves himself in making arrests, in preparation of police clearance, and even in mediation of family feuds. The Finance Officer has also, at one time, prepared report for women victims of violence. The Administrative Clerk assists the barangays in making incident reports. One beat guard claimed he has taken part in

mediation between parties involved in land conflict, as well as in domestic rows.

Outside of official police duties, one investigator said he extends financial help to some residents asking for hospitalization and burial assistance. (*Please refer to B1 and B2, Barira Summary Data Tables*)

b. Trainings

Except for the Operations Non-Commission Officer, the 19 officers have attended two or more training activities dated way back in 1990. Majority of the training activities they have listed down however, were conducted from 2000 to 2005. These are as follows:

- Police Supervisory Course, conducted for 45 days in Camp Parang (1990 and 2000)
- Senior Leadership Course (1991, 2003)
- Criminal Investigation and Detention Course, a 6-month course conducted in Camp Parang, 2001
- Junior Leadership Course, 2002
- Human Rights, 2002
- Kilos Laya Laban sa Droga (2002 and 2003)
- Orientation on Child Trafficking, 2002
- Modified PNP Scout Training, 2002
- Sagip Batang Manggagawa, 2003
- COPS Orientation, 2003
- Gender Awareness, conducted by DILG and NAPOLCOM, through the assistance of UNICEF, 2003
- Women and Children Protection, 2003
- Women and Children Abuse, 2003
- Child Education and Development Awareness, 2003
- Five Pillars, August 2003
- Seminar-Workshop on Community Policing for LGUs, 2004
- Training on Administrative Report Preparation, January 2004
- Investigation of Crime Involving Women and Children, August 2004
- Fingerprinting, 2004
- Anti-Child Trafficking, November 2004
- Karapatang Pambabae, 2004
- Barangay Justice System, 2004
- Para-Legal Service System Training Workshop, November 2004
- Women and Children Investigation and Protection, 2005
- Community Policing, 2005
- Public Safety Planning, February 2005
- Workshop on Appreciative Inquiry, April 2005

The other trainings that the respondents could not remember when these were conducted are the following:

- Professionalization of Barangay Tanod
- SARA Model
- Supply Operation Control Training

- Outreach Program of PNP
- Public Safety Basic Course

Among the 19, nine (9) signified they have attended the Orientation on Community Policing.

c. Areas of Strengths and Weaknesses

The areas of strengths related to being police officers mentioned are:

- Investigative skills
- "Action agad" attitude
- Guidance and counseling skills
- Being respected as a police officer
- Feared as a policewoman
- Mediation capability using traditional method
- Able to organize the Joint Ulama/MPOC (JUMPOC)
- Having strong ties with the military command (can get military troops if necessary)
- Follows the orders from the Chief of Police
- Able to arrest criminals and instill discipline in the community
- Ably handles cases involving women and children
- Awarded as Most Outstanding Police of Barira in 2004
- Good at patrolling
- Good public servant
- Adept at making reports

They also take pride in their personal attributes and other skills:

- Has strong self-confidence
- Good at public relations
- Approachable
- Can talk with persons who are much older
- Humble
- Religious
- Industrious
- Good in typing

To further strengthen these areas, they recommend the following measures:

- Continuous training on investigation method
- Reference materials on investigation, criminal procedures, justice system, and case building
- Organizing support groups for mediation using the traditional method
- Activation of the Iranun Area Coordination Center
- Continuous promotion of smooth relation and coordination between the police and the civilians

The areas of weaknesses range from deficiencies in performance to lack of equipment:

- Leadership capability
- Deficiency in investigation because investigation kit is not available
- No formal training as investigator
- Knowledge in implementing laws
- Lack of knowledge in handling cases involving women and children
- Poor in speaking English
- Lacking in research skills
- Lack of communications equipment
- Computer illiteracy
- General feeling of inadequacy because of lack of schooling

The measures to remedy these weaknesses include:

- Advance Leadership Course
- Training on Investigation
- Provision of investigation kit
- Reading materials on police functions
- Training on the English language
- Reading/reference materials on English language
- Provision of communications equipment
- Provision of computer and training on the use of computer

d. Assessment of Satisfaction as a Police Officer and the Local Police Station where the Police Officer belongs

Sixteen (16) are very satisfied and three (3) are quite satisfied with their being police officers because they are able to serve their community by protecting and saving lives, as well as earning a stable income. One has no answer.

Overall, they are also satisfied with their local police station. Because of good teamwork, the municipality has achieved zero crime rate. They respect the decisions made by their superiors, who at times, consult everyone when a decision to be made is quite difficult. Although they fear for their safety, they have to perform their tasks, since they have fully accepted the fact that risk is part of their job. They believe that they have rendered excellent service since they were able to reduce the crime to rate to zero.

2. Guindulungan

a. Functions of Police Officers

The Municipality of Guindulungan was only created in 2003. It has a total of only nine (9) personnel in its Police station and two are on training and three (3) are detailed as security to the Municipal Mayor of the town. Of the nine, only four (4) personnel are in active duty and doing police work and three (3) of the four in active duty were able to be interviewed for this assessment. The Three are: the Chief of Police, the Admin/ Finance Officer and the Supply Officer. (*Please refer to Respondents by Designation by Gender in the Guindulungan Data Summary Tables*)

The four in active duty undertake all police work such as investigation, providing traffic assistance, direction and control, patrols, conducting "pulong-pulong ", and manning the highway checkpoint put up to identify and arrest drivers of over-speeding vehicles and public vehicles that are operating outside the line of operation of their franchise. The Chief of Police (COP) however, has an added function of mentoring members of the GPS on investigation and other police work. The COP has to undertake the mentoring of the police force under him because they lack experience of police work in a rural community like Guindulungan.

b. Trainings

All the 3 respondents have attended training aimed at improving the performance of their official functions (*B.3 Guindulungan Data Summary Tables*). Among the training courses that the 2 officers mentioned are the following:

- Training on Preparation of Public Safety plan
- Seminar-Workshop on Community Policing for LGUs
- Community-Based Policing Development Workshop for Partners
- Public Safety Basic Recruitment Course
- Investigation and Intelligence Seminar-Workshop
- Workshop on Appreciative Inquiry
- Orientation Seminar on Community Policing
- Lakbay-Aral on Community Policing in Tuguegarao

c. Areas of Strengths and Weaknesses

The following are the areas of strengths of the three officers interviewed:

- Mentoring Skills
- Ability to do administrative and finance work
- Determination and giving my best in work
- Good investigation skills

In order for them to sustain these strengths, they look forward to continuous opportunities that can enhance their current knowledge and skills, i.e., training programs. Among the trainings they have ticked off are on: Investigation Techniques, Leadership and Personnel Management, and Mentoring and coaching Skills Development.

On the other hand the following are the weak areas cited by the interviewees:

- Lack of computer skills
- Lack of skills in doing some police work like investigation (not being a criminology graduate)
- Community organizing and partnership-building skills

The recommended measures to lessen these weaknesses are:

- Training on Leadership
- Training on Partnering and Organizing
- Training on Modern Methods of Investigation
- Computer Training

d. Assessment of Satisfaction as a Police Officer and the Local Police Station where the Police Officer Belongs

One respondent is very satisfied and one (1) is quite satisfied with their being police officers. One did not answer. This satisfaction comes from their being able to serve the community, in seeing that their municipality has improved a lot in terms of peace and order, in knowing that they are rendering their services honestly and religiously, and in having a stable job that enables them to support their families.

They are also generally satisfied with their police station in terms of teamwork, decision-making, risk taking, and service excellence. Only one has no answer to this question..

3. Upi

a. Functions of Police Officers

The Roster of Personnel shows that the 22 respondents are distributed into 11 different designations, and therefore each one performs according to the mandated tasks and functions per particular designation. (*Please refer to Respondents by Designation by Gender in the Upi Data Summary Tables*)

Overall control and supervision of the local police station falls under the jurisdiction of the Chief of Police (or COP, as he is familiarly referred to). When the COP is out on official business, the Deputy Chief of Police acts as the Officer-in-Charge. (*Primary and other functions are presented under B.1 and B.2, Upi Summary Data Tables*)

The Operations Head of the Intelligence and Investigation Division, along with those who have been designated as Investigators, does all the investigation of all crime incidents. The female officer who has been designated as the Women and Children Concerns Desk (WCCD) does the investigation when the crime incidents involve harassment or rape against women and children.

The Administrative Clerk accomplishes all final reports concerning the overall monthly operations of the local police station, collating the reports coming from different departments. These reports pass thru the Operations Head for verification, and finally to the COP for final approval and endorsement to the next higher office.

While on 24-hour duty, the Station Guards-cum-Patrol Officers perform both patrolling and attending to complaints lodged at the police station. If the Investigating Officer happens to be out on emergency assignment, the

Station Guards may do the initial investigation and record the results in the police blotter. They are also on the alert for any calls through the police hotline.

Driving the police vehicle and attending to its mechanical and physical maintenance is the primary function of the service driver. He also patrols when there is no operation.

Other than their primary functions, the personnel also carry out secondary tasks, some of which are even outside their official call of duty.

The Chief of Police attends all social-civic activities of the municipality upon invitation. He is usually seen accompanying the local Chief Executive in some special occasions.

Other than performing supervisory functions when the COP is out on official business, the Deputy Chief of Police is also designated as the team leader of Task Force Lansangan. He also attends to administrative concerns like updating monthly Roster of Personnel.

According to the Warrant Officer interviewed, he, along with the other Station Guards on duty, go to the public elementary school in the mornings and led in the picking up of litters in the ground. Leading the pupils in maintaining the school grounds clean is part of the services they render to the municipality.

b. Trainings

Among the 22 respondents, only three (3) have never attended any training aimed at improving the performance of their official functions (*B.3 Upi Data Summary Tables*). Among the training courses that the 19 officers mentioned are the following:

- Officer's Basic Learning Course
- Leadership Course
- Junior Leadership Course
- Public Safety Officers' Candidate Course
- Seminar-Workshop on Community Policing for LGUs
- Community-Based Policing Development Workshop for Partners
- Police Refresher Course
- Civil Disturbance Management Course
- Bomb Technician and Investigation Course
- SARA Model
- Public Safety Basic Recruitment Course
- Police Science Basic Recruitment Course
- Barangay Assessment Seminar-Workshop
- Investigation and Intelligence Seminar-Workshop
- Traffic Management
- Detective Beat System Towards Enhancement of the PNP Investigation and Detective Management System

There are two (2) Station Guards who were able to attend a “Re-collect” course conducted at Camp Parang for 45 days, one was in 1995 and the other in 2002.

c. Areas of Strengths and Weaknesses

Almost all the officers gave only one area they consider to be their chief strong point. Four (4) among them own up to possessing good leadership skills, 3 with their good performance as police officers, 2 with their having cultivated good relationship with the community, another 2 take pride in not ever having condoned graft and corruption practices, and 2 others with their being always ready to be of help to those in need. (*Please refer to B.4, Upi Data Summary Tables*)

The rest of the police officers look at specific performance areas which is part of their chief functions (i.e., investigation, making monthly report, driving) as their strong points.

In order for them to sustain these strengths, they look forward to continuous opportunities that can enhance the current knowledge and skills, i.e., training programs. Among the trainings they have ticked off are on: Conflict Resolution and Management, Leadership and Personnel Management, Public Speaking, Enhancing Self-Confidence, and Community Organization. The officer who takes charge of the Women’s and Children Desk in particular mentioned more trainings on special laws and other legal measures concerning violence against women and children.

In addition, they would like to be provided with reference or reading materials particularly on community policing.

Other than the training programs and reference materials, they see the continued support of the local government unit, non-government organizations, and the community as moral booster. One definitely strives to perform better if the support from these groups is felt.

The officers who usually go out on assignment cited that an additional police car would make them more prompt in responding to calls for duty.

Eight (8) of the 22 police officers cited that their weak area is related to investigation: 6 have poor investigation skills, 1 lacks knowledge in the investigation process, and 1 lacks knowledge in the modern methods of investigation. To remedy this, they would want to undergo some training that would hone their investigation knowledge and skills.

The weak areas that the rest of the 12 respondents mentioned (since there were 3 who did not answer the question) were either on knowledge and skills, or on personal attribute. These include: inadequate knowledge in conflict resolution and in legalities concerning violence against women and children, poor typing skills, computer illiteracy, failure in making good reports, lack of self-confidence, and sympathizing with the offender that

somehow reduces objectivity. Continuous training and coaching from their superiors are recommended as measures to improve these inadequacies.

One police officer expressed his having fear of serving warrant to some "big" offenders. But he can very well do this when he is provided with "dependable back-up", either the religious leaders who come from the same ethnic tribe as the offender, or superior officers from the Armed Forces or the Marines.

d. Assessment of Satisfaction as a Police Officer and the Local Police Station where the Police Officer belongs

Majority of the respondents (15) are very satisfied and 6 are quite satisfied with their being police officers. One did not answer. This satisfaction comes from their being able to serve the community, in seeing that their municipality has improved a lot in terms of peace and order situation, in knowing that they are rendering their services honestly and religiously, and in having a stable job that enables them to support their families.

They are also generally satisfied with their police station in terms of teamwork, decision-making, risk taking, and service excellence. Not one answered dissatisfaction, although there were two who refused to answer the question as shown in the table below.

Level of Satisfaction	Teamwork	Decision-making	Risk Taking	Service Excellence
Very Satisfied	15	16	12	16
Quite Satisfied	6	5	8	4
Very Dissatisfied				
No Answer	1	1	2	2
TOTAL	**22**	**22**	**22**	**22**

Teamwork. Not only is there unity and cooperation, there is also open communication, and an atmosphere of camaraderie. Each one respects each other. When patrolling duty is over, those on duty find time to talk to each other. Before they go out on an assignment, everyone discusses what to do.

Misunderstanding occurs from time to time, but these are immediately resolved. There are also a few who are at odd with each other. There are also a few others who seem to do the job only for the pay and are not really committed to being police officers.

Decision-making. They are satisfied with decision-making because the process is consultative, and, as wont to, they follow the decisions of their superior officers. They also have confidence that their Chief of Police makes the right decisions, who, at times, also consult them if the decision made was the right one or not.

Risk Taking. They are well aware that they are risking their lives in the performance of their duties, but they do it because it is what they have

sworn out to do. What they do is get organized when they go on an operation, follow orders, trust in the leadership of their team leader, and feel secure in the belief that their colleagues are ready to support each other whatever may happen.

Service Excellence. The police officers perform their tasks and functions to the best of their abilities despite some lack of resources, immediately responding to the needs of the community in matters pertaining to peace and order. While one respondent said that even if they understand very well what their job entails, another said that there is still a need for the to feel motivated, as sometimes they seem unable to give their full support to the organization's plans.

C. Community Policing: Knowledge and Experience

1. Barira

a. Familiarity

There are 17 respondents who are familiar with community policing, 2 are not quite familiar, and 1 did not respond to the question.

To them, community policing is the coordination and cooperation between the police and the community in maintaining peace and order. They have learned about this largely from the orientation and seminars conducted by NDI. In order to get the cooperation of the community, community consultations should be conducted so that the people will know more about their role as partners in maintaining peace and public safety.

b. Trainings on Community Policing

As mentioned earlier under Section B. Current Situation (page 5), there are 9 officers who have attended the orientation on COPS. The Deputy Chief of Police has also joined the Lakbay Aral to COPS Sites (Tuguegarao, Cagayan).

Only one has attended the SARA Model (Scanning, Analysis, Response and Assessment) conducted in October 2004.

c. Ideas on Community Participation on Peacekeeping and Public Safety

Community participation is important since the community knows more about crime incidences occurring in their midst. The information comes from them. It is also important that community consultations are carried out since the residents can discuss about issues and concerns related to peacekeeping. This is also the avenue wherein the Barangay Chairmen can inform the people about their role in avoiding any form of conflict (i.e., "rido" or family feuds).

According to one respondent, even how much the police would want that peace and order plan be implemented in the municipality, this would not be totally made possible if there is cooperation from the people.

d. Support From Regional or Provincial Offices With Regard to Community Policing

There are 15 police officers who responded that they receive assistance from both the Regional and Provincial PNP Offices. These are logistics (5), technical (3), the police car (received through channels, according to 3 officers), moral (2), office equipment (1), and the training on community policing (1). Four (4) officers said there has never been any assistance received from either office, and one (1) has no answer.

If they were to receive any support that would make community policing work in Barira, 16 officers wrote down the following:

- Additional service vehicle (to enable them to respond immediately to calls for assistance)
- A resource center on community policing that will be provided with reading materials, office equipment (e.g., typewriter or computer once electricity will be installed in the municipality), and supplies
- A separate investigation room for women and children
- Communication equipment
- Additional firearms and ammunitions

e. External Support/Assistance (LGU, Traditional leaders, NGOs, NLAs, etc.)

According to 18 respondents, the police station regularly receives the monthly allocation for supplies and gasoline from the Municipal LGU, 1 appreciates the moral support given by the municipal officials, and 1 has no answer.

From the Barangay LGU, the barangay officials assist in:

- finding offenders and making them surrender to the police station (7)
- extending food and representation allowance (3)
- reporting cases to the police (2)
- mediation (2)
- police operation by lending vehicle should this be needed (1)
- giving them moral support (1)

Two said there is no assistance extended, while two others did not give any response.

The traditional leaders, on the other hand:

- mediate in cases, or participate in consultations how to settle family feuds (8)
- are the active partners in the Joint Ulama Municipal Peace and Order Council (3)
- also extend moral support (2)

One (1) said none, while six (6) others did not answer.

Only one (1) police officer mentioned about support (either food or gasoline) received from the business community.

They also receive support from the following:

- CVOs and CAFGUs who assist them during crime investigation (2)
- MILF leaders who help settle "rido" cases if the police are unable to settle these (2)
- Community in general, through its assistance in finding offenders and making them surrender to the police (4); and in giving them moral support (1)

There are five (5) respondents who cited the assistance from the media in finding offenders or making them surrender to the police, 9 said there is no assistance received from the media, and 6 did not give any response.

There are no support/assistance whatsoever from the NGOs (18) and from the academic institutions (19). The others did not indicate any answer.

f. Quality Police Services as Contained in the COPS Manual

Ranked as the top 10 COPS Quality Police Services are: Crime Investigation, Patrols, Arrest of Criminals/Offenders, Crime Prevention, Crime Suppression, Rescue, Home Visitations, Crime Intervention, Crime Deterrence, and Disaster Relief Operations (*for complete ranking of the 20 COPS Quality Police Services, please refer to C13.1 Barira Summary Data Tables*).

While crime intervention, crime deterrence, and crime suppression are among those ranked among the top 10, more than nine (9) respondents signified they have never performed these in the past four years.

Patrolling however, is most regularly performed according to 13 respondents. Next to this is the monitoring of compliance to environmental laws and ordinances (7 respondents).

Conducting consultations related to community policing with the informal or traditional leaders, which is ranked 13th, is performed at least once a week by nine (9) police officers.

2. Guindulungan

a. Familiarity With COPS

The police personnel interviewed were able to say something about community policing. All the Police personnel interviewed are one in saying that they learned about Community Oriented Policing and become knowledgeable about it only through the trainings/ seminars/ workshops on Community Policing conducted/organized/sponsored by NDI. The COP said that every time there is a command conference at the PNP Headquarters, Community Oriented Policing System Program is always mentioned as it is included in the PNP Mission but there is lack of details and explanation as to what it is all about. (Refer to *C.7 of Guindulungan Data Summary Tables*)

b. Trainings on Community Policing

The Chief of Police was the one able to attend trainings on Community Policing conducted/organized by NDI as the other two police officers interviewed were newly assigned to the Municipality and thus, were not able to attend NDI trainings on Community Policing conducted last year.

c. Ideas on Community Participation on Peacekeeping and Public Safety

Except for one respondent who did not give any answer (he was not able to finish the interview as he has to leave for Cotabato City) the 2 others see community participation as important and necessary to peacekeeping and public safety. According to them without community participation they could not carry out effective police work.

d. Support From Regional or Provincial Offices With Regard to Community Policing

Only one claimed that the Guindulungan Police Station receives assistance on Community Policing from PNP headquarters and only from the Provincial PNP. The assistance extended was the orientation on community policing conducted in November 2004.

The COP mentioned that the PNP RHQ and PQ should be well grounded on Community Policing and should have a program that supports the Community Oriented Policing System of each local police station (e.g. continuous education on Community Policing, Documentation of Best Practices on Community Policing, providing forum for regular exchange of experiences/ideas on Community Policing among Local Police Stations, etc..).

e. External Support/Assistance (LGU, Traditional leaders, NGOs, NLAs, etc.)

The two respondents who were able to finish the whole interview claim that they receive support or assistance from the elected municipal officials, elected barangay officials, traditional/religious leaders, and the community in general. There is no support from the academic institutions, Media, and

the business community for the reason that these entities are non-existent in the Municipality.

f. Quality Police Services as Contained in the COPS Manual

Ranked as the top 10 COPS quality police services are Crime Prevention, Crime Investigation, Crime Intervention, Traffic Assistance/Direction and Control, Mediation in Family Feuds, Crime Deterrence, Arrest of Criminals/ Offenders, Monitoring of Compliance to Environmental laws and Local Ordinances, Conducting Consultations on Community Policing with the Informal or Traditional Leaders, and Crime Suppression. (Refer to *C13 and C13.1of Guindulungan Data Summary Tables for details*).

It should be noted that Traffic Assistance/Direction and Control is ranked 4th in importance. This is so because of high incidence of road accidents in the Municipality caused by speeding vehicles. The town center is located along the highway linking South Cotabato to Cotabato City and there are a lot of public transport plying this route. Another notable thing is that 'Mediation in Family Feuds' ranked 5th , considering that this Police Service is not a standard Police Service.

3. Upi

a. Familiarity with COPS

Nineteen (19) personnel were able to say something about community policing, one (1) said he has no knowledge about it, one (1) indicated he cannot remember anything about it, and another one (1) has no answer at all. (*Shown in C.7Upi Data Summary Tables*)

Of the 19, nine (9) said it is a partnership or cooperation between the police and the community in working towards attaining peace in their locality. Although five (5) indicated that they are familiar with it but they did not elaborate further as to how community policing works. Four (4) gave various responses: one mentioned that he is familiar with it insofar as the SARA Model is concerned, the other said that it can be a useful tool for all the problems in the barangays, the third cited mobile security assistance, and the fourth looked at it as a way of learning better ways to approach the civilians.

Majority of these officers (17 out of 19) learned about community policing from the NDI through the series of orientation-consultation it conducted. Only two said they knew about COPS even before NDI came to their Municipality; one, from the directives their station has received from the higher command, and the other from one of his subjects in Criminology. The directives however, did not carry with it instructions nor directions as to its implementation.

b. Trainings on Community Policing

There are 15 police personnel who have attended different training activities that were conducted by NDI or by the PNP Regional Headquarter, five (5) have neither attended the orientation nor participated in any training activity, and two (2) did not give any answer.

The training activities that the 15 personnel have listed down range from the COPS orientation to specific seminar-workshops conducted by NDI. Each of the 15 either attended only the orientation, or was also able to participate in two or more training activities. Other than the COPS orientation, there are 13 other specific seminar-workshops they have participated in.

Thus, there are 6 who have attended the COPS orientation along with the SARA Model training and the Community-Based Policing Development Workshop for Partners.

The Chief of the Intelligence and Investigation Division has listed down a total of eight (8) training activities, among which is the Lakbay Aral to COPS sites in Luzon that was done on September 25-30, 2004.

There are four (among the 15) who indicated they have attended several training activities conducted by NDI but they cannot recall the titles and the dates.

The list of the training activities which one of the respondents furnished the project team presented the following:

- Workshop on Developing Performance Evaluation Tools for Public Safety and Community Policing, February 27-28, 2005 at the NDFCAI-WED Training Center, Notre Dame University, Cotabato City
- Lakbay Aral to COPS Sites (Tuguegarao, Bataan, and Olongapo) conducted in September 25-30, 2004
- Technology of Participation, September 16-17, 2004 at Upi Conference Hall
- Seminar-Workshop on Building Teams for Peace, August 24-26, 2004 at Upi Conference Hall
- Seminar for BARCs in Resolving Land Disputes under CARP, August 9-10, 2004, St. Joseph Retreat House, Datu Odin Sinsuat, Maguindanao
- Maguindanao Conference on Civilian Oversight: Leading the Way for Democratic Governance, July 30, 2004, Davao City
- Community-Based Policing Development Workshop for Partners, March 15-16, 2004 at Upi Conference Hall
- Seminar-Workshop on Community Policing for LGUs, January 28-29, 2004 in Davao City
- The BEST in People and Organization held on January 14-15, 2004 at NDI Conference Hall, Cotabato City

Both the COPS Orientation and the Seminar on Sara Model were without specific dates (*Please refer to C7Upi Data Summary Tables*).

c. Ideas on Community Participation on Peacekeeping and Public Safety

Except for two respondents who did not give any answer the 20 others see community participation as important and necessary to peacekeeping and public safety. Support from the community may come in the form of informing the police about social disorder, or the youth getting involved in sports development to avoid any involvement in drug abuse, or from the local legislative authorities who formulate resolutions on public safety.

One respondent in particular fears that when community support is absent police brutality may again happen. Because a police officer doing an investigation may have to exert pressure on the civilians just so he can get results.

d. Support From Regional or Provincial Offices With Regard to Community Policing

There are seven (7) who claimed that Upi Police Station receives assistance from the Regional PNP, and only five (5) did so for the Provincial PNP. Three (3) of them mentioned that the assistance extended was the orientation on community policing conducted in November 2004 (*C10 and C10.1 in the Upi Data Summary Tables*).

Most of those who did not give any answer mentioned that their police station only receives directives from these higher offices.

They expect though that with this community policing piloting program to be implemented in Upi, additional assistance may be sought. They need all the necessary logistics: additional personnel, at least one more vehicle, ammunition, and even office equipment and supplies.

It is worth noting that in mentioning the need to renovate their building, two officers specifically pointed out to having a separate investigation room for women and children.

They also expect that these higher offices will support them in availing of training opportunities to enable them to fully implement community policing in the municipality. This could be done through fund allocation or through actual conduct of capacity building activities.

e. External Support/Assistance (LGU, Traditional leaders, NGOs, NLAs, etc.)

A greater number of respondents (15 and above) claim that they receive support or assistance from the elected municipal officials, elected barangay officials, traditional/religious leaders, media, and the community in general. There is least support from the academic institutions and the business community. There are thee respondents who mentioned receiving

support/assistance from other sources. The results are shown in the table below.

Entity	Yes	No	No Answer	TOTAL
Elected Municipal Officials	19	2	1	22
Elected Barangay Officials	16	5	1	22
Traditional/Religious Leaders	16	5	1	22
Business Community	6	15	1	22
NGO	13	8	1	22
Academic Institutions	7	14	1	22
Media	16	4	1	22
Community in general	16	4	1	22
Others	3		19	22

The assistance coming from the elected municipal officials refer to the regular LGU allocation for supplies, gasoline, repair and maintenance of vehicle, and other support (e.g., food during operations, financial support during seminars). Two also cited the regular coordination between the Local Chief Executive and the Chief of Police (*C11.1 Upi Data Summary Tables*). They see these however as necessary in the implementation of community policing.

In the conduct of pulong-pulong on community policing it is the barangay officials who ensure that the pulong-pulong is carried out as scheduled, that the residents are informed about it and are actually gathered on the day set, and provide the venue and accommodation. They also monitor the operation of the Barangay Intelligence Network from which information on crime incidence emanate.

Resolving cases that are manageable at their level like family feuds, some land-related disputes, instances of estafa, theft of animals, and other "smaller" offenses are attended to by the traditional and/or religious leaders. These are the local chieftains among the Tedurays and the Imams among the different Muslim tribes. Those that they cannot resolve are endorsed either to the Mayor's Council or to the local police station.

This non-government organization referred to that provides technical and operational knowledge on community policing thru trainings and seminars is NDI.

There is a local radio station, DXUP, which closely coordinates with the local police station in informing the locality of events, happenings, crime incidences, and the like. It is also a partner in the local PNP advocacy on community policing.

Forum and symposium conducted by the local government or the police (e.g., drug awareness) are either held at the municipal gymnasium, or in some classrooms of the public elementary school or the local agricultural college.

The community is the primary source of information of any kind or manner of social disruption. Either these are personally reported to the local police station or the informants call the police hotline kept open 24 hours a day. There are also information sent thru the radio station.

Except for the Department of Environment and Natural Resources (DENR) and the Department of Land Reform (DLR), wherein there have been instances of collaboration in terms of monitoring of anti-illegal logging activities (with DENR), and land-related disputes (with DLR), there was not much support or assistance received from the other National Line Agencies included in the study.

As can be gleaned from the data summary table (*C12 Upi Data Summary Tables*) it is in the conduct of trainings and seminars wherein the police officers can recall there was ever some form of support received. These seminars were mostly on information drives to promote public safety and order (e.g., anti-drug from PDEA and MHO).

f. Performance of Quality Police Services as Contained in the COPS Manual

Ranked as the top 10 COPS Quality Police Services are Crime Prevention, Crime Investigation, Patrols, Arrest of Criminals/Offenders, Crime Intervention, Crime Suppression, Traffic Assistance/Direction and Control, Investigation of Specialized Cases, Crime Deterrence, and Guidance and Counseling (*C13 and C13.1Upi Data Summary Tables*). Conducting consultations on community policing with the informal or traditional leaders is ranked 11th, and conducting municipal-wide information and education campaign on community policing is ranked 13th.

Patrolling is performed regularly according to 17 respondents, followed by crime prevention (7). Among the 20 COPS quality police services, only the conduct of municipal-wide information and education campaign is not done regularly. At most, this is done at least once a week.

There are 11 services which more than 10 police officers have never performed in the past four years. Four of these 11 are among the Top 10 (Crime Intervention, Crime Suppression, Investigation on Specialized Cases, and Guidance and Counseling).

D. Partnership in Community Policing

1. Barira

a. Existing Structures of Partnering in Community Policing (Partners in the Performance of Police Services)

The elected municipal officials, elected barangay officials, and the traditional leaders figure prominently as partners in the performance of the 20 COPS

Quality Police Services. This can be seen in the concentration of responses given therein (*D14, Barira Summary Data Tables*), wherein the only service that these officials have never performed in partnership with the Barira PNP is on traffic assistance, direction and control.

The service with the most number of collaborative efforts with Barira PNP is crime investigation, with 10 out of the 16 listed organizations involved, as cited by one or two respondents.

It is worth noting that the Barira Joint Ulama/MPOC (JUMPOC) has also been the partner of the Barira PNP in crime intervention, crime deterrence, crime prevention, and in mediation of land-related disputes. These Muslim Religious Leaders have been actively involved both at the barangay and municipal level peacekeeping activities.

Not one among the 20 police services was ever carried out in cooperation with the NAPOLCOM, NGO, Business Organization, Academic Institution, and Media.

b. Assessment of the Relationship between Barira PNP and the Community

The table next page shows very positive assessment of its relationship with the residents, local authorities, provincial, and regional PNP. That with the CSO and the media however, shows some ambivalence (with 11 and 7 No Answers).

Relationship between:	Very Good	Good	Poor	Very Poor	NA	Total
The police and residents	17	3				20
The police and local authorities	16	4				20
The police and civil society organizations	8	1			11	20
The police and media	7	6			7	20
The Municipal Police Force and Provincial Command	15	5				20
The Municipal Police Force and Regional Command	15	5				20

c. **Importance of knowing if the residents are satisfied with the police services rendered**

It is very important for the 17 police officers to know that the residents are satisfied with their services, 2 did not indicate any answer, and 1 said it is not important.

Feedback is necessary so that the police would know how they could improve their performance. Moreover, a satisfied populace means better cooperation. Knowing that the residents appreciate their services would not only boost their morale, it would also make them feel deserving of the pay they receive.

Knowing that he has rendered his services well would suffice, thus, this one respondent feels knowing whether the residents are satisfied with how he carries out his tasks and functions is not that important.

2. Guindulungan

a. Existing Structures of Partnering in Community Policing (Partners in the Performance of Police Services)

As can be gleaned from the Data Summary Tables (*D.14 of the Guindulungan Data Summary Tables)*, carrying out any of the 20 COPS quality services has mostly been done by, between, or among the local police, elected municipal and barangay officials, and the traditional or religious leaders. More instances of cooperation with the barangay officials happened when arrest of criminals or offenders were made, during conduct of consultations on Community Policing, and during the conduct of a crime investigation . Approximating the same number of instances are those done in partnership with the traditional leaders, on mediation of family feuds, and on mediation in land-related disputes.

b. Assessment of the Relationship between Guindulungan PNP and the Community

Overall, the local police maintains good working relationship with the residents, local authorities, the civil society organizations, and more so with the Provincial and Regional PNP Offices. (*D16 Guindulungan Data Summary Tables*).

In responding to reports generally relating to social order maintenance, the police personnel worked more alongside elected municipal and barangay officials. Also, in the Mediation/ resolving Family Feuds, the Local Police officers worked closely and in partnership with the' Council of Elders and the Municipal Peace and Order Council.

c. Importance of knowing if the residents are satisfied with the police services rendered

The respondents are one in saying that It is very important to the police force to know that the residents are satisfied with their services. Community satisfaction of their services is an indicator that they are doing well in carrying out their duties as police officer. This will further boost their morale, and will encourage them to perform their duties better.

3. Upi

a. Existing Structures of Partnering in Community Policing

As can be gleaned from D14 (*Upi Data Summary Tables*), carrying out any of the 20 COPS quality services has mostly been done by, between, or among the local police, elected municipal and barangay officials, and the traditional or religious leaders. More instances of cooperation with the barangay officials happened when arrest of criminals or offenders were made (cited by 8 respondents), and during the conduct of a crime investigation (cited 7 respondents). Approximating the same number of instances are those done in partnership with the traditional leaders, on mediation of family feuds (cited by 7 respondents), and on mediation in land-related disputes (cited by 6 respondents).

Generally, only one or two police officers can specifically point out to having worked together with any of these organizations in carrying out these services.

b. Assessment of the Relationship between Upi PNP and the Community

Overall, the local police maintains good working relationship with the residents, local authorities, the civil society organizations, media, and more so with the Provincial and Regional PNP Offices (*D16 Upi Data Summary Tables*).

Although a greater number of the respondents claim to have had cooperated with the elected municipal and barangay officials, but these only happen when responding to reports of a crime in progress, or to calls for general assistance.

Even in responding to reports generally relating to social order maintenance, the police personnel worked more alongside elected municipal and barangay officials. There was not an instance when anyone among the police has responded to this crime incident in cooperation with anybody from the business community or from the women's organization.

Only one police officer has had the opportunity of responding to a complaint regarding domestic dispute in cooperation with the business community. Two also mentioned of having cooperated with the women's organization, and this was only when they responded to some serious accident.

c. Importance of knowing if the residents are satisfied with the police services rendered

It is very important to the police force to know that the residents are satisfied with their services. This will further boost their morale, and will encourage them to perform their duties better. And to them, better performance means stronger cooperation from the community (*C15 and C15.1 Upi Data Summary Tables)*

E. Recommendations by the Local Police Station Personnel

1. Barira

For community policing to really work in their municipality, as well as generally improve the performance of their police station, the respondents recommended the following:

(a) Construction of building to house COMPAC centers in the clustered barangays
(b) grant of honorarium to Tanods and CVOs to be deployed in COMPAC centers
(c) assign able bodied policemen to augment police personnel in Barira
(d) Conduct training on COPS
(e) PNP staff who will be assigned in Barira or in any municipality where IPs are present should learn traditional methods of conflict mediation and resolution
(f) Seminar/training for every barangay, trainors training for the local officials (?)
(g) develop partnering skills of local police force in Barira
(h) Work hand in hand with the Mayor, municipal and barangay officials, religious leaders and the community
(i) Good team work of police and local government
(j) Financial support for the Barira PNP
(k) Support from municipality
(l) Training for police officers
(m) Community should cooperate and participate in this project
(n) Office equipment to deliver effective services

2. Guindulungan

The following are the recommendations given by the GPS Personnel interviewed for community policing to really work in the municipality:

(a) PNP RHQ and PQ should be well grounded on Community Policing and should have a program that supports the Community Oriented Policing System of each local police station (e.g. continuous education on Community Policing, Documentation of Best Practices on Community Policing, providing forum for regular exchange of experiences/ideas on Community Policing among Local Police Stations, etc.)

(b) Develop a support program that will provide a systematic assistance to the COPS program of the municipality's local police station.

(c) Additional PNP personnel and Financial Assistance to the GPS

(d) Full support of Local Executive and elective official for an effective and efficient community policing.

3. Upi

These are the recommendations given by the Upi PNP respondents.

RECOMMENDATIONS	*F*
Institutional Capacities	
Organizational Structure and Personnel	
Additional police personnel in the area	4
Information Management	
Reference/reading materials	2
Additional personnel	1
To explain further to the community the advantages and disadvantages of community-oriented policing	1
Appropriate funds for programs and activities especially in remote areas	1
Logistics and resources availability/capacity	
Computers	7
Office supplies	4
Firearms and ammunitions	4
Additional vehicle	2
Airconditioning system	2
Regular venue for meetings/consultations	2
Additional gas allotment	2
Additional operational fund for the station	1
Separate investigation room	1
Financial and logistical support for better mobilization and communication	1
Logistics support from the highest headquarters	1
The station must be constructed in a proper order	1
Renovation of the PNP building with a separate investigation section	1
Transportation facilities	1
Communication facilities	1
Additional uniform	1
Mobilization assistance	1
Planning and Performance Measurement/Human Resource Development	
For the PNP Provincial and Regional Police Offices to prepare or develop COPS program implementation supporting the Upi Public Safety Plan in terms of budget for implementation	1
Add to NAPOLCOM's Performance Evaluation of Station and Police Officers the Results-Based Performance Measurement indicators for Public Safety and Community Policing	1
Additional budget for incentives of our force multipliers	1
Personnel Competencies	
Technical/legal knowledge and skills	
Conducting seminars to the Police Supervisors who will manage the COPS Centers	1
There should be an organization that would sponsor a workshop about community policing	1
More knowledge on community oriented policing so that our municipality will become more progressive	1

Training Needs Training programs Trainings and seminars	 2 1
Processes	
Partnering/Collaboration Creating Core Team per basic sector and ensuring that there is a representative to the MPOC and that these representatives are able to disseminate all information/activities to their colleagues	1
Immediate implementation of clustering of barangays and putting-up COPS Center in every clustered barangays with two or more police who will supervise, to be assisted by our force multipliers like Barangay Tanods	1
More cooperation between the police and the community	
Others ***External Support (Central Agency, LGUs, Private Sector, etc.)*** A good working relationship between the Police, LGU, NGO, Religious Sector, Business Sector, and the community itself, binding together to be able to attain a peaceful community	1
LGU support for the strengthening of COMPAC	1
Support from other places	1
More support from higher command to continuously promote community policing	1
More community support to make community policing successful	1

III. Summary of Assessment

READINESS ASSESSMENT DIMENSION	***INDICATORS***	***ASSESSMENT FINDINGS***
1. Local PNP as an Organization		
1.1 Institu-tional Capacities	• Philosophy and Directions (Statement/understanding of police mission, role and functions/services)	Based on the results of the organizational diagnosis, the Personnel of the three Local Police Stations of Barira, Guindulungan, and Upi (LPS-BGU) are aware of the goals and purposes of Community Policing and what is it all about.
	• Logistics and resources availability/capacity	This is a very weak area of the (LPS-BGU) as gleaned from the responses on the question of support assistance they need. They were able to mitigate the lack of resources and logistics by partnering with the LGU, traditional leaders, and some groups in the community.

READINESS ASSESSMENT DIMENSION	INDICATORS	ASSESSMENT FINDINGS
	• Organizational structure and personnel	The work and activities on community policing are efficiently divided among the personnel of each of the LPS-BGU, as gleaned from the results of the ODQ part of the study. The Guindulungan Police Station (GPS) however, is currently hampered by lack of personnel on active duty in the undertaking of Community Policing.
	• Leadership	Again, the results of the ODQ showed that there is someone in each of the LPS-BGU that provide directions and leadership in the conduct of Police Work and the undertaking of Community Policing.
	• Planning and performance measurement/Human Resource Development	This is the weakest area/aspect of each of the LPS-BGU. Though the Community Oriented Policing System is part of the Police Basic Training Course and was mandated by the PNP Reform and Reorganization Act of 1998, there is no program to build the capacity of the Local Police Stations with regards to Community Policing. It was only through the NDI Interventions the past two years that the capacity of the LPS-BGU to undertake Community Policing is being built. The lack of logistics and resources (e.g. office supplies, office equipment like typewriter and computers, resource materials on police work, etc.) also contributes to the weakness of this area.

READINESS ASSESSMENT DIMENSION	INDICATORS	ASSESSMENT FINDINGS
	• Information management	This is another weak area of the LPS-GBU with regards to doing Police work and undertaking Community Policing. Due to lack of logistics and resources (e.g. office supplies, office equipment like typewriters, computers, etc) for information gathering, Information management is non-existent in the LPS-BGU. The weakness in this area is contributing also to weaknesses in the GPS Planning and performance measurement aspect.

READINESS ASSESSMENT DIMENSION	INDICATORS	ASSESSMENT FINDINGS
	• Change management	Though the ODQ results showed that there is positive attitude toward change and readiness for change among the personnel in LPS-BGU, it should be noted that the respondents were reluctant to answer negatively to the questions in this section and mostly choose the positive response. Thus, results of the ODQ are positive. However, of the seven factors measured in the ODQ, 'Attitude Towards Change' got the lowest rating. Therefore it is safe to say that this area is also a weak or a "problematic" area of the LPS-BGU.
1.2 Personnel Competencies	• Values/self-perception of role as police officer	The personnel in the LPS-GBU are one in saying that they are very satisfied as a police officer as they provide service to the community and it provides them employment and the pay is good. No one among the police officers interviewed in the three police stations is dissatisfied in his role as a police officer. Also, they all cited that community participation in peacekeeping and maintaining public order and safety is very important and valuable.
	• Technical/legal knowledge and skills	The LPS-BGU personnel's Technical/ legal knowledge and skills in community policing is limited to the basics and there is a need to further develop and build their capacity on providing community-oriented Quality Police Service. All the personnel of LPS-BGU are one in saying that they gained knowledge and skills on community policing through the interventions of NDI.

READINESS ASSESSMENT DIMENSION	INDICATORS	ASSESSMENT FINDINGS
	• Training needs	The personnel of the LPS-BGU have a long list of training needs gleaned from the LPS-BGU personnel's responses on how to reduce the personnel's weaknesses and how to reinforce strengths. (Refer to the Data Summary Table of the 3 Municipalities for details)

READINESS ASSESSMENT DIMENSION	INDICATORS	ASSESSMENT FINDINGS
2. Community Policing Practices and Capacities (current efforts/ initiatives)	• Mechanisms and strategies for community Participation	Currently there exist mechanisms and strategies for Community participation in peacekeeping and maintaining public order and safety in the three pilot municipalities. These are, the Municipal Peace and Order Council, Joint Ulama-Municipal Peace and Order Council (JUMPOC), and the delivery of police services in partnership with some members of the community, the LGU, and the Council of Elders.
	• Perceptions on community role in policing	All the LPS-BGU personnel interviewed are one in saying that Community participation is very important in the undertaking of police work. That the community has a role in the conduct of crime investigation, crime prevention, arrest of criminals/offenders, mediation in family feuds and land conflicts, etc. The importance of the community role in policing can also be gleaned from the fact that among the 20 Police Services ranked in degree of importance 'Conducting consultations on Community Policing with the informal or traditional leaders' ranked 9th in Barira and Guindulungan, and 11th in Upi.
3. Processes	• Delivery of services	The LPS-BGU personnel have been practicing community-oriented policing in the delivery of all the listed Police Services in the study. In fact, majority of the respondents of the LPS-BGU cited that they received support and assistance from different entities in the community (LGU both in the Municipal and Barangay levels, Traditional/Religious leaders, NGOs and the community in general). They also carried out some policing tasks in partnership with these entities.

READINESS ASSESSMENT DIMENSION	INDICATORS	ASSESSMENT FINDINGS
	• Problem solving (The expanded mission of the Police under COPS to include solving problems, especially those that abet the commission of crime. Specific concerns that the community members feel are most threatening to their safety and well-being should be prioritized for interventions.)	The high incidence of road accidents along the highway running through the center of Guindulungan which the community members feel are most threatening to their safety and well-being (the interviewer was present in the area when a road accident occurred and observed the residents reactions and comments) were given priority for solution by the putting up of a checkpoint along the highway for the conduct of Traffic assistance/ direction and Control. The Guindulungan Police Station (GPS) personnel ranked this Police service 4th in importance among the 20 Police Services listed. On the other hand, 'Mediation in Family Feuds' is ranked 10th in Barira in importance as the family feuds is a major cause of killings in the Municipality.
	• Partnering, collaboration	In the delivery of polices services the personnel from these police stations partner and collaborate with different entities in the community as shown in D.14 of the Data Summary Tables of Barira, Guindulungan, and Upi.,
4.Others	• External support (Central agency, LGUs, private sector, etc.)	The LGU (both in the Municipal and Barangay levels), Traditional/ Religious leaders, Business sector members, NGOs and some National Line agencies collaborates with and provide support and assistance to the Police in the delivery of Police Services as shown in D.11 and D.12 of the Data Summary Tables of Barira, Guindulungan, and Upi.
	• External relationships	Relationships of the LPS-BGU with the respective LGU (both Municipal and Barangay level) , some National Line Agencies, and Civil Society Organizations are very good.

IV. Recommended Directions

The following are recommended directions/program strategies that NDI can undertake in order to build and enhance capacities of the local PNP in the pilot municipalities to engage in community policing for effective and efficient delivery of policing functions and to maintain security and order:

A. Program strategies should be developed to address the following weak areas in institutional capacity:

   1. Logistics and Resources Availability/ Capacity

      Resources needed by the three local police stations are basic office supplies, typewriters, computer, and a room/office for the women's desk were they can investigate crime committed against women and children in privacy.

   2. Planning and Performance measurement/ Human Resource Development

      The trainings conducted/organized by NDI has gone along way in developing competencies of the local PNP in the three pilot areas. However, there is a need to sustain and institutionalized these in the whole PNP organization. There is a need for a Training Center/unit in the PNP Regional Office to undertake continuing education and conduct trainings that will build skills and competencies of local police station personnel to efficiently and effectively carry out community policing.

   3. Change Management (same direction as # 2)

B. Any program strategies to be carried out should be built on the following common 'Strengths' of the three pilot areas:

   1. Community Policing Practices and Capacities

      There are existing mechanisms for community participation and the importance of community collaboration is recognized.

   2. Processes

      The three local police stations have established 'indigenous' processes in the delivery of police services that are community oriented. They have cited conduct of patrols, mediation in family feud, and conduct of consultations with community members as important police services. This implies that processes that connect them with the community are important to them than physical structures.

RESPONDENTS

Respondents by Designation by Gender

Designation	Male	Female	Total
Chief of Police	1		1
Deputy Chief of Police	1		1
Operation Section Head	1		1
Chief Inspector, Intelligence & Investigation	1		1
Warrant Officer, Intelligence & Investigation	1		1
Supply Officer, Intelligence & Investigation	1		1
Intelligence & Investigation Operative (HRDD)	1		1
Police-Community Relations / Liaison		1	1
WCCD / FJGAD and Administrative Clerk		1	1
Investigator / Environmental Desk Officer	1		1
Station Guard/Patrol	9		9
Station Guard/Patrol; Service Driver	1		1
Station Guard/Patrol; Rifleman	1		1
Service Driver	1		1
TOTAL	**20**	**2**	**22**

Respondents by Highest Educational Attainment

Designation	Male	Female	Total
BS Criminology Graduate	4	1	5
Bachelor of Arts (AB) Graduate	1		1
AB History Graduate	1		1
AB Liberal Arts Graduate	1		1
BS Commerce Graduate	1		1
BSC Management Graduate	1		1
BS Nursing Graduate		1	1
Medical Technology Graduate	1		1
4th Yr AB Economics	1		1
3rd Year BS Criminology	1		1
2nd Yr BS Criminology	1		1
2nd Yr Bachelor of Elementary Education (BEED)	1		1
2nd Yr Bachelor of Secondary Education (BSED)	1		1
2nd Yr Bachelor of Science in Agriculture	1		1
2nd Yr College	1		1
High School Graduate	3		3
TOTAL	**20**	**2**	**22**

A. ORGANIZATIONAL DIAGNOSIS

1. Total Number of Local Police Force Interviewed: 22
2. Total Number of Police Force Targeted for Interview: 26
3. Total Number of Local Police Force Personnel: 32

QUESTIONS	RESPONSES							
	NO RESPONSE	1	2	3	4	5	6	7
1		15	5	1	1			
2	1	3	14	2	2			
3		16	6					
4		14	8					
5	2	11	8	1				
6		14	5	3				
7	1	8	10	1	2			
8	1	11	8	1	1			
9	1	9	9	2	1			
10		13	6	3				
11		11	6	2	2		1	
12	1	9	8		4			
13		11	9	1	1			
14	1	3	5	4	2	1	6	
15		8	10		4			
16		1	11	5	4		1	
17		8	9	2	3			
18		13	8	1				
19	1	10	8	1	2			
20	1	7	8	4	1	1		
21	1	7	9		2		3	
22	1	6	10	2	3			
23	1	6	10	1	2	1	1	
24	1	8	12	1				
25		9	9	2	2			
26		7	11	2	1		1	
27	1	5	10	3	2	1		
28	2	3	8	2	4	1	2	
29	1	3	8	1	2	2	5	
30	1	7	8	5	1			
31	1	10	7		1	1	2	
32	2	2	7	1	7	1	2	
33	1	3	6	1	4		3	3
34		7	13		1			1
35	1	8	8	3	1		1	

ODQ SCORING SHEET

Instructions: Transfer the numbers you circled on the questionnaire to the blanks below, add each column, and divide each sum by five. This will give you comparable scores for each of the seven areas.

Purposes	**Structure**	**Leadership**	**Relation-ships**	**Rewards**	**Helpful Mechanisms**	**Attitude Toward Change**
1 1.45	2 2.14	3 1.27	4 1.36	5 1.5	6 1.86	7 1.62
8 1.76	9 1.54	10 1.95	11 1.95	12 1.64	13 1.64	14 3.52
15 2.0	16 2.82	17 2.0	18 1.45	19 1.76	20 2.09	21 2.43
22 1.76	23 2.29	24 2.29	25 1.67	26 1.86	27 2.04	28 2.09
29 2.57	30 2.0	31 2.14	32 3.2	33 3.48	34 2.0	35 2.05
Total: 9.54	Total: 10.79	Total: 9.65	Total: 9.63	Total: 10.24	Total: 9.63	Total: 11.71
Average: **1.9**	Average: **2.2**	Average: **1.9**	Average: **1.9**	Average: **2.0**	Average: **1.9**	Average: **2.3**

B. CURRENT SITUATION

1. Primary Official Functions

(Note: R No. is Respondent Number)

R No.	Responses
1	§ Direct, supervise and control the local PNP both internal and external activities within the municipality
2	§ If COP is absent, takes charge as OIC § Supervisory functions
3	§ Investigation, Intelligence and Patrol Head of Operation Section
4	§ (detailed as security to Mayor)
5	§ 24-hour patrolling § stays on guard at the police station § if the investigator on duty is out, fills up logbook if there are complaints
6	§ prepare all routine reports (i.e., Crime statistical Reports, List of Wanted Persons in Upi, Monthly Crime Reports) § comply with communications relative to I & I § perform duties as investigator: (a) investigate crime incidence (b) filing of cases in court and attendance in court hearings (c) investigation of crime scenes
7	§ patrol, para protektahan ang taong bayan § intelligence (assist in investigation)
8	§ patrolling
9	§ patrolling

10	§ kung may bisita, mo-entertain § pag may gulo, pinupuntahan § office work (logs on complaints) § patrolling § een if off duty, can be called upon to perform such functions § serve warrant (alone if "kaya" ang situation)
11	§ gumagawa ng monthly reports especially kung may mga activities dito sa Upi o sa opisina
12	§ investigate crime incident and reports of constituents § prepare crime incidence report § mediation of conflicts and simple disputes § prepare case folder and appear in court § as Supply Officer: prepare and maintain Inventory Record of firearms and ammunition; also prepare Quarterly Report of ammunition
13	§ prepare report and comply with communications relative to HRDD matters § conduct monthly physical fitness exercise test § prepare programs for crime prevention component
14	§ drive the police car § perform mechanical and physical maintenance of police vehicle § patrolling
15	§ Based on my designation as a Women's and Children Concerned Desk (WCCD) Officer, I am investigating and filing cases in court on violence against women and children.
16	§ Guard station § Responds to hotline call § patrol
17	§ (no answer)
18	§ investigate crimes occurring in area of responsibility (i.e., theft of animals, rape cases of minors, murder, robbery, illegal possession of firearms, estafa) § mediation between victims and offenders (in murder, homicide), between husbands and wives (domestic quarrel), among youth (causing public disturbance, e.g., umiinom pag may party tapos nanggugulo)
19	§ stays on guard 24 hrs/day, at hindi iniiwanan ang station § patrolling § fills-in logbook with complaints if the Officer-on-Duty is out on an emergency assignment
20	§ patrolling § responds to complaints reported at the station
21	§ driving the police vehicle § patrolling
22	§ maintain peace and order in area of jurisdiction § control of crimes primarily through COPS

2. Other functions

R No.	Responses
1	§ serve mankind § protect the innocent against oppression

	§ save lives and properties
2	§ team leader of Task force Lansangan § investigation § supervisory admin work (update monthly rer of Troop, monthly roster of personnel,, monthly Educational Profile)
3	§ Admin: preparation of police clearance § Officer and duty shift
4	§ (detailed as security to Mayor)
5	§ None
6	§ Prepare Station Defense Plan § Update Fire Plan § Prepare implementing plan for program activities (e.g. security plan during visit of dignitaries) § Municipal Coach (member of Core Team of COPS implementation of NDI) § Represent the COP in seminars or other social functions
7	§ Pasyal, magtatanong sa taong bayan kung ano ang problema
8	§ Station guard
9	§ Arrest offenders § Prepare police clearance § Prepare spot report
10	§ Led in picking up of litters on the elementary school grounds so that the pupils will also do the same
11	§ Patrol § Monitoring of illegal activities (e.g., illegal logging, gambling) § Assist in medical civic actions § Conduct orientation and symposium on drug abuse and illegal drugs
12	§ None
13	§ Perform other police duties as directed to be performed
14	§ Man the checkpoint § Patrol § Prepare police report (e.g., fill up blotter) § Type report (e.g., guard detail)
15	§ Also render clerical work § Issue police clearance
16	§ Release police clearance when the assigned personnel is out
17	§ (No answer)
18	§ as a citizen/resident of Upi, also officiates in ports § as a representative of the station to youth-related activities § counseling to the youth § takes part in any “pintakasi” (bayanhian) activity of the Municipality (e.g., building of house)
19	§ None
20	§ None (all assignments carried out are related to being a Station Guard/Patrol)
21	§ Traffic control
22	§ Does other tasks/functions in service to the Municipality, without fear or favor

3. Trainings attended

R No.	Responses
1	§ trained to lead my men on all parameters of being a policeman § Officer’s Basic Learning Course § Police Investigation Course § Leadership Course § Other seminars attended with NDI
2	§ Public Safety Officers’ Candidate Course 9PSOCC) July 1, 2004 – Jan 27, 2005 in Parang § NDI Seminar-Workshop in Davao on May 15, 2005

	§ Workshop on Community Policing for LGUs on Januarty 2004 at Waterfront § Community-Based Policing Development Workshop for Partners on March 15-16, 2004 at the Upi Conference Hall
3	§ None
4	§ (detailed as security to Mayor)
5	§ 1995 "Re-collect" conducted by ReCom held in Parang for 45 days § NDI-facilitated ½ day orientation on crimes, facilitated by Rin West (asometime this year)
6	§ Police Refresher Course (2001 – NCR, Camp Bagong Diwa for 45 days) § Civil Disturbance Management Course (2001, 2 weeks also at Camp Bagong Diwa)
7	§ JL Course 1997
8	§ Recollect at ReCom (45-days training requirement) sometime in 2002 in Camp Parang
9	§ None
10	§ HR seminar held sometime in 1997 while still with the Philippine Constabulary § NDI-conducted training on police duties and functions held here in Upi (cannot remember exact date)
11	§ Refresher Course Investigation 2002 at the PHQ (one day)
12	§ Sometime in 2000 held at the Provincial Headquarter on Police-Community Relations conducted by the PHQ itself § Attended the COPS training conducted by NDI (held in Davao City, January 2005)
13	§ Bomb Technician and Investigation Course, 1998 § SARA Model (2004, conducted by NDI)
14	§ Public Safety Basic Recruitment Course, 1995 at Camp Parang § Seminar-Workshop on Community Policing for LGUs, January 2004 at Waterfront Hotel
15	§ Different trainings conducted by the NDI since January to date § Other investigation trainings conducted by the higher headquarters § Community Policing for LGUs, January 2004 in Davao City § Communication through Radio conducted by NFI here in Upi, sometime in 2004 § Barangay Assessment also by NFI here in Upi, 2004 § PSP Core Group (NDI, 2005) § Public Safety Plan (NFU-WED Cotabato City)
16	§ None
17	§ (No Answer)
18	§ Basic Police Training § Public Safety Assessment Seminar-Workshop and other trainings conducted by NDI (was even acted as Resource Person on Barangay-Based Safety Assessment held for the Guindulungan — both as resource person and coach — sometime early this year at Estosan Hotel)
19	§ Police Science Basic Recruitment Course (PSBRC), Sepyember 1999 held at Camp Brigade, Parang § Seminar-Workshop on Community Policing held in Davao City in October 2004 (NDI)

20	§ Philippine Public Safety College (1996) § Community Policing held at the Waterfront Hotel in Davao City (2003?) § Land Conflict Mediation (2004) § Other seminar-workshops conducted by NDI since 2000 § Drug Enforcement Seminar-Workshop by the Illegal Drug Task Force in Camp Parang
21	§ PSBRC (PNP, 1997) § Investigation and Intelligence (3 days, 2003, Maguindanao Provincial HQ) § Traffic Management (2004, by the TMG at PC Hill) § COPS orientation by NDI, 2005
22	§ Detective Beat System Towards Enhancement of the PNP Investigation and Detective Management System

4. Strong and Weak Points and Recommended Measures

Strong Points	*f*
Leadership skills	4
Good performance as a police officer	3
Good relationship with the community	2
Never condones graft and corruption practices	2
Always ready to be of help to those in need	2
Personnel Management	1
Close relationship with the community	1
Responsive to the whatever is the happening in the community	1
Abides by the call of duty	1
Always strive to perform good in service	1
Driving skills	1
Conflict mediation skills	1
Good investigation skills	1
Making of monthly reports	1
Ability to maintain smooth interpersonal relationship	1
Effective team leader	1
Being strict	1
Commitment to work	1
Making fair decision	1
Able to carry out duties as a Police Officer	1
No Answer	2

Recommended measures to sustain these strong points

Recommended Measures	*f*
Continuous support of LGU, NGO, and the community to the PNP	1
An award, or any sort of recognition for good performance	1
Praise or recognition coming from reliable persons in the community	1
Training on Community Organization	1
Any training relevant to enhancement of performance as a police officer	1
Training on Conflict Resolution and Mediation	1
Training on Enhancing Self-Confidence	1
Training on Public Speaking	1
Attendance to advance courses in Leadership and Personnel Management	1
More training especially on Special Laws and other Legal Measures concerning Violence Against Women and Children	1
Abide by what is believed to be right and just	1
That the community will understand that what we are doing is part of our call of duty	1
There should be community level consultations that aim at improving relationships	1
Strengthen Tri-People relationships to enable us to carry out our work better	1
Ready vehicle for patrolling for better mobility	1
Additional firearms	1
None, because I will be retiring soon	1
None, because these are natural skills	1
No Answer	5

Weak Points

Weak Points	*f*
Poor investigation skills	6

Lack of self-confidence	1
Inability to extend financial help to those in need	1
Sympathizes the offender and this gets in the way of objectivity	1
Poor typing skills	1
Computer illiteracy	1
Making good reports	1
Generally lacks knowledge because has not finished college	1
Lack of knowledge in the investigation process	1
Lack of knowledge in modern methods of investigation	1
Poor in Conflict Resolution	1
Poor knowledge on Special Laws and other Legal Measures concerning Violence Against Women and Children	1
Cannot serve warrant of arrest to "big" criminals especially to those residing along coastal areas (those identified as belonging to rebel groups) without back-up	1
No Answer	3

Recommended measures to lessen these weak points

Recommended Measures	*f*
Training on Enhancing Investigation Skills	4
Training on enhancing Self-Confidence	1
Training on Enhancing Public Relations	1
Training on Public Speaking	1
Training on Modern Methods of Investigation	1
Seminar-Workshop on Conflict Resolution	1
Training on computer	1
Schooling	1
Exposure studies	1
Free attendance to seminar-workshops to improve services as police officer	1
Provision of reference materials on investigation work and case building	1
Books and reading materials	2
Coaching from superiors how to improve the making of reports	1
Logistical and manpower support from the Regional and Provincial PNP	1
Needs the assistance of appropriate leaders (i.e., if the identified criminal belongs to either the Maranao, Maguindanao, or Iranun tribes, the ask for assistance from the Ulama, Imam, or other religious leaders), or ask assistance from other authorities (e.g., Marines)	1
Sympathizing the offender (or criminal) should never get in the way of objectivity	1
No Answer	7

5. Level of Satisfaction as a Police Officer

Level of Satisfaction		*f*
1	Very Satisfied	15
2	Quite Satisfied	6
3	Very Unsatisfied	
	No Answer	1
TOTAL		**22**

5.1 Reasons for the Levels of Satisfaction Expressed

Level	Reasons/Remarks	*f*
Very Satisfied	§ Has been able to serve the community and the people	3

	§ The pay is good, and is able to be of service to the people	2
	§ Because the work entails serving the people	2
	§ Could work with, or assist people, and very satisfied with what has been earned	1
	§ This is my livelihood	1
	§ Happy with the chosen profession, and this is the only kind of work that will enable me to support my family	1
	§ Because the Municipality of Upi has improved a lot, crime incidents are seldom	1
	§ Financially stable in addition to render service to the community honestly and religiously	1
	§ Happy with the kind of work being done	1
	§ Have been performing the duties of a police officer without doing disservice to the people	1
	§ We have been continually striving for excellence in the performance of the PNP's mission as a peacekeeper, crime fighter, and protector of the people	1
Quite Satisfied	§ Because I have not yet achieved my goal in my present position	1
	§ Because I am still striving to give my best	1
	§ Because there are times when my personal problems deter me from accomplishing at once the tasks I am set to do	1
	§ I am still new to the service, and there is still much to learn	1
	§ Because it is how I assess my performance as a police officer	1
	§ At least I am able to help minimize disorder in the community	1

6. *Level of Satisfaction for the Police Station in the given areas of Assessment*

Level of Satisfaction	Teamwork	Decision-making	Risk Taking	Service Excellence
1 Very Satisfied	15	16	12	16
2 Quite Satisfied	6	5	8	4
3 Very Unsatisfied				
No Answer	1	1	2	2
TOTAL	**22**	**22**	**22**	**22**

Reasons for the Level of Satisfaction with TEAMWORK

Level	Reasons/Remarks	*f*
Very Satisfied	§ Everybody cooperates with the assigned task	4
	§ Everyone understands each other and there is unity	2
	§ The members are very cooperative; there is unity	2
	§ Everyone respects each other	2
	§ The working relationship is good	1
	§ There is open communication	1
	§ When patrolling duty is over, those on duty find time to talk to each other and when there is an operation, everyone discusses first what to do before they leave	1
	§ There is camaraderie, if one feels bad towards another he/she does not hesitate to express his/her ill feeling	1
	§ The is planning	1

Quite Satisfied	§	Because there is still room for improvement for our teamwork	1
	§	There are misunderstandings from time to time, but these are resolved	1
	§	There are a few who are at odds with each other	1
	§	Because there are times we do not seem to be united	1
	§	There are a few among us who seem to do the job only for the pay and not really committed to the job	1
	§	There should be full unity especially during operations	1

Reasons for the Level of Satisfaction with DECISION-MAKING

Level		Reasons/Remarks	*f*
Very Satisfied	§	The decision-making process is consultative	4
	§	Everyone respects and abides by the decision made by the COP	3
	§	The members of the police force abides by all decisions made	2
	§	Decisions made are based on one's conscience	1
	§	Superior officers make careful decisions especially in the implementation of the Station's plans	1
	§	We believe that our Chief of Police makes the right decisions	1
	§	Everyone on duty plans ahead and takes into consideration what should be done	1
	§	The Station Commander is good at making decisions, he also consults everyone whether the decision made was right	1
	§	The COP has good leadership skills	1
	§	Everyone is aware of the purpose of the operation they are about to perform	1
Quite Satisfied	§	Because everyone follows only what is being decided upon by the superior officers	2
	§	Consultations before a decision is made takes quite long	1
	§	Because sometimes we do not have the final decision	1
	§	Because most decisions are situational	1

Reasons for the Level of Satisfaction with RISK TAKING

Level		Reasons/Remarks	*f*
Very Satisfied	§	We are always risking our lives when performing our duties	5
	§	We are organized when we go on an operation	2
	§	Because each one is able to do his/her duty	1
	§	The work is performed on a 24-hour shift, and there should be quick response on any reported incidence whether risky or not	1
	§	Because we are able to follow orders	1
	§	Because we have sworn to carry out any assignment received	1
	§	No Answer given for being very satisfied	1
Quite Satisfied	§	There are times that the personnel are organized, and there are times when they are not	2
	§	Because being a police officer always entails some risk	1
	§	Because we still carry out our tasks in spite of risk	1
	§	Because each one has to feel secure that the colleagues are ready to support each one whatever happens	1
	§	The team leader sees to the security of his men, and this is being discussed before they go on an operation	1
	§	Everyone understands what they set out to do	1
	§	No answer given for being quite satisfied	1

Reasons for the Level of Satisfaction with SERVICE EXCELLENCE

Level	Reasons/Remarks	*f*
Very Satisfied	§ Everyone performs his/her tasks and functions to the best of his/her ability	6
	§ In spite of lack of resources, we provide the best service that we can to the community	3
	§ Everyone possesses admirable traits	1
	§ Being a police officer is a very good job	1
	§ Receives all kinds of support to the VAWC concerns	1
	§ We immediately respond to complaints from the community	1
	§ We are true to what we have sworn to do	1
	§ Everyone understands what his/her job entails	1
	§ No Answer given for being very satisfied of	1
Quite Satisfied	§ There is still a need for us to feel motivated	1
	§ The COP and personnel exert all efforts to satisfy the needs of the community concerning peace and order	1
	§ Because sometimes we are not able to give our full support	1
	§ Because not all members of the police force were born in Upi	1

C. COMMUNITY POLICING: KNOWLEDGE AND EXPERIENCE

7. Familiarity with Community Oriented Policing System (COPS)

Responses	*f*
That it is a partnership between the community and the police	3
Heard about this from NDI that the police should work closely with the civilians because they are also part of the maintenance of peace and order	2
Yes, quite familiar with it	1
Since the onset of COPS in the PNP which was in 1994	1
Familiar insofar as the SARA Model is concerned	1
Has become very familiar because of the trainings and workshop conducted by NDI; although we have heard about this before NDI came through the directives we have received, but not how to implement it, and there was no direction at all. Even the higher quarters are not familiar with COPS and there are no implementation guidelines.	1
That community policing can be a useful tool in all problems in the barangays	1
Heard about it from NDI and from the PNP PHQ orientation	1
Three years ago from a seminar given by the PNP Regional Command	1
Learned about mobile security assistance from NDI	1
That COPS is the teamwork between the police and the community in order to attain the goal of peace	1
That the police should learn better ways of approaching the civilians	1
It was part of the subject in Criminology, and during the actual police training, that it is the cooperation between the civilians and the police	1
First heard about it in September 2003 in an orientation given by NDI in Davao City	1
It is the cooperation between the police and the community	1
It highly regards the value of community involvement, trust, commitment, cooperation, initiative, leadership, and responsibility. It is also a commitment to public safety and security.	1
Not so familiar about it; no knowledge about it	1
Cannot remember anything about it	1
No Answer	1
TOTAL	**22**

8. *Trainings Received on COPS*

Number of Trainings/Workshops Attended	*f*
None at all	5
Has only attended the orientation on COPS conducted by NDI	3
Has attended COPS orientation plus one (1) other training	3
Has attended COPS orientation plus two (2) other trainings	2
Has attended COPS-related training plus several other training activities	3
Has attended one (1) training program related to COPS	1
Has attended one or two training activities but cannot remember the titles	2
Has attended some training programs but not on COPS	1
No Answer	2
TOTAL	**22**

List of Training and Other Seminar-Workshop Activities	*f*
COPS Orientation	6
Community-Based Policing Development Workshop for Partners held on March 15-16, 2004 at Upi Conference Hall	2
Lakbay Aral to COPS Sites (Tuguegarao, Bataan, and Olongapo) in September 2004	1
Workshop on Developing Performance Evaluation Tools for Public Safety and Community Policing held at NDFCAI-WED Training Center, Cotabato City on February 27-28, 2005	1
Seminar-Workshop on Community Policing for LGUs held on January 28-29, 2004 at the Waterfront Insular Hotel, Davao City	1
NDI-conducted orientation held on September 28-29, 2003 at the Waterfront Insular Hotel, Davao City	1
Attended one held in Maganoy sometime in 2001 per order from the PNP Regional Command	1
Attended one related to COPS sometime this year, held here in Upi	1
Attended one training conducted by NDI (forgot the title) sometime in January 2005	1
Seminar on SARA Model	3
Training on Investigation	1
Seminar-Workshop on Building Teams for Peace held on August 24-26, 2004 at Upi Conference Hall	1
NDI-assisted Seminar for BARCs in Resolving Land Disputes under CARP, held on August 9-10, 2004 at the St. Joseph Retreat House, Datu Odin Sinsuat	1
Maguindanao Conference on Christian Oversight: Leading the Way for Democratic Governance held on July 30, 2004 at the Waterfront Insular Hotel, Davao City	1
Training on Technology of Participation held on September 16-17, 2004 at Upi Conference Hall	1
The BEST in People and Organization held on Hanuary 14-15, 2004 at NDI Conference Hall, Cotabato City	1
Media Communication conducted by NDI held at Eden Natural Park (forgot the dates)	1
There were three (3) others also conducted by NDI but cannot remember the titles and the dates	1
Yes, so many trainings sine the NDI came into this municipality (I could no longer keep track of them)	1

9. *Ideas Regarding Community Participation on Peacekeeping and Public Safety*

Responses	*f*
Community participation is important and very necessary to peacekeeping and public safety	9

Giving information to the police, or reporting to the police, about social disorder	3
Community participation is a great help in peacekeeping and public safety because the residents are the ones who can give information on a particular problem	1
Support from the community to maintain peace and order, ensure public safety and internal security	1
That the youth should be involved in sports development so that any involvement in illegal drugs can be avoided	1
The religious sector, local officials, and barangay officials participate in peacekeeping — they are the ones who formulate the resolutions and the police implements these	1

This is an effective way wherein the police can respond immediately to complaints in the area of jurisdiction	1
Full cooperation of the community	1
When the civilians refuse to cooperate with the police, it is feared that police brutality may again happen because they will have to exert pressure upon the civilians in order to get results when investigating on some case	1
Support from the community in solving crime incidents	1
No Answer	2

10. If Receives Support/Assistance from Regional and Provincial PNP

Response	Regional PNP	Provincial PNP
Yes	7	5
No	3	5
No Answer	12	12
TOTAL	**22**	**22**

10.1 Support/Assistance Received from the Regional and Provincial PNP

Support/Assistance	RHQ	PHQ
Conducted orientation on Community Policing in November 2004	3	3
Gasoline for vehicle and financial allowance for the Chief of Police	2	
Moral support given to the police force done through actual visits, or when some superior officers accompany NDI staff	2	
Gasoline allocation and MOOE		1
Attendance in pulong-pulong on COPS		1

10.2 Expected Support/Assistance to be Received if Currently Receiving None

Note: there are multiple responses, and even those who responded “Yes” also indicated what other forms of support/assistance they expect from these offices

Support/Assistance	RHQ	PHQ
Logistical support in the implementation of COPS	1	1
Conduct of COPS orientation in all barangays	1	1

Guidelines on Police Supervision in COMPAC barangay clustering	1	1
Program support to the Municipal Police Station on community policing	1	1
Drug information-education campaign especially among the youth	1	
Financial support for seminars	1	1
Additional firearms	4	4
Training programs to enhance performance of police services	1	
Additional MOOE for the Upi Police Station	1	

Reference/reading materials (or books) on COPS	1	2
Drawing up of a COPS Program Piloting for Upi		1
Assistance in the compliance of requirements		1
Orientation on community policing for all Barangay Chairmen, officials, and Tanods in all barangay clusters		1
Support for schooling	2	1
Renovation of the local police station	2	
Separate investigation room for women and children	2	
Office equipment (typewriter, computer)	5	3
Office supplies	3	3
Financial support for attendance to seminars	1	1
Additional vehicle	1	
Additional support for food and gasoline	2	
Promotion in rank	1	

11. If Receives Support/Assistance from Different Entities to carry out COPS

Entity	Yes	No	No Answer	TOTAL
Elected Municipal Officials	19	2	1	22
Elected Barangay Officials	16	5	1	22
Traditional/Religious Leaders	16	5	1	22
Business Community	6	15	1	22
Non-Government Organization	13	8	1	22
Academic Institutions	7	14	1	22
Media	16	5	1	22
Community in general	16	4	1	22
Others	3		19	22

11.1 What Support/Assistance is Received from these Entities

Support/Assistance	Elected Municipal Officials	Elected Barangay Officials	Traditional/Religious Leaders	Business Community	Non-Government Organization	Academic Institutions	Media	Community in general
Logistical support	1							
Moral and financial support during seminars	1							
Gasoline and resources for mobilization	3	1						
Coordination with police thru the Chief	2							
Funding, gasoline, vehicle maintenance	1							
Food and means of mobilization	3			1				
Office supplies	1							
Supplies, gasoline, food allowance, and vehicle maintenance	3							
Financial and other logistical support	1							
Conduct or support for pulong-pulong	1	2						
Providing venue and accommodation during pulong-pulong; gathering of residents		3						
Cooperation with police work by providing information (thru the hotline)	1	4						6
Office supplies and representation expenses	1							
Guiding victims and referral of WACC cases		1						
Barangay Intelligence Network (which also assist in solving crime incidence)		2						
Communication center at the barangay level		1						
Provides any kind of support (e.g., rice)		1		1				
Help resolve “small” cases; support police work			5					
Help in mediation of conflicts			6					
Facilitate resolution of conflicts			2					
Give some helpful advice to the police how to deal with conflict situations			1					
Resolve cases manageable at their level, if not, refer these to the local police station			1					
Leaders from Tri-People attend consultations on issues and concerns			1					
Partners in peacekeeping and public safety as members of the MPOC				1				
Donations to LGU if there are special occasions				1				
Providing technical and operational knowledge on					8			

community policing thru trainings/seminars								
Accommodation for out-of-town seminars					1			

Assist in traffic management (e.g., KARANCHO)					2			
Youth and CFC participate in pulong-pulong					1			
Women's Organization directly links with the female police officer in-charge of the WCCC					1			
Moral support						1		
Provide venue (e.g., classroom) in the conduct of symposia on drugs and public safety						3		
Scholarships						1		
Participation in meetings and consultations						1		
Cooperation with police for security purposes						1		1
Information dissemination; news broadcast							10	
Information dissemination and advocacy of programs on peacekeeping							3	
Full support to information dissemination; public service ("panawagan") if there are incidents							2	
Attendance to pulong-pulong on peacekeeping								2
Coordination with the police								1
Apprehending offenders in their barangays and bring to the police station								1
Support to the Mayor's call for cooperation								1
Lending vehicle during operations; securing area during investigation of crime incidents								1
Provide food during operations								2
Communication channel							1	
Food and vehicle for mobilization				1				
Scholarships						1		
Participation in meetings called by the Mayor		1		1		1		
Assisting in security check and maintenance of peace and order, as well as in cases of castle rustling								1

12. What Support/Assistance is Received from Different Agencies/Offices

Support/Assistance Received	DILG	DSWD	PDEA	NAPOLCOM	DA	DENR	DLR	MHO
Trainings/seminars	3	2	2	1	2	2	2	1
Investigation paraphernalia	1							
Police car, motorcycle, and typewriter	1							
Facilitating seminars on community policing	1							
Replacement Uniform Allowance (RUA)	1							
Schooling	2		2	2				
Coordination with regards to cases involving women and children		2						
Partners in the Women's Desk		1						
Rice/food for evacuees		3						
Assistance when there are cases involving minors		1						
Support for streetchildren		1						
Rehabilitation		1	1					
Only relief and rehabilitation support		1						
Collaboration/partnership on Anti-Drug Campaign			4					
Orientation/symposium/pulong-pulong on illegal drugs; training on how to identify drug users			3					
Personnel sent down to Upi to attend to drug cases when it was rampant in 2003-2004			2					
Reading materials on community policing				1				
Adjustment of promotion for permanent status or promotion in rank				2				
Orientation/Training on community policing				1				
Provision of seedlings for agricultural livelihood enhancement					2			
Distribution of coffee seedlings to improve livelihood and as such minimize theft and robbery cases					1			
Partnership/collaboration in illegal logging activities (monitoring and information dissemination)						6		
Monitoring of chainsaw operators without permits or cutting of non-farm trees without permits						1		
Partner in apprehending illegal loggers						1		
Information on the laws concerning illegal logging						1		
Partnership/collaboration in arbitration, mediation, or resolution of land conflicts (sometimes involving the "Timuays" and the BARC)							7	
Sometimes they ask for security assistance in the implementation of the land reform program							1	
Assistance in medico-legal cases								2
Assistance during CVAC mission (medical-dental services)								5
Assistance in the monthly medical check-up in the community								1
Medicines								3

None at all	11	8	6	13	15	9	10	8
No Answer	2	2	2	2	2	2	2	2
TOTAL	**22**	**22**	**22**	**22**	**22**	**22**	**22**	**22**

13. COPS Quality Police Services

131 Ranking of COPS Quality Police Services

Quality Police Services	RANKING																			
	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20
Crime Investigation	3	4	3	1	2	2		1			1					1				
Crime Prevention	8	2	1		1	2	2	1	1											
Crime Intervention			2	1	2	3	3	2		1			1		1	2				
Crime Deterrence		1		2	2		5	1			1			1	1			1	1	2
Crime Suppression			2	1	2	1	1	5	1			3		1						1
Traffic Assistance		1	1	1	4	3		1	1	1			1		1		2	1		
Arrest of Criminals		1	1	1	1	1		2	3		1					1	1			
Investigation of Specialized Cases		1		2	1	1	1		3	1	5		1						1	1
Patrols	1	5	2	2			2				1			1			1			
Home Visitations		1	1					1	1	1		3		1	1		1	5	1	1
Rescue			1			2	1					2		1			3	1	2	5
Disaster Relief Operations						1	1			2		2			2		1	1	6	2
Referrals on Non-Criminal Cases					1					1	1		6	1		3	2	1	2	
Guidance and Counseling	1	1	2	1					1	2	2	1	1	1	1	1	3			
Mediation in land-related disputes			1				1			4	1	1	3	1	4			1		1
Mediation in family feuds			1	1			1	1	2	1	2	1			1	2	2	2	1	
Pacifier in domestic violent cases	2				1				2			1		4	4		1	3		
Monitoring of compliance to envi'l laws						1		1		1		2	1	4	2	1	1	2		2
Conducting consultations with traditional leaders		2				1		1		2		1	4	1		4			1	1
Conducting municipal-wide IEC on COPS					1		1	1	4			3	1	1		2	2		2	

COPS Quality Police Services	Ranking Total	No. of Rs*	Ave- rage	FINAL RANK
Crime Investigation	81	18	4.50	2
Crime Prevention	63	18	3.50	1

Crime Intervention	144	18	8.00	5
Crime Deterrence	179	18	9.94	9
Crime Suppression	152	18	8.44	6
Traffic Assistance/Direction and Control	153	18	8.50	7
Arrest of Criminals/Offenders	127	18	7.06	4
Investigation of Specialized Cases	170	18	9.44	8
Patrols	84	18	4.67	3
Home Visitations	234	18	13.00	15
Rescue	265	18	14.72	19
Disaster Relief Operations	246	18	13.67	16
Referrals on Non-Criminal Cases	253	18	14.06	17
Guidance and Counseling	183	18	10.17	10
Mediation in land-related disputes/conflicts	304	18	16.89	20
Mediation in family feuds	218	18	12.11	12
Pacifier in domestic violent cases	224	18	12.44	14
Monitoring of compliance to environmental laws and ordinances (i.e., illegal mining, illegal logging)	255	18	14.17	18
Conducting consultations on community policing with the informal or traditional leaders	216	18	12.00	11
Conducting municipal-wide information and education campaign on community policing	221	18	12.28	13

13.2 Frequency of Performance

COPS Quality Police Services	A	B	C	D	E	F	G	H
Crime Investigation	4	7	2		9			
Crime Prevention	7	3	3	1	7	1		
Crime Intervention	4	4	4		10			
Crime Deterrence	4	4	3	1	9			
Crime Suppression	4		2	1	14			
Traffic Assistance/Direction and Control	2	6	3	1	9			1

Arrest of Criminals/Offenders	3	5	2	3	8	1		
Investigation of Specialized Cases	3	1	3		15			
Patrols	17	2			2	1		
Home Visitations	1	4	2	4	10	1		
Rescue	3	1	1	1	14			2
Disaster Relief Operations		2	1	3	14			2
Referrals on Non-Criminal Cases	2	5	1	3	11			
Guidance and Counseling	2	5	1	2	11			1
Mediation in land-related disputes/conflicts	1	2	2	3	13	1		
Mediation in family feuds	3	1	1	5	10	1		1
Pacifier in domestic violent cases	4	2	2	1	11	1		1
Monitoring of compliance to environmental laws and ordinances (i.e., illegal mining, illegal logging)	5	4	1	2	7	1		2
Conducting consultations on community policing with the informal or traditional leaders	2	3	6	1	9	1		
Conducting municipal-wide information and education campaign on community policing		7	4	2	8			1

Legend: A Performs/Does this regularly
B Performs/Does this at least once a week
C Performs/Does this at least twice a month
D Performs/Does this at least once in three months
E Has never performed/done this at all in the past four (4) years
F At least once (1x) a month
G At least three times (3x) a week
H Others

The other responses are:

Traffic assistance/Direction and Control: Only during fiesta
Rescue: At least once a year
Disaster Relief Operations: Once in the past two years
Guidance and Counseling: At least twice a week
Mediation in family feuds: At least twice a week
Pacifier in domestic violent cases: Once in the past year
Monitoring of compliance to environmental laws: Once in the past two years
Conducting municipal-wide information and education campaign: Once in the past year

D. PARTERNSHIP IN COMMUNITY POLICING

COPS Quality Police Services	DILG	DSWD	PDEA	NAPOLCOM	DA	DENR	DLR (DAR)	MHO	Elected Mun. Officials	Elected Bgy. Officials	Traditional Leaders	NGO	Business Organization	Academic Institutions	Media	With any other Oranzation
Crime Investigation	3	2	1	1					2	7	1				1	
Crime Prevention	3		1	2		1		1	3	4	1	3	1	1	2	
Crime Intervention	1		1	1					2	6	1	2			1	
Crime Deterrence	1			2					2	3	1					
Crime Suppression	1			1					3	1	1					
Traffic Assistance/Direction and Control	1								2	1						1
Arrest of Criminals/Offenders	2	1		1					2	8						
Investigation of Specialized Cases	1	2		1		1			1	2	1					
Patrols									1	3						
Home Visitations	2	1							2	3	1					
Rescue	1	1			1	1	1	1	1	1	1	1		1	1	
Disaster Relief Operations	2	3			1	3	1	1	3	3	1	1		1	1	
Referrals on Non-Criminal Cases	1								2	2	2	1		1		
Guidance and Counseling	1	1							1	3	2	1		1		
Mediation in land-related disputes/conflicts	1						7		1		6	1				
Mediation in family feuds	1								1	1	7					
Pacifier in domestic violent cases	1								1	2	3					
Monitoring of compliance to environmental laws and ordinances (i.e., illegal mining, illegal logging)	1					12										
Conducting consultations on community policing with the informal or traditional leaders	1		1						4	6	5	1		1	1	
Conducting municipal-wide information and education campaign on community policing	1	1	1						5	4	3	3	1	1	4	

15. How important is knowing that residents are satisfied with their services

Level of Importance	*f*
Very Important	17
Somehow Important	2
Not important at all	
No Answer	3
TOTAL	**22**

15.1 Reasons/remarks why knowing is important

Reasons/Remarks	*f*
To give morale to the police knowing that they are deserving of their job	3
The police personnel would be more encouraged to perform their duties better	3
It is our gauge if our performance is good or not	2
Because we would like the community to see how important are our services	1
It is good to know that the residents are glad when we are around	1
Visibility of the police helps a lot in minimizing any form of trouble	1
Through it I would know if I had been of any help to the community	1
So that I will be able to check on my performance, whether there is something I need to change	1
From that I would learn whether what I did was right or not, whether it was of any help	1
From it I would learn whether I was able to encourage the resident's cooperation	1
To promote better relationship between the police and the community	1
It increases one's self respect	1
I provides us the basis for self-evaluation if we are doing well	1
To know that we are doing our duties	1

Ways of knowing whether residents are satisfied with performance or not
(This is a multiple-response question, therefore the total is more than 19)

Reasons/Remarks	*f*
People do not hesitate to report incidents to the police	5
Actually giving good feedback	3
The relationship between the police and community is warm and harmonious	2
It can be gleaned from their happy faces	2
Through observing how the residents respond to, and support the programs of the police force	2
Sometimes may actually hear a few saying "Oh, it's good to see you around," or "thank you for being there"	1
The community is generally cooperative with police programs	1
Sometimes during pulong-pulong, public announcement is made appreciating the good performance of the police	1
Both praise and suggestions are sent to the radio station through text messages	1
Conducting a community consultation and actually asking for feedback	1
Through their positive reactions	2
When on patrol, also take time out to get some feedback from residents	1
Greetings and smiles even from people whose names or faces are not familiar	1

If a police's wife or child needs any help there are people in the community who are willing to help them	1
When somebody is about to report about an incident, he/she drops by the house to consult me before going to the police station to officially lodge the complaint	1
Wait until someone tells me that I am performing well as a police, it would be embarrassing to directly ask questions about my performance	1
Barangay residents would personally approach and thank us	1
We may "hear" about how people think of our performance during the puoing-pulong conducted within among barangay clusters	1
People do not hesitate to ask assistance from us	1

16. Assessment of Relationship

Relationship between:	Very Good	Good	Poor	Very Poor	No Answer	TOTAL
Police and residents	8	13			1	22
Police and local authorities	9	12			1	22
Police and CSO	8	13			1	22
Police and Media	9	11		1	1	22
Municipal PNP and Provincial PNP	13	8			1	22
Municipal PNP and Regional PNP	13	8			1	22

17. Groups cooperated with in responding to complaints/reports

The table shows the number of responses in each particular complaint/report.

Nature of Complaint/Report	Elected Mun. Officials	Elected Bgy. Officials	NGO	Civic Organizations	Business Organization	Religious Organization	Women's Organization	Youth Organization	Community in general
Crime in progress	10	11	1	1		1		2	3
Crimes after which no arrests were made	2	6		1					6
Crimes after which arrests are made	5	7						1	3
Domestic disputes	3	4			1				2
Serious accidents	7	5					2		4
Social order maintenance	8	6	2	1		5		1	2
Calls for general assistance	13	9				2			6

18. Program's/Projects that the Local PNP is involved with

Programs/Projects	Yes	No	No Idea	No Answer	TOTAL
Anti-Illegal Gambling	17	3		2	22
Drug Awareness Program	18	2		2	22
Trafficking of Women and Children	12	3	2	5	22
Crime Prevention and Control	20			2	22
Others: Sports Development	1				1

18.1 If has established partnership/working relationship

Programs/Projects	Yes	No	No Answer	TOTAL
Anti-Illegal Gambling	13	2	7	22
Drug Awareness Program	13	2	7	22
Trafficking of Women and Children	10	2	10	22
Crime Prevention and Control	16	2	4	22

If YES: with what group/organization the partnership has been established

Organization	Anti-illegal Gambling	Drug Awareness Program	Trafficking of Women and Children	Crime Prevention and Control
LGU (both Municipal and Barangay)	3	1		2
Barangay LGU	2		1	2
LGU and Religious Organization	1			
LGU and Business Organization	1			
LGU and the AFP	2			2
Schools and the Council of Elders	1	1	1	1
Church Organization	1			
Barangay Officials, Religious Sector, and the AFP	1			3
PDEA		5		
PDEA and Religious Organization		2		
PDEA and the AFP		1		
Barangay Officials and Schools		1		
LGU and DSWD			1	
DSWD only			5	
DSWD and the AFP			1	
Schools and the community in general				1
Tri-People Mayor's Council				2
Council of Elders ("Timuay")				1
Council of Elders, CVOs, Barangay Tanods				1
KARANCHO				1
None cited	1	2		
Not Applicable: No/No Answer to Q18.1	9	9	13	6
TOTAL	**22**	**22**	**22**	**22**

18.2 Assessment of level of partnership/cooperation

Programs/Projects	Very Good	Good	Poor	Very Poor	No Answer	TOTAL
Anti-Illegal Gambling	5	8		1	8	22
Drug Awareness Program	5	8		1	8	22
Trafficking of Women and Children	5	6		1	10	22
Crime Prevention and Control	10	6		1	5	22

18.3 Reasons for such assessment

Response	*f*
With the partnership, said illegal activities have been minimized in the municipality	3
The LGU and the community are very supportive of the PNP programs	1
There is unity and cooperation	1
If there are cases that the Mayor's Council can resolve at their level (i.e., estafa, physical injuries) they would do it, but there are other crime incidents that are endorsed to the police station	1
Everyone cooperates with each other	1
The students have become aware of the issues, a number of them even wanted to become police when they graduate from high school	1
Because these organizations give moral support, assistance, and information	1
Everyone cooperates in informing the people about PNP programs	1
Illegal gambling (e.g., last two) has been stopped	1
We haven't heard of any disparaging comment from anyone; most of them are always ready to be of assistance when there is any untoward incident	1
If there are pulong-pulong the barangay officials are there to encourage the residents to attend	1

The lone respondent who responded "Very Poor" indicated that it would also have been better if there are groups/organizations that would also have a differing opinion, other than just saying "yes" to what the government is saying.

18.4 If sees the importance of establishing partnership

Among the nine (9) who either indicated "No" or did not give any answer to Q18, only two responded "Yes".

18.5 Recommended steps/actions to establish good working relationship

Recommended Steps	*f*
Continuous dialogue with the MPOC members	2
Regular consultations between/among the different organizations	2
Regular pulong-pulong and continuous coordination	2
Regular consultations between/among different organizations at least twice a month, and that they should agree among themselves the areas for cooperation	1
Continued support to the police force to reach the goal of success	1
Encouraging these groups/organization to participate	1
That any member of the police force should also be invited to participate in any activity of these groups/organizations	1
The members of the different groups/organizations should not hesitate to declare, in meetings, whatever deficiency they have seen/observed	1
There should be public consultations wherein people can freely talk with each other, especially the leaders	1
Awareness in using the police hotline	1
Thee should be well-trained "assets" assigned to do monitoring, in coordination with barangay officials	1
There should be more representatives from academic institutions	1
Not Applicable (Those who said "Yes", partnership has been established did not respond to this question anymore)	7

19. Recommendations to make Community Policing really work

(Note: This is a multiple-response-question therefore the total is more than 22)

RECOMMENDATIONS	*F*
Institutional Capacities	
Organizational Structure and Personnel	
Additional police personnel in the area	4
Information Management	
Reference/reading materials	2
Additional personnel	1
To explain further to the community the advantages and disavantages of community-oriented policing	1
Appropriate funds for programs and activities especially in remote areas	1
Logistics and resources availability/capacity	
Computers	7
Additional vehicle	2
Airconditioning system	2
Office supplies	4
Regular venue for meetings/consultations	2
Additional gas allotment	2
Firearms and ammunitions	4
Additional operational fund for the station	1
Separate investigation room	1
Financial and logistical support for better mobilization and communication	1
Logistics support from the highest headquarters	1

The station must be constructed in a proper order	1
Renovation of the PNP building with a separate investigation section	1
Transportation facilities	1
Communication facilities	1
Additional uniform	1
Mobilization assistance	1
Planning and Performance Management/Human Resource Development	
For the PNP Provincial and Regional Police Offices to prepare or develop COPS program implementation supporting the Upi Public Safety Plan in terms of budget for implementation	1
Add to NAPOLCOM's Performance Evaluation of Station and Police Officers the Results-Based Performance Measurement indicators for Public Safety and Community Policing	1
Additional budget for incentives of our force multipliers	1
Personnel Competencies	
Technical/legal knowledge and skills	
Conducting seminars to the Police Supervisors who will manage the COPS Centers	1
There should be an organization that would sponsor a workshop about community policing	1
More knowledge on community oriented policing so that our municipality will become more progressive	1
Traiuing Needs	
Training programs	2
Trainings and seminars	1
Processes	
Partnering/Collaboration	
Creating Core Team per basic sector and ensuring that there is a representative to the MPOC and that these representatives are able to disseminate all information/activities to their colleagues	1
Immediate implementation of clustering of barangays and putting-up COPS Center in every clustered barangays with two or more police who will supervise, to be assisted by our force multipliers like Barangay Tanods	1
More cooperation between the police and the community	
Others	
External Support (Central Agency, LGUs, Private Sector, etc.)	
A good working relationship between the Police, LGU, NGO, Religious Sector, Business Sector, and the community itself, binding together to be able to attain a peaceful community	1
LGU support for the strengthening of COMPAC	1
Support from other places	1
More support from higher command to continuously promote community policing	1
More community support to make community policing successful	1

Annex C

CP Experiences

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Community Policing Stories

Peace advocates form alliance

Recognizing the significance of partnership among different stakeholders in maintaining peace and security, local authorities, law enforcers and civil society organizations formed an alliance that would support community policing project in three municipalities in Maguindanao, a component province of the Autonomous Region in Muslim Mindanao (ARMM) in Southern Philippines.

CPAC meets monthly to discuss status of modeling community policing and ways forward. Dir. Rubi Sahi (center) is the Chair.

Convened to form the Community Policing Advisory Committee (CPAC) are the ARMM offices of the Department of Interior and Local Government (DILG), National Police Commission (NAPOLCOM), Philippine National Police (PNP), the Regional Governor and Maguindanao Provincial Governor, and, Notre Dame Foundation (NDFCAI-WED), representing civil society organizations. NDI is the secretariat.

NDI is the lead implementer of Community Policing program in ARMM being piloted in three municipalities of Maguindanao, one the five provinces in Southern Mindanao under the autonomous region.

Director Rubi Sahi, chief of the Technical Services Division of the DILG-ARMM, elected chairperson of CPAC, considers the Committee as a "concrete expression of the local leaders and authorities' support to community-oriented policing."

"Maintenance of peace and order is a collective effort," said Sr. Supt. Bensali Jabarani, deputy regional director for operations of the ARMM's Regional Police Office. He stressed that "Community Policing is considered by the PNP as an effective approach in policing."

Mr. Fredelino Gorospe of the technical division of DILG-ARMM believes that the "involvement of key government agencies and offices in the implementation of Community Policing program in pilot areas will help hasten the appreciation and acceptance by law enforcers, community leaders and citizens of the policing system that allows greater community involvement."

Since the agencies that joined the alliance are in the position to direct processes so that policies, procedures and systems become more facilitative of community policing, Mr. Gorospe said as he expressed optimism that their efforts will help address peace and order problems in the area.

"Community Policing is an effective approach in policing."

For nearly a year in existence, CPAC's member agencies show steady support to Community Policing activities in the three pilot municipalities of Guindulungan, Upi and Barira, all in Maguindanao.

This early, the DILG, NAPOLCOM and PNP are looking forward to replicating this system of policing in other ARMM areas.

MOA Signing. Signifying their commitment as members of the Community Policing Advisory Committee (CPAC), shown here are CPAC Members signing the Memorandum of Agreement

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Community Policing Stories

COPS' Success Hinges on Partnership

"The support of local government unit, the community and other government agencies is fundamental to the success of Community Oriented Policing System (COPS)."

This was one of the major lessons gained by Sr. Police Officer-4 (SPO4) Dagkal Buat, police chief of Guindulungan town, and Insp. Lorigo Austria Jr., chief of police of Upi municipality, from the Lakbay-aral (study tour) to areas where COPS is practiced.

Sultan Amirsalam Dagalangit, the chair of Barira's Joint Ulama- Municipal Peace and Order Council (JUMPOC) also agrees with Insp. Austria and SPO4 Buat's view.

JUMPOC is composed of Ulamas (Muslim religious leaders) and regular members of the Municipal Peace and Order Council (MPOC) formed by the local government of Barira and mandated to implement peace and order programs in the area.

Sultan Dagalangit narrates that "the citizens need to be informed about their role in peace and order campaign" to generate their support.

The towns of Guindulungan, Upi, along with Barira, are three municipalities in Maguindanao province, where community policing program is being piloted by the National Democratic Institute-(NDI) Philippines.

The Lakbay-aral, organized by NDI was aimed at enriching the knowledge and understanding of the members of the citizen-police core teams of the Municipal Peace and Order Councils from the three pilot towns, about Community Policing practices in other parts of the Philippines.

The areas visited are the cities of Tuguegarao, Olongapo and Balanga in Bataan, all in the island of Luzon. The National Police Commission (NAPOLCOM) identified these as places that have successfully implemented Community Policing

Though the places visited have distinct characteristics compared to that of ARMM towns, the participants noted that various important elements of COPS could be adopted in the autonomous region.

Engr. Paulo Cagara, coordinator of the Municipal Planning and Development Office of Upi, noted that "clustering of barangays and the establishment of Community-Police Assistance Center (COMPAC)," are applicable in his town.

Police Officer-2 (PO2) Sukarnin Mustapha, a police officer from Guindulungan, and, Mr. Percival Watamama, municipal councilor of place, also appreciated the "Pulisiya Ti Umili" (Police of the Community) set-up in Tuguegarao City.

Of the team members that went to Tuguegarao, PO2 Mustapha and Councilor Watamama were very vocal of their plan to impart their learnings with other members of the MPOC in their municipality and adopt similar program in their area.

SPO4 Emma Barreto-Garcia, deputy chief of police of Barira, said she wanted to promote community policing in her municipality by educating them of their important contribution in this effort.

Upi Municipal Councilor, Sergio Beling, chairman of the Peace and Order Committee of the legislative body in Upi, said he needs to work closely with the mayor and chief of police to promote the community policing programs.

Lakbay Aral participants visit a village in Balanga, Bataan, where these two policemen are aided by community members, in white shirts, in their peace and order campaign.

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Community Policing Stories

Stakeholders Support Community Policing

Amid a backdrop of perceived biases by many Filipinos against men in uniform, police officers from Maguindanao are determined to erase the longstanding public stereotype against them by working hard to be more community-oriented.

The stereotype, which National Police Commissioner Miguel Coronel traced to the "martial law-influenced mindset" of the law enforcers, lingered longer as the Police failed to immediately adjust to the democratization of the country's political system.

Police officers in the towns of Barira, Guindulungan, and Upi, all in Maguindanao, a province of the Autonomous Region in Muslim Mindanao in Southern Philippines, are among those determined to make community policing work.

Police Officer-1 (PO1) Carlo James Clarete, a police investigator in Upi believes there is a "necessity for the police to win back the confidence of the citizens."

The Police, perceived by some as corrupt and abusive, "should never go back to its old ways," PO1 Clarete said, referring to reported involvement of law enforcers in violations of human rights during the martial law regime.

With community-oriented policing, PO1 Clarete emphasized the "urgent need for us (police officers) to be more careful in dealing with offenders. We always have to take into consideration their rights."

Sr. Police Officer-4 (SPO4) Geronimo Cangrejo, deputy chief of police of Upi, firmly believes that "it is not enough that we are highly reactive in responding to crimes but we must now look deeply into the circumstances surrounding criminalities to come up with proactive steps to prevent them from taking place."

SPO4 Cangrejo suggested "increased police visibility, which could signal the police's commitment to safeguard communities and help us reach out to citizens."

PO1 Clarete and SPO4 Cangrejo put their community-oriented policing ideals into action in Upi, a municipality home to a mix of Christian, Muslims, and the native T'durays, in the uplands of Maguindanao.

Mayor Ramon A. Piang Sr., of Upi, who joined the NDI-organized Lakbay Aral (study tour) to cities practicing community policing, declared it (community-oriented policing) is an "effective strategy in addressing public safety problems of the community."

The four-day Lakbay Aral to the cities of Balanga, Tuguegarao and Olongapo, all recognized successful implementers of the Community Oriented Policing System (COPS) by the National Police Commission (NAPOLCOM), was aimed at providing participants with first hand information on how to generate more community more participation on policing work.

NAPOLCOM describes COPS as "an integrated approach to the community's public safety concerns based on the notion that the police can provide services to the community through the development of an effective partnership between and among them."

Barira Mayor Alexander D. Tomawis, participant of the Lakbay Aral, realized that "community policing is a good opportunity for the police and citizens to strengthen their ties and work together."

Barira, host of fierce encounters between government forces and Moro rebels during the reign of former President Joseph Estrada, has already been declared by Mayor Tomawis as one of the most peaceful municipalities in ARMM.

Now that they are still working to rehabilitate the town from damages wrought by the war, the mayor recognized the "important role of citizens in maintaining peace and order, and, ensuring public safety."

Mayor Midpantao M. Midtimbang of the municipality of Guindulungan, for his part, said that community policing as "challenges us to uphold and preserve our values and beliefs as they do help ensure safety and security of our constituents."

Joining hands with the Municipal Peace and Order Council (MPOC) and the Citizen-Police Core Team (CPCT), SPO4 Dagkal Buat, Guindulungan's chief of police, immediately put up action plans to reduce losses or injuries to lives and properties caused by vehicular accidents abnor-

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Stakeholders Support Community Policing (cont.)

mally frequent in the municipality.

Similarly working together in their respective municipalities are the MPOCs and CPCTs of Upi and Barira, which also implemented their respective action plans to address murder and land conflict, among others.

Insp. Mustapha Bumbola, Barira chief of police, suggested that "efforts should be focused on preventive actions," by engaging more meaningful citizens' involvement in initiatives that enhance community safety.

Community policing literatures define the participatory law enforcement method as "a philosophy of policing based in the concept that the police officers and private citizens working together in creative ways help solve contemporary community problems related to crime, social and physical disorder and neighborhood decay."

A police officer, right, joins villagers in a workshop that surfaces community safety issues and discusses measures the stakeholders shall jointly implement to address the concerns.

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Community Policing Stories

Cops, Citizens take more hats to build safer communities

A man in police uniform was standing in front of almost 60 people. With the crowd are his superiors, who include the town mayor, representatives of the Department of Interior and Local Government (DILG) and sectoral leaders represented in the Municipal Peace and Order Council (MPOC), all gazing sternly and dubiously at him.

He felt like David facing several Goliaths. He was slowly getting queasy and his palms are now sweaty but he knew there was no stopping now. It was the day that marked the presentation of the findings of the public safety team. The time has come to present the Integrated Area/Community Public Safety Plan (IA/CPSP) to the mayor and the rest of the MPOC members.

And so, in a faltering voice, Sr. Police Officer-2 (SPO2) Lorenzo Ninte of the Upi Police in Maguindanao, a component province of the Autonomous Region in Muslim Mindanao in the southern part of the Philippines, began his presentation.

SPO2 Ninte seized the attention of his audience by highlighting the results of the community consultations done by the assessment team—issues considered as priority public safety concerns by local folks, and, responses that will help address the problems.

Community-based Assessments. Police and NPOC core team members facilitate the focus-group discussions with residents on issues of community safety and security.

They took turns in grilling him and asking hard questions. "Why are we including the issue of children in conflict with the law as the community's public safety concern? What data do you have on the number of vagrant children and cases they are involved in? What is the issue between farmers and the National Food Authority?"

Several thoughts were swarming inside his head. In a different circumstance, he would laugh out loud. SPO2 Ninte is chief of the Intelligence and Investigation Division of Upi Police, one who does the questioning to perpetrators and offenders. Now, he was the one under investigation.

It was a grueling moment for him and the team. Yet he knew it was the moment to share and to let the voice of the people be heard. It took them almost a month to complete the IA/CPSP that is reflective of what the communities shared with them and they would be the voice of those they had the chance to encounter. With a voice filled with confidence, he fired on with his answers.

SPO2 Ninte firmly believes that local leaders should "heed what the people shared as their public safety concerns as contained in the IA/CPSP. Not giving attention to their sentiments is like turning a deaf ear to the appeal of the constituents."

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Community Policing Stories

A/CPSP is an annual document that contains the integrated public safety concerns of a municipality which may range from crimes, social disorder, social issues, natural or technological hazards and the concerted action of the different departments and line agencies to address the identified problems of the community.

"Results of the community-based consultations became the bases in formulating the IA/CPSP. This is the first time that Upi Police and the MPOC jointly conducted the activity and with an element of participatory process," Ninte said. "In our previous practice, it is the police through the police chief who draws this plan and submits to the Mayor for approval."

The MPOC, one of the local special bodies in the LGU that is chaired by the Mayor, is mandated to develop and implement the IA/CPSP. It was no small wonder why Mayor Ramon Piang Sr., was keen to comprehend the plan prepared by the assessment team.

"Let us understand that we are planning to address the public safety concerns of our people. I want us to come up with doable and realistic plans," Mayor Piang declared in the discussions of the content of the plan. "I promise you that this plan will not gather dust in the cabinet."

Upi, a town in Maguindanao, prides itself of tri-people (T'durays, Christians and Muslims) co-existence. Ably led by Mayor Piang, who was awarded as one of the most outstanding mayor in the Philippines by the DILG in 2003, several initiatives and innovations have been introduced in the locality. And these efforts do not pass unnoticed.

The recent award received by the local government unit is the recognition for the role of the Mayor's Council as a local mechanism that provides a neutral venue for the tri-people in settling disputes. The Council works with the local leaders and the police. Through the Council's successful conflict resolution, it has made its contribution in preserving peace and order in the community.

Mayor Piang is known for his development–oriented projects and his municipality is host to various projects of donor agencies like the USAID-supported Growth with Equity in Mindanao, The Asia Foundation, and the Philippine-Canada Local Governance Support Program in ARMM. It is also one of the National Democratic Institute's (NDI) pilot sites of its community policing project.

With NDI's project, the mayor envisions Upi police to be known as "credible, trustworthy and good civil servants not only in Upi but in the whole country as well. It is timely that there is an organization dedicated to assist the police," he remarked.

Mayor Piang has been supportive of the community policing activities. He has sent his police officers to attend trainings on conflict management, results-based performance planning, communications development and participatory facilitation techniques.

Upi police is equally pleased with the assistance that they receive as they gradually shift into a more community oriented policing.

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Community Policing Stories

Police officers recalled the early beginnings of their community policing practices in the communities and how they contributed to their appreciation of its principles and concept. More in-depth community policing exposure started with the formulation of the IA/CPSP.

Prior to the crafting of the IA/CPSP, teams of police officers, some barangay leaders, DILG staff and Sangguniang Bayan members traveled around the clustered barangays of Upi to consult the residents on their public safety concerns. They bravely went to the areas that are seldom frequented by non-residents because of its distance and, for some, security issues.

Police officers have their own fair share of "firsts." In the community-based assessment and consultations, the focus-group discussions among the various sectoral representatives were facilitated by police officers Carlo James Clarete, Neil Quimado, Elenita Piang and Margie Pahati. A very rare scenario since police are often associated with arrest, apprehension and crime investigation.

PO3 Quimado shares: "It was first time for most of us to visit the coastal barangays of Nalkan and Sedem. We often operate within the Poblacion or its nearby barangay because of logistical insufficiency."

"Sometimes while going around the Poblacion (capital of the town), we would meet participants of the assessment and they would smile at us. It is good to know that they now warm-up to the police," relays PO1 Carlo James Clarete.

The involvement of the police officers in the assessment was part of their efforts to improve their relationship with the citizens. The consultations in far-flung communities left an impression to the residents.

"We don't get to see police officers in this part of the barangay and we don't place a big significance to their existence unless we need police clearances. You see, our distance from the Poblacion (capital town) deprives us of a lot of services and excludes us mostly from the major activities of the LGU. We have never participated and never been consulted on any municipal concerns until this public safety assessment," a resident from Barangay Sedem, a coastal barangay, shared. "We are glad to be part of this effort," he added.

"This is my first time to see a police officer in my barangay. I am glad too that there are people from the Poblacion who managed to visit our area. A community activity like this is a very new experience for us," a woman participant chimed in.

Local leaders, police and citizens in action together. Casual conversations and participation in community activities together allowed these players to come together.

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Community Policing Stories

Barangay leaders showed the same enthusiasm for the police presence and the attendance of their fellow barangay leaders in the community assessment. "This is a good opportunity for our people to interact with participants from neighboring barangays and to share their views," opined by Village Chair Ariston of Sedem.

"See the excitement and eagerness in their movements," he commented in an obviously amazed way while watching his exhilarated constituents.

Chair Ariston also took the opportunity to inquire from his colleague, Barangay Chairwoman Myrna Lou De Vera of Borongotan, one of the members of the assessment team, on possible projects for his barangay. De Vera saying "there are municipal projects related to women and gender that you can access from our LGU." She then shared some tips and guidance to her fellow village chief and the women's group leader.

Being fortunate to have a barangay adjacent to the Poblacion, De Vera has access to information on the LGU's projects and plans. An advocate of women's rights, she makes it a point to share with other barangay leaders. She has been one of the consistent and active civilian partners of the police.

Asked whether the public safety assessment was a good exercise in improving citizen-police relationship, Ninte confidently said: "The consultations we had made our IA/CPSP richer and more meaningful. It increased community participation and involvement in addressing public safety. The contents of the IA/CPSP are no less the issues of safety of Upi residents and this becomes the basis of our partnership with them as we work for a more peaceful Upi."

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Community Policing Stories

T'duray Leader to Promote New Conflict Resolution Method

"I am seriously considering mediation. It is a good process. Now, it is clear to me that what we are doing in our municipality is purely arbitration." This was the pronouncement of Nagamora Pendinatar, a participant of the Conflict Management Seminar held in Cotabato City on May 26-28.

The seminar was organized by the National Democratic Institute-Philippines (NDI) in recognition of the importance of peaceful settlement of conflicts, which have often escalated into rido, or family feud. The Institute has been implementing a community-oriented policing project in three towns of Maguindanao, a component province of the Autonomous Region in Muslim Mindanao in the southern part of the Philippines.

The mixed group of participants, religious and tribal leaders, members of the barangay lupon (barangay justice structure), policemen and local government employees from the NDI's project sites appreciated the lectures on the nature of conflict and different ways of resolving it. They also went through practical exercises on a particular conflict resolution approach known as Empowering Dispute Resolution (EDR).

In its study of rido in Maguindanao, the Institute of Bangasamoro Studies reported that of the 218 rido cases identified by its respondents, almost 50% remained unresolved. Some of these conflicts began as early as 1970.

The study, prepared for a research sponsored by The Asia Foundation, further reported that these cases led to 811 deaths and injuries to 369 others. Major causes are said to be election-related, conflict over land, cattle rustling, robbery and crimes against chastity.

Through its Community Policing Project, NDI hopes to help citizen-police partnerships develop preventive measures against rido. Along the initiatives that NDI intends to help is that of the Municipal Peace and Order Council (MPOC) of Barira, which shall do an inventory of land conflict cases, that will be used to analyze patterns of land conflict-related killings and design appropriate preventive responses.

Traditionally, Muslim communities resolve conflicts through arbitration, where a third party decides on the settlement.

Mediation, which allows participation of the parties involved in resolving conflict, has yet to gain acceptance in these communities.

Pendinatar, secretary to the Sangguniang Bayan of Barira, explained that "people come to us and ask us to resolve their conflicts. It is the Council of Elders or the mayor who decides."

In EDR, the power to choose the most favorable solution is with the disputants. The mediator is not the decision-maker but simply facilitates the process for the disputants to arrive at a mutually acceptable, interest-based settlement. Both parties leave the settlement victorious.

In contrast, the arbiter may reach a decision, which could favor either one of the disputants, and in some situations, may further worsen the conflict. The common pitfalls of settlement process that relies on the decision of a third party are unfair terms of settlement and non-compliance by any party with the provisions of the settlement.

The cycle of vendetta killings then resumes.

Upi Mayor Ramon Piang Sr. shared that conflict resolution should not only "punish or reward but must seek to avoid the cycle of retaliation and bloody clan wars."

Orlando Mosela of the Upi Mayor's Council, a local conflict resolution body, said that the win-win solution sought by mediation is consistent with T'duray justice system, which the tribe claims is "tested by honor and tradition," a reason he cited for his commitment to promote the EDR.

The Mayor's Council is composed of equal representation from the lukes or tribal leaders of the three major groupings of T'durays, Muslims and Christians.

"We should make known to our communities what we have learned from this seminar. Peaceful settlement of conflict is important and what we have learned here is very good because people themselves settle their conflicts through a mediator," Mosela said.

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Community Policing Stories

T'duray Leader to Promote New Conflict Resolution Method (cont.)

Police participants were also equally interested to immediately apply their lessons to cases presently endorsed to them. They saw the mediation process as an opportunity to educate disputants not only on the customary laws, but also the national criminal justice laws.

One of the first key steps in conflict resolution is to agree on settlement options, some of which can be derived from both laws.

After three days of learning more about the EDR, the participants were convinced that it was a process that has more chances of sustaining peace in the communities.

Assisting two or more parties to reach their own mutually acceptable solution was regarded as the most democratic and desirable process in resolving conflict.

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Mayor's Peace Council and police officers of Upi discuss conflict resolution practices in their community.

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Community Policing Stories

PNP chiefs enjoin execs to try community-policing

BARIRA, Maguindanao—"I challenge all the chiefs of police and local chief executives to look (into) and try community policing—try this in your area!"

This challenge was posed by Police Inspector Mustapha Bumbola, the municipality's chief of police who was very confident the system of policing being adopted in other parts of the Philippines and the world would work anywhere in the country, especially in Muslim communities in Mindanao.

PInsp. Bumbola, who relayed that community-policing was first introduced to him almost a year ago already, bragged that the concept, which he described as citizen and police partnership in addressing peace and safety concerns, has "amazingly changed our community."

He said it was the National Democratic Institute (NDI), a non-government organization supported by the US Agency for International Development (USAID) to pilot community-policing in three municipalities in Maguindanao, that invited them to join series of seminars and training that presented some successful models of citizen-police partnership in other areas of the country and the world. Aside from seminars, the police officer also relayed he was one among those sent by the NDI to a Lakbay Aral in Luzon, in areas where the National Police Commission has recommended for the visit.

Explaining further, Bumbola said that the strategy is actually "engaging the police and the people in many activities that we can do together in addressing criminality, disorder and public safety."

"We went down and conduct consultation meetings with the barangay folks, asked them what their problems are and together we planned steps to solve these problems. Of course, the specific contribution and role of the civilians and policemen have been clearly defined in our plans," he said, adding that the results of the barangay level consultations and plans were incorporated in the Municipal Public Safety Plan of Barira.

Bumbola said that as a result of the community and police partnership, the residents of the municipality, whom he said were also informed of their rights and duties as citizens, were already providing the police of important information regarding peace and order and have even joined hands together in effecting citizen's arrest.

Since they implemented community policing, he said that they organized the 11 barangays of the town into four clusters known as Community Police Action Centers (COMPACT).

The COMPACTs, Bumbola said, are already starting to build their respective physical centers in strategic areas most accessible to the people, would be manned mostly by the people. "These little structures are different from the old concept of outposts or visibility posts because these are manned by the people and would serve as venue for meetings and as a coordination center in planning preventive measures against criminality."

He said that the policemen would still continue to perform their reactive role in combating criminality, yet, he added that their "task would lighten up because our citizen partners would also be doing their crime preemptive role through continuous education campaign."

In the towns of Upi and Guindulungan, the two other areas in Maguindanao where NDI has been assisting local government units in advocating community-policing, similar things were being done.

In Upi, the policemen went to the barangays as part of their continues effort to consult the people and join them in planning joint undertakings to address peace and order concerns.

In Guindulungan, the police, elected government officials, education officials, representatives of the Land Transportation Office, parents and elementary pupils conducted discussions on how they could help each other in addressing what they said was an "alarming cases of vehicular accidents" along the national highway connecting Cotabato City and Isulan, Sultan Kudarat.

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Community Policing Stories

LGUs Address Health Problems as Public Safety Threats

Threat to public safety is not only limited to those posed by crimes but also those that threaten public health, education and access to basic social services. This was a realization of members of the Municipal Peace and Order Councils of three towns in Maguindanao province following a series of Public Safety Assessment (PSA) that they conducted.

Around 1,000 individuals from 53 of 55 barangays of Guindulungan, Barira and Upi towns of Maguindanao participated in the series of workshops assisted by the National Democratic Institute-Philippines (NDI). The workshops were conducted in November and December 2004.

Myrna Lou de Vera, barangay chairperson of Borongotan in Upi, during one of the PSAs asserted that health preservation and illness protection had to be incorporated in the public safety plans of every community "to prevent diseases that are actual potentials threats also to public safety."

Borongotan is an agricultural area, surrounded with rice fields and mountains.

Chair Vera's advocacy was put to test when her barangay was hit by an alarming rate of dengue fever sometime in March.

Immediately, the barangay's plan worked with all residents of Borongotan cleaning their respective surroundings every afternoon while the officials closely monitored the condition of their constituents.

Chairperson Vera also mobilized local resources when she requested assistance from the municipal government, that in turn asked the provincial health unit to conduct fogging operations in swamps within the entire barangay.

Fogging was conducted to kill ades mosquitoes carrying dengue, a contagious and deadly flu-like viral disease.

Having tapped the government line agencies, Chairperson de Vera also asked assistance from the NDI to refer her barangay's problem to individuals and organizations that could possibly help her.

Around 300 beneficiaries from barangay Borongotan benefited the donated medicines of a world known pharmaceutical company, United Laboratories Inc. during the medical-dental mission held in the barangay last April 1-3, 2005.

The donated medicines that included paracetamol and children's vitamins were distributed to indigent residents.

"The medicines meant a lot to our people, especially now that we are combating dengue fever," Chairperson Vera said.

In similar manner, Mayor Alexander D. Tomawis of Barira sought assistance from funding agencies to address their problem on accessing potable water.

NDI, as a form of its assistance, referred Barira's problem to the Government of the Philippines-United Nations Development Programme–European Commission Programme on Rehabilitating Internally Displaced Peoples and Communities in Southern Philippines, which is considering the funding request for a potable water system.

The Upi police participate in the Medical and Dental Mission of Brgy. Borongotan.

Chairman Myrna Lou De Vera (right, in white shirt) unceasingly works for the safety of her constituents.

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Community Policing Stories

COMPACT Brings Cops Closer with Communities

Establishing Community-Police Assistance Centers (COMPACTs) is "more than constructing police outposts and assigning police officers," this is the belief of Insp. Mustapha Bumbola, chief of police of Barira.

"It is not just the police officers and the community outposts. It is a mechanism to bring the police closer to the community," said Insp. Bumbola.

Sr. Inspector Reynaldo Cayanga, deputy operations officer of Regional Police Office-ARMM, pointed-out that COMPACT is a "mechanism for Community Policing."

Under this organizational set up, the clustered barangays becomes the basis of the police unit in decentralizing its operation and delivery of community-based services.

Inspired by the principles of Community Policing, the town of Barira in Maguindanao through the joint effort of the local government unit and Muslim leaders, agreed to formalize the establishment of COMPACTs in the locality to encourage participation of citizens and community leaders in peace-building.

The town of Barira is among the three areas in the province of Maguindanao where Community Policing is piloted by the National Democratic Institute (NDI) for International Affairs.

The other two municipalities are Upi and Guindulungan.

The COMPACs scheme in Barira follows the basic elements of police-community partnership with distinct modification to suit with the local context, that is, "Muslim religious leaders are given significant role in the COMPACTs" said Mayor Alexander D. Tomawis, the town's local chief executive.

The religious leaders, police officers and barangay leaders in the clustered area will complement each other in peace and order initiatives, "they are the community-level peace stakeholders" added Mayor Tomawis.

Inspector Lorigo Austria, the chief of police Upi together and the investigator Sr. Police Officer-2 (SPO2) Lorenzo Ninte echoed a common idea about COMPACT.

"We already came-up with the clustering of Barangays in Upi". The objective of the clustering is to effectively respond to the peace and order issues identified by the barangays during the public safety assessment; referring to the assessment spearheaded by the Municipal Peace and Order Council and the police in the municipality last year.

In these COMPACTs the community leaders, the tanods (community sentries) and the police officers assigned in the cluster are the front-liners in crime prevention activities and implementers of programs that address the causes of crimes and disorder" said SPO2 Ninte.

With this system, police officers assigned in the COMPACTs need to be innovative thus, "they should have the skills not just on the basics of law enforcement but also on community relations and mobilization" said Inspector Austria.

"We need to train our police officers to be effective problem-solvers in this system of policing", he explained.

This organizational set-up is a positive step towards bringing closer the police to the citizens not to apprehend but to work hand-in-hand with them to "deter the occurrence of crimes and violence and social disorder" said Insp. Austria.

Power of two. Tandem of Chief Bumbola and SB Secretary Pendinatar is a convincing picture of citizen-police partnership. Both led the COMPACT Consultation in the barangays of Cluster II.

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Community Policing Stories

Barira folks set up police assistance center

"The police cannot do everything to ensure peace and security for all of us," Police Officer-3 (PO3) Macatangcop Tomawis, speaking in Iranun dialect, emphasized this point in appealing for barangay officials, religious leaders and villagers' to support the Police's efforts to make barangays Bualan, Lipa and Marang in Barira town of Maguindanao peaceful.

Tomawis made the appeal during the consultation his office initiated to establish the first Community-Police Assistance Center (COMPACT) in Barira last June 21. Barira is one of the three towns in the Autonomous Region in Muslim Mindanao in Southern Philippines where the National Democratic Institute (NDI) for International Affairs is piloting a community policing project. Standing in front of around 50 people who attended the consultation, PO3 Tomawis, the police officer designated to supervise the organization and operation of the COMPACT, explained the "need for the tanods (barangay police), barangay officials, local residents and the police to work together to maintain peace and order in the area."

"We need to train the tanods about basic investigation to help policemen in documenting criminalities in the barangays," the police officer explained. Mr. Jalandoni Morog, the

COMPACT Consultation. Barira police leads the COMPACT orientation in its barangays.

representative of barangay Marang, supported the proposal for the conduct of sustained "joint meetings of all the barangay officials to discuss capacity development of the tanods and some other peace and order activities" in the cluster. For COMPACT's operation, the barangays of Barira have been clustered and Bualan, Lipa and Marang is among them. The barangay chairmen and a representative of the religious leaders will act as an advisory council of the COMPACT.

The barangays have been clustered after local leaders in Barira, in a public consultation jointly spearheaded by the *Ulama* (religious leaders) Council (UC) and the Municipal Peace and Order of Council (MPOC), agreed to decentralize the operation of the police so they could "work closer with the communities." "It is bringing the government (Police) closer to the people," said Inspector Mustapha Bumbola, Barira's chief of police, during the consultation. Chief Bumbola relayed that his offi ce, the UC and the MPOC will soon organize three other COMPACTs in other clustered barangays of the municipality. "Our next consultation will be in the clustered barangays of Nabalawag, Tugaig and Poblacion." Along with Barira, the towns of Upi and Guindulungan, all in Maguindanao are among NDI's pilot areas for its project that aims to strengthen citizen-police partnerships

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INSTITUTIONALIZING INDIGENOUS DISPUTE RESOLUTION MECHANISMS IN THE AUTONOMOUS REGION IN MUSLIM MINDANAO

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We are also thankful to the Local Government Support Program (LGSP), our co-sponsor for this research.

Also, we are thankful to the people who provided information and spent their precious time in the interviews.

A Research Paper

On

INSTITUTIONALIZING INDIGENOUS DISPUTE RESOLUTION MECHANISMS IN THE AUTONOMOUS REGION IN MUSLIM MINDANAO

Prepared by: Sentro ng Alternatibong Lingap Panligal (Saligan) Mindanaw
Packaged by: National Democratic Institute for International Affairs
Promoting Democratic Governance and Enhancing Community-Police Relation in the Autonomous Region in Muslim Mindanao
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Introduction

Mainstreaming the traditionally accepted values and processes into the formal structures of government ensures that in the matter of governance, there is respect for the culture and way of life of the people. Especially in the Muslim-dominated areas in Mindanao and in areas where the non-Islamized indigenous tribes are predominant, government structures as mandated under the laws may seem alien and irrelevant. In fact, the imposition of the structures, laws and processes are among the many reasons that justify the bangsamoro struggle for freedom and self-determination. Indigenous peoples likewise clamor for tribal self-governance. This issue has been a long-running struggle, which has tremendous impact on peace and justice among the peoples of Mindanao.

While the issue of the bangsamoro is being tackled on the negotiation table, there are "small" efforts to make governmental structures more sensitive and respectful of the indigenous belief systems that are based on faith and traditions. A study conducted by the Gerry Roxas Foundation (GRF) shows that a prevalent practice in the Autonomous Region in Muslim Mindanao (ARMM) is the "localization" of barangay justice in the form of institutionalized traditional conflict-resolving bodies composed of the learned and religious leaders (such as ulama and ustadzes), traditional leaders (such as datus, sultans, and timuays), elders, and other stakeholders in the communities.

In 2003, SALIGAN ventured into a research, by way of case study, on six of the municipalities having these indigenous justice systems. These municipalities are: Barira, Buldon, Matanog, Upi and Datu Odin Sinsuat (all in Maguindanao) and Kapatagan (in Lanao del Sur). The research is part of the Local Government Support Program (LGSP) project implemented by the Mindanaw branch of the Sentro ng Alternatibong Lingap Panligal (SALIGAN-Mindanaw). In July 2004, another organization expressed interest in the localized justice systems in the ARMM, i.e., the National Democratic Institute for International Affairs (NDI). A roundtable discussion had earlier been sponsored by NDI, during which the respective indigenous justice systems of the municipalities of Upi and Sultan Kudarat were presented.

Additional research was conducted on Sultan Kudarat and Sultan Mastura. While Sultan Kudarat has a well-developed system of dispensing justice through its system of traditional conflict-resolution, Sultan Mastura, as a newly-created municipality, has not yet put in place any system other than the Katarungang Pambarangay, as mandated under the Local Government Code. However, the local chief executive of Sultan Mastura has declared that part of his agenda is the installation of the Council of Elders as an alternative dispute resolution body. This is not surprising as the local chief executive of Sultan Mastura is the younger brother of the local chief executive of Sultan Kudarat. More importantly, Sultan Mastura was actually part of Sultan Kudarat prior to its separation as a new municipality in year 2003 and the mayor of Sultan Mastura was once a member of the municipal council of Sultan Kudarat.

With the inclusion of Sultan Kudarat and Sultan Mastura in the project, courtesy of NDI, there are now eight (8) LGUs that are directly involved in the project, with Upi as a common area for NDI and LGSP. The results of the research and the round table discussion yielded the following observations.

RESEARCH RESULTS

On the composition of the conflict-resolving bodies

Six (6) of the eight (8) municipal LGUs have formed bodies tasked with facilitating the conciliation and conducting mediation of conflicting parties. In Datu Odin Sinsuat, aside from relying on the Lupong Tagapamayapa to facilitate resolution of conflicts in the barangay level, it is the mayor, who, as datu, helps in mediating between parties in disputes. There is no council that was formed as part of the local government that is tasked to use customary laws and processes in dispute settlement. As already mentioned, Sultan Mastura still has to install its indigenous conflict resolution system.

As to the six (6) LGUs, there are different names and compositions for their respective conflict-resolving bodies. For Barira, it is a joint council of the Sangguniang Bayan's Peace and Order Council and the Ulama. Hence, the name, Barira Joint Municipal Peace and Order Council–Ulama Peace and Order Council (BJMPOC-UPOC). This body, however, is not only composed of the Sangguniang members who are in the Peace and Order Council and the Ulama Council, but other municipal and barangay officials as well. Buldon still uses the Task Force Kalilintad that had been put up in the mid-90's under orders of then Maguindanao Governor Zacaria Candao. The Task Force has 11 active members, composed of the religious, academic and traditional leaders of Muslim communities, as well as representatives of the two liberation fronts of the Moro people. After the May 2004 elections however, the municipal mayor issued an Executive Order creating a Council of Elders that would take over the tasks of the Task Force Kalilintad. Matanog's Peace and Order Council is composed of the executive and legislative leaders of the municipality and the punong barangays, other officials, and multi-sectoral representatives of the community. Kapatagan's Peace Committee is composed of the municipal officials as well as religious and traditional leaders. The Mayor's Council of Upi has two representatives each from the Teduray (the dominant group), the Muslims, and the settlers. Sultan Kudarat's Walay Na Bitiara is composed of datus and barangay kagawads, plus a sultan as chair. For a summary of the composition of the different conflict resolving bodies, see table below.

LGU	Composition
Barira: Barira Joint Municipal Peace and Order Council-Ulama Peace and Order Council	Sultan Amirsalam Dagalangit as Chair (former mayor and uncle of the incumbent mayor) Mayor Vice-Mayor Ulama Station Commander MLGOO Municipal Administrator (as Secretary) 11 punong barangays Chairs of the 4 district BJMPOC-UPOC

LGU	Composition
Buldon: Task Force Kalilintad	Chair (former mayor, and father of the incumbent) Ustadz MILF MNLF Sultans Imams
Datu Odin Sinsuat	Council of elders Datu (who is also the incumbent mayor)
Kapatagan: Peace Committee	Uncle of the mayor as the Chair of the Peace Committee 5 members from the religious sector 5 members from the traditional leaders Chair and 1 member of the SB Committee on Peace and Order PNP Station Commander ABC Chair Information officer as honorary member Peace advocates
Matanog: Peace and Order Council	Mayor as Chair Vice-mayor SB members 3 mediators ("Shari'a") 8 punong barangays PNP and military representatives Peace Advocates MLGOO (as Secretary) 1 rep each: religious, farmers, women, youth, and government sector
Upi: Mayor's Council	2 reps each from Teduray, Moro and Christian settlers
Sultan Kudarat: Walay Na Bitiara	Sultan sa Butig as Chair 2 datus 2 barangay chair (1 of whom is also a datu) 4 kagawads (2 of whom are also datus)

As can be gleaned from the above, the conflict-resolving bodies are a mixture of the religious, the traditional leaders, and the political leaders of the LGUs.

The appointing power is the Mayor, and the trust reposed by him/ her upon the appointee is important. This can be gleaned from the fact that the conflict-resolving bodies of Barira, Buldon and Kapatagan are chaired by relatives of the incumbent Mayor. The Chair of the bodies in the case of Buldon and Barira were former mayors themselves, aside from being relatives of the incumbent mayor. In the case of Matanog, it is the incumbent mayor who formally chairs the body, but it is actually the Vice Mayor who presides over the meetings as the mayor faces a clan war in the municipality and is hindered from appearing regularly therein. The Sultan sa Butig is the Chair of the Walay Na Bitiara in Sultan Kudarat. Datu Odin Sinsuat did not form any body but the Mayor, who is also a datu, has a role to play in stages of conflict-resolution.

Some of the covered municipal LGUs created the localized justice system through legal instruments such as an executive order of the mayor or a sangguniang bayan resolution or ordinance.

On the processes used and bases for decisions of the bodies

All the systems encourage, if not require, that a conciliatory proceeding be held in the barangay level first before elevating the case to the municipal body. In Kapatagan, the presence and personal endorsement of the punong barangay is even required in the municipal level proceedings.

In Upi, the barangay level proceedings consist sole of the Katarungang Pambarangay, as mandated in the Local Government Code. In the rest of the research areas, there are likewise indigenous systems incorporated in the barangay level proceedings of dispute resolution. In the latter case, the rules of proceedings are similar, if not identical, to those in the municipal level.

Of the six systems, five base their decisions and procedures on or are largely influenced by Islamic teachings and traditional practices among the particular Moro communities or tribes. One system, that of Upi, is based on the different concepts of peace and justice of the Teduray, the Muslims and the Christians, using the tri-people approach. This is so because the residents of Upi are Teduray, Maguindanaon and Christian settlers, while those of Barira, Buldon, Matanog, Sultan Kudarat, Kapatagan and Datu Odin Sinsuat are largely Iranun, Maguindanaon and Maranaos who adhere to Islam.

All the six (6) predominantly Muslim municipalities that have conflict-resolving bodies claim that the decisions made and the processes used by their conflict-resolving bodies are based on the Qur'an and hadiths/ ahadith, i.e., the collection of traditions or sayings of the Prophet Muhammad (s.a.w.). Aside from these sources of the Shari'a law, the decisions can likewise be based on traditions of the tribe and customary laws. For example, the Buldon body has based some of its action on cases brought before it on the customary notion of *"kokoman a kambata bata"*, or justice through blood relationship. When the disputants are found to be related to each other, there is more effort towards reconciliation and/or amicable settlement in order to keep their blood ties from being broken. If and when punishment is meted, it is kept minimal because the parties are related.

Another tradition common among the Iranun is the principle of *"durog ago igma*." This is observed by the conflict-resolving body in setting the punishment for the offending party. Under this customary law, when there is theft or robbery, the penalty is three times the amount stolen. The offending party will pay the cost of the stolen property plus the same amount for damages to the owner, and then pay the judges or "hukom"/ mediators, also the same amount.

The processes used by the conflict-resolving bodies are the same as those used in Katarungang Pambarangay processes, which includes conciliation, mediation and arbitration. It was observed that there are many cases of arbitration done in the municipal-level conflict resolving bodies. This is not surprising because conciliation and mediation have already been tried in the lower levels of confllict resolution. Hence, when the parties' case is already in the municipal level, this means that previous attempts had already been made at conciliation but parties failed to arrive at an amicable settlement. One exception may be the case of the Walay Na Bitiara of Sultan Kudarat, where conciliation is the more prevalent practice rather than arbitration.

The procedure is generally less confrontational. Parties may be asked to present their complaint/ defense only when there is need to clarify certain allegations. There are no lawyers and there is less adherence to technical rules of procedure. Some parties may even appear through their *bona fide* guardians and/or relatives. Most of the conflict-resolving bodies speak of the procedure where the a party may be asked to swear on the Qur'an. This is meant to ensure that the party would tell the truth before the body. However, this method of extracting the truth is only used when the complainant has no witnesses and therefore, s/he must prove the truth of his/her allegations. This is done by swearing on the Qur'an. However, where both parties are willing to swear on the Qur'an, and both have witnesses, and the body cannot determine who is telling the truth, the body considers the background of the parties. The one who has a more religious background will be the one allowed to swear on the Qur'an.

When reconciliation is achieved, there are prayers and ceremonial gatherings to seal the agreement and celebrate the reconciliation. Some of the different gatherings common among the Iranun are the following:

-*" Kapangangawid"*: payment of moral, physical, and material damages to the offended party;

-*"Kapapamanikan"*: requires family members and close relatives of the offending party to go to the house of the offended party as a manifestation of acceptance of the guilt or submission to appease the offended party and relatives;

- *"Kandori"*: thanksgiving with some food and drinks during the above-mentioned occasions, i.e.,

- "kapangangawid" and "kapapamanikan". Sometimes, when the cases are minor, the "kandori" is held separately.

On the purposes that these systems have played in peace-building

The incorporation of the indigenous systems in the barangay and municipal structures and processes has generally resulted in a more peaceful community.

Many of the communities included in the study are far-flung and travel to and from them usually consists of bumpy rides over unpaved roads. Public transportation requires hours of waiting for the vehicle to be filled up with passengers; hence, the time required for travel is more than the usual. The public utility vehicle that goes out of the municipality of Buldon comes back only the next day. The road going to Upi is accessible only to four-wheel drive vehicles, 6-wheeler jeeps and motorcycles (as public transportation, they are locally called *"habal-habal"*). Hence, going to the regular courts in Parang, Maguindanao or in Cotabato City can be a difficult and time-consuming ordeal, especially for rural folks who may want to save the money for public transportation for some other more basic needs of the family or to use their time for income-earning activities. Sultan Kudarat is the municipality that has the best access to the regional trial courts (which are located in Cotabato, the adjacent city).

Furthermore, cases that are filed in the regular courts are resolved only after several years. Complaints that are brought to the localized justice system are resolved within weeks, or at most, a year.

Cases brought to the localized justice system need not be handled by a lawyer. This means, for the litigants, less expenses as they do not have to give in to the various and oftentimes exorbitant fees that lawyers demand.

On the interface with Philippine laws and policies

The laws of the Philippines and the ARMM can be invoked to justify the localized versions of justice systems in the communities in the Region. Provisions of the 1987 Constitution provide the bases for the enactment of the Organic Acts, i.e., Republic Act 6734 and later, Republic Act 9054. Hence, we have Article X of the Constitution, specifically Sections 1, 15 – 21, which speak about autonomous regions in Muslim Mindanao and the Cordilleras. Unfortunately, the creation of the region in the Cordilleras failed to materialize. The constitutionally mandated regions, under the Constitution, would have to have an Organic Act that would define the powers and structures of the regional government therein. In 1989, RA 6734 was enacted by the Congress of the Philippines. This was later amended in 2001 with RA 9054.

Furthermore, the Constitution declares, as the State's policy, the recognition and promotion of the rights of indigenous cultural communities (Art. II, Section 22) and declares that the State shall undertake to recognize the rights of these communities to develop their cultures, traditions and institutions (Art XIV, Section 17). It likewise ensures "their economic, social and cultural well-being" (Art. XII, Sec. 5).

Under RA 9054, the policy of recognizing, protecting and promoting the beliefs, customs and traditions is very clear. It even mandates the Regional Legislative Assembly (RLA) to adopt measures towards this end and to codify the laws of the Muslims ad the indigenous communities. The Regional Government as a whole is also mandated to "recognize, respect, protect, preserve, revive, develop, promote and enhance the culture, customs, traditions, beliefs, and practices of the people of the autonomous region."

Under the Local Government Code of ARMM, or Muslim Mindanao Autonomy Act. No. 25, the Regional Government assured that local systems of dispute settlement would be recognized in barangays predominantly inhabited by indigenous cultural communities. Actually, Section 394 of said Act is merely a replication of Section 399(f) of the Local Government Code of the Philippines (RA 7160). Section 407(c) of MMAA No. 25 also provides that with respect to the conciliation process, "the customs and traditions of indigenous cultural communities shall be applied in settling disputes between members of the cultural communities". Again, the same provision is found in RA 7160.

In the implementing rules of RA 7160, (promulgated in June 1992), there is a need for registration of the datus, tribal leaders, elders or similar leaders with the office of the mayor. Furthermore, the indigenous system of settling disputes shall be certified to by the respective councils of datus, tribal leaders, or elders or other similar leaders, which shall be recognized without prejudice to the applicable provisions of the Katarungang Pambarangay (Rule IX, Section 1).

RA 8371 or the Indigenous Peoples' Rights Act (IPRA) also allows the indigenous peoples "to use their own commonly accepted justice systems, conflict resolution institutions, peace building processes or mechanisms and other customary laws and practices within their respective communities and as may be compatible with the national legal system and with internationally recognized human rights" (Section 15). It further mandates that "when disputes involve ICCs/ IPs, customary laws and practices shall be used to resolve the dispute" (Section 65). It is argued that RA 8371 covers both the Islamized and non-Islamized indigenous peoples, as can be gleaned from the law's definition of terms (Section 3).

The above national and regional laws show that the indigenous systems of conflict resolution of indigenous cultural communities are acceptable and can be used in areas that are predominantly inhabited by said types of communities. This policy is in keeping with the constitutional principle that the rights of indigenous peoples shall be recognized, protected and promoted. Truly, there is a mandate for providing a space for the indigenous systems.

In the case of the 6 municipalities, there was not just a provision for space in the LGU processes for the indigenous systems, but an incorporation of the systems into the formal structures of the LGU. In the municipal level, the datus, elders or other similar leaders were incorporated into a conflict-resolving body that was given *de jure* or *de facto* authority to look into disputes between and among the residents. Some of the conflict-resolving bodies even included the highest office of the LGU, i.e., the mayor. This is the case in Matanog and Barira. In the others, while the mayor is not a member of the body, the latter enjoyed the trust and confidence of the mayor, having been

appointed by him/her. Aside from the trust and confidence of the mayor, the bodies are usually given resouces, whether in kind or in cash, necessary for its operations. The Barira JMPOC-UPOC, for example, has a permanent room in the municipal hall where the "hearings" are conducted. Non-government officials and employees of the bodies likewise get some kind of allowance for transportation and other expenses from the mayor, albeit not regularly.

This notwithstanding, the integration of the indigenous system into the formal structure of the government is even a few steps ahead of the situation contemplated in the Local Government Code where the council of datus or elders are merely given the permission to mediate according to their indigenous systems.

In the barangay level, there is also localization of the indigenous systems. The municipal bodies that were created have barangay counterparts, some reflecting the composition and powers of the municipal bodies. In some of the areas, however, the indigenous system in the barangay is solely administered by the datus and other religious and traditional leaders, without any participation of barangay officials. This is the case of Kapatagan and Buldon, where the cases are referred to the datus and the ulamas. On the other hand, there is the Upi model, which does not have any indigenous system in the barangay level. What is in place is the Lupong Tagapamayapa under the Katarungang Pambarangay, as mandated in the Local Government Code.

One issue that must be resolved is the extent of the "indigenization" of the system. For example, even graver cases like murder, rape and robbery can be taken cognizance of under the indigenous systems. However, the Katarungang Pambarangay limits its criminal cases to those that are punishable by imprisonment for one year and/or a fine of Five Thousand Pesos (P5,000.00). There are also procedures in the indigenous systems or in the localized system that may go against some procedural limits of justice administration, such as taking an accused in custody without the benefit of a warrant of arrest. While in most cases, the reason for the taking of custody is to provide protection for the suspect against retaliatory actions from the aggrieved party and/or his/her relatives, the act of putting the accused in jail for the duration of the conciliation/ mediation may be questioned by some as a violation of human rights and of criminal procedures of the Philippines.

POLICY QUESTION

Given the above policies in the Constitution, Philippine laws and regional law, it is clear that indigenous systems of dispute resolution should be recognized, promoted and even mandated in areas predominantly inhabited by the indigenous peoples, whether Islamized or not. It is all the more true because these systems have proven to be generally effective and relevant to the residents of these communities. It is in this context that the local government units in these areas assert their right to self-governance, even if only in the specific concern of conflict-resolution.

A law from the Regional Legislative Assembly (RLA) or the national government mandating the formation and strengthening of these indigenous conflict-resolving bodies is in order. Some of the features of the law/ policy are stated below:

1. The law should clarify the issues of jurisdiction of these bodies. When Section 65 of the IPRA states that "when disputes involve ICCs/ IPs, customary laws and practices shall be used to resolve the dispute," does it mean that the customary laws and practices can be used to the fullest in terms of jurisdiction? Or would it have to comply with the parallel law on Katarungang Pambarangay?

2. The policy should also help in institutionalizing the systems by providing for measures that would promote the efficiency and effectivity of the bodies and their members. Some of the measures that would help towards that end are the mandate for the allocation of regular budget of the LGU, trainings on conciliation and mediation of the members of the conflict-resolving bodies, and possibly, documentation of customary laws. Documentation system for conflicts brought before these bodies may also be drawn up and institutionalized.

It is maintained that the moro and IP communities would continue using their customary laws and practices because these are closest to their way of life. Whether these laws and the institutions for their implementation are recognized by the Philippine government or not, the moros and the IPs would continue to observe them, as they had done since time immemorial. In this sense, there is no need for any policy that would put a stamp of approval for these systems as they are observed by the people regardless of any policy. However, it is also maintained that with the incorporation of these systems in the formal structures of (local) government, these systems have become part of the local government structure. Hence, the need for the policy issuance from, at the very least, the regional government. It can also be maintained that there is a need for the same policy issuance even in areas found outside of the Autonomous Region of Muslim Mindanao; hence, there may also be a need for a national policy on the matter.

To conclude, there are indigenous systems of justice in the Islamized and non-Islamized tribes. For centuries, people of these tribes have always observed the customary laws and institutions that dispense with justice. These systems have worked towards keeping law and order in their communities. The national and the regional governments are now tasked to recognize, protect, and promote these systems, in keeping even with the policies found in the Constitution, and national and regional laws.

RIGHTS OF THE ACCUSED

NATIONAL DEMOCRATIC INSTITUTE FOR INTERNATIONAL AFFAIRS

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Rights of the Accused

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C O N T E N T S

Chapters

I. Rights of the Accused During Arrest, Seizure, Custodial Investigation, Inquest and/or Preliminary Investigation and Posting of Bail

II. Rights of the Accused During Trial in a Criminal Prosecution

III. Rights of the Accused After Judgement

WHAT'S INSIDE

I. RIGHTS OF THE ACCUSED DURING ARREST, SEIZURE, CUSTODIAL INVESTIGATION, INQUEST and/or PRELIMINARY INVESTIGATION, AND POSTING OF BAIL

This chapter focuses on the rights of a person who has been arrested and brought to the mechanism of the criminal justice system, but just before s/he is brought to the court for trial. Hence, this chapter dwells on the rights of the accused when s/he is being arrested, searched, and placed under custodial investigation. It also includes a discussion of the accused's right to a preliminary investigation and to bail. In the area of warrantless arrests, the chapter discusses when these are valid and what inquest proceedings are in relation to warrantless arrests.

II. RIGHTS OF THE ACCUSED DURING TRIAL IN A CRIMINAL PROSECUTION

This is a presentation of the accused's constitutional and statutory rights while being tried for a criminal offense. This includes a discussion of the his/her right to due process, to be presumed innocent until proven guilty, the right to counsel, to speedy trial and to a public trial.

III. RIGHTS OF THE ACCUSED AFTER JUDGMENT

This is a discussion of what the rights of the accused are after being convicted of the offense charges. This includes a discussion on the prohibited punishments, rights against double jeopardy and the prohibition against ex post facto laws and bills of attainder.

Chapter I. RIGHTS OF THE ACCUSED DURING ARREST, SEIZURE, CUSTODIAL INVESTIGATION, INQUEST and/or PRELIMINARY INVESTIGATION, AND POSTING OF BAIL

A. RIGHT TO SECURITY OF PERSONS, PLACES AND EFFECTS

Q

What does the Constitution say about security of persons?

All persons have a protected right to be secure in their persons, houses, papers and effects against un reasonable searches and seizures of whatever nature (Sec. 2, Art. III, 1987 Constitution).

The accused also has the right to privacy of communication and correspondence except upon lawful order of the court, or when public safety or order requires otherwise (Sec. 3, Art III, 1987 Constitution).

Take note that these rights are available to all persons, whether they have been accused of a crime or not. This right even applies to foreigners.

Q

What happens when these rights are violated?

Any evidence obtained in violation of these rights shall be inadmissible for any purpose in any proceeding. The evidence obtained cannot be used in court against the accused.

In addition, the person/s responsible for violation of these rights can be charged administratively, criminally and civilly.

B. RIGHT AGAINST UNREASONABLE SEARCHES AND SEIZURES

Q

When can the authorities validly search our houses or office, belongings and personal effects?

Authorities can validly search our houses, belongings and personal effects when they have a validly issued search warrant, subject to certain exceptions. Thus, as a general rule, any search and/or seizure made by the authorities without a warrant is "unreasonable".

Note that our right as citizens is to be secure in our persons, houses, papers, and effects against only "unreasonable" searches. Implicitly, we cannot legally object against "reasonable" searches. If there is a validly issued warrant, the search is presumed to be "reasonable".

Q

What are the requirements for a valid search warrant?

1. There must be probable cause;
2. The determination of probable cause must be personally made by a judge;
3. The warrant is issued after examination, under oath or affirmation, of the complainant and the witnesses s/he may produce; and
4. Warrant must particularly describe the things to be seized.

Q

What is "probable cause"?

For search warrants, the Supreme Court in the case of *Burgos v. Chief of Staff* [1] defined "probable cause" as such facts and circumstances which would lead a reasonably discreet and prudent [person] to believe that an offense has been committed and that the objects sought in connection with the offense are in the place sought to be searched.

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[1] 133 SCRA 800

Q

What do you mean by "determination of probable cause must be personally made by a judge"?

This means that the issuance of a search warrant is the function of the judge and it is the judge alone who must make the determination whether probable cause exists.

Q

How should the judge determine the existence of probable cause?

For the issuance of a search warrant, the Rules of Court require that the judge must determine personally, after examination under oath or affirmation of the complainant and the witness s/he may produce, and particularly describing the place to be searched and the things to be seized which may be anywhere in the Philippines.[2]

Q

Why should the warrant particularly describe the objects to be seized?

The purpose of this requirement, according to the Supreme Court[3], is to leave the officers of the law with no discretion regarding what articles they should seize, to the end that unreasonable searches and seizures may not be made and abuses may not be committed.

Q

How specific should the search warrant be?

"The description of the property to be seized need not be technically accurate nor necessarily precise, and its nature will necessarily vary according to whether the identity of the property, or its character, is a matter of concern." It is not necessary that the warrant be very specific to the very last detail. As long as it is as specific as the circumstances will ordinarily allow, it cannot be considered as a "general warrant[4]"

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[2] Section 4, Rule 126, 2000 Rules of Court
[3] In the case of *Corro v. Lising,* 137 SCRA 541
[4] In the case of *Kho v. Judge Makalintal,* G.R. No. 94902-06, April 21, 1999

Q What is a "general warrant"?

A general warrant or "scatter-shot warrant" is a search warrant which vaguely describes and does not particularize the personal properties to be seized without a definite guideline to the searching team as to what items might be lawfully seized, thus giving the officers discretion regarding what articles they should seize[5].

Q What is the effect of a "general warrant"?

It is null and void because it violates the constitutional requirement that there must be particularity of the things to be seized and persons and places to be searched[6].

Q Are there any instances when authorities can reasonably search our houses, belongings and personal effects even without a search warrant?

Yes. The instances where a where a warrantless search and seizure may be allowed are the following:

1. Where there is a valid reason to "stop-and-frisk";
2. Where the search (and seizure) is an incident to a lawful arrest;
3. In cases of searches of vessels and aircrafts;
4. In cases of searches of moving vehicles;
5. In inspection of buildings and other premises for the enforcement of fire, sanitary and building regulations;
6. Where the prohibited articles are in plain view;
7. Search and seizure under exigent and emergency circumstances;
8. Consented warrantless search; and
9. Customs search.

---

[5] *Nolasco v. Pano*, G.R. No. 69803, October 8, 1985
[6] *Tambasen v. People*, G.R. No. 89103, July 14, 1995

Q What is this "stop-and-frisk"? And why is it allowed?

"Stop-and-frisk" is the right of a police officer to stop a citizen on the street, interrogate him/her and pat him/her for weapons whenever s/he observes unusual conduct which lead him/her to conclude or believe that criminal activity is going on.

The Supreme Court, in a number of cases, has ruled that frisking the suspect is merely a precautionary measure for the protection of the police officers. It is too much to require the police officers to obtain a search warrant for that purpose. Otherwise the exercise may prove futile, useless and too late.[7]

Q When can you say that there was "unusual conduct" to warrant being stopped-and-frisked by the police or be searched without a search warrant?

What is considered "unusual conduct" or suspicious conduct that would justify a "stop-and-frisk" is judged on a case-to-case basis.

In the case of *Manalili v. Court of Appeals*[9] (280 SCRA 400 [1997]), the Supreme Court held that there was a valid search akin to a "stop-and-frisk" because the policemen chanced upon the accused who had reddish eyes, and was walking in a swaying manner.

In another case, the case of *People v. Solayao* (262 SCRA 255 [1996]), the Supreme Court also found justifiable reason to "stop-and-frisk" the accused after considering the following circumstances: the drunken actuation of the accused and his companions, the fact that his companions fled when they saw the policemen, and the fact that the peace officers were precisely on an intelligence mission to verify reports that armed persons where roaming the vicinity.[8]

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[7] *People v. Posadas*, 188 SCRA 288; *Manalili v. People*, G.R. No. 113447, October 9, 1997
[8] *People v. Binad Sy Chua* (G.R. Nos. 136066-67, February 4, 2003)

But in the case of *Malacat v. Court of Appeals*[9] ,the Supreme Court ruled that there was no reasonable ground to warrant the "stop-and-frisk". In this case, while the police were on foot patrol due to a report that a group of Muslims was going to explode a grenade somewhere in the vicinity of Plaza Miranda, they saw the petitioner Malacat and his companions about to detonate a grenade. They were not able to explode the bomb because they ran away upon seeing the policemen. Two days later, the police chanced upon two groups of Muslim-looking men, with each group, comprised of three to four men. Police said that these men were acting suspiciously with "[t]their eyes . . . moving very fast." Petitioner was accosted by the police when his companions ran away. When they searched him they found a grenade. The Supreme Court ruled that there was no valid search because there was nothing in the behavior or conduct of the petitioner which could have elicited even mere suspicion other than that his eyes were moving fast.

Q

When is the search, and the subsequent seizure, to be considered as an incident to a lawful arrest?

As provided for by Sec 13, Rule 126 of the Rules on Criminal Procedure, a person lawfully arrested may be searched without a search warrant for dangerous weapons or anything which may have been used or constitute proof in the commission of an offense.

Q

What is the requirement in order that a valid search may be made as an incident to a lawful arrest?

In order that a valid warrantless search may be made as an incident to a lawful arrest, it is necessary that the apprehending officer must have been supported by an arrest warrant or, if this is absent, by probable cause in effecting the arrest which could be considered as one in accordance with the instances of permissible arrests enumerated in Sec. 5, Rule 113, Rules on Criminal Procedure on valid warrantless arrests (See p. ___ below)

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[9] G.R. No. 123595, December 12, 1997

7

Q

When a person is being lawfully arrested, what will be the extent of the area that the arresting officers can validly search as an incident of a lawful arrest?

The warrantless search and seizure as an incident to a lawful arrest may extend beyond the person of the one arrested to include the premises or surroundings under his/her immediate control.[10]

The lawful arrest being the sole justification for the validity of the warrantless search under the exception, the same must be limited to and circumscribed by the subject, time and place of the arrest. As to subject, the warrantless search is sanctioned only with respect to the person of the suspect, and things that may be seized from him/her are limited to "dangerous weapons" or "anything which may be used as proof of the commission of the offense." With respect to the time and place of the warrantless search, it must be contemporaneous with the lawful arrest. Stated otherwise, to be valid, the search must have been conducted at about the time of the arrest or immediately thereafter and only at the place where the suspect was arrested, or the premises or surroundings under his/ her immediate control.[11]

In the case of *People v. Cuenco*[12] , where the accused was arrested in a "buy-bust" operation while standing by the door of the store which is an extension of the house, it was proper for the police officers to search the house of the accused, the same being in the area of his immediate control.

In the case of *People v. Che Chun Ting*[13] , where in a buy-bust operation, where the accused was admittedly outside Condominium Unit 122 and in the act of delivering a bag of shabu to the informer when he was arrested by the NARCOM operatives. Then the police operatives went inside and searched Unit 122 and seized a black bag with several plastic bags containing a white crystalline substance in an open cabinet at the second floor. The Supreme Court ruled that the search was illegally made as this does not fall under the instances for valid warrantless searches. The Supreme Court noted that the accused was outside the Unit when he was caught delivering the bag of shabu. Moreover, it is borne by the records that Unit 122 was not even his residence but that of his girlfriend, and that he was merely a sojourner therein. Hence, it can hardly be said that the inner portion of the house constituted a permissible area within his reach or immediate control, to justify a warrantless search therein.

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[10] *People v. Cuenco*, G.R. No. 128277, November 16, 1998
[11] *People v. Che Chun Ting*, G.R. Nos. 130568-69, March 21, 2000
[12] *ibid*
[13] *ibid*

Q Why is a warrantless search of a moving vehicle allowed? What is its justification?

The justification for the validity of a search of a moving vehicle, is "....that the mobility of motor vehicles makes it possible for the vehicle to be searched to move out of the locality or jurisdiction in which the warrant must be sought. This in no way, however, gives the police unlimited discretion to conduct warrantless searches of automobiles without probable cause. When a vehicle is stopped and subjected to extensive search, such a warrantless search has been held to be valid only as long as the officers conducting the search have reasonable or probable cause to believe before the search that they will find the instrumentality or evidence pertaining to a crime, in the vehicle to be searched.[14]

Q What about checkpoints? Are they not violative of our constitutional right against unreasonable searches and seizures?

In the cases of *Valmonte v. de Villa*[15] and *Aniag v. COMELEC,*[16] the Supreme Court ruled that checkpoints are valid. They are valid to "...enable the National Capital Region District Command (NCRDC) to pursue its mission of establishing effective territorial defense and maintaining peace and order for the benefit of the public. The Court stressed[17] that the warrantless search is not violative of the Constitution as long as the search is limited to a visual search and neither the vehicle itself nor its occupants are subjected to a search.

The Court said that an extensive search is allowed only if the officers conducting the search have probable cause to believe before the search that either the motorist was a law offender or that they would find evidence pertaining to the commission of a crime in the vehicle to be searched.

The Court also stressed that in its resolution on the motion for reconsideration of the case of *Valmonte v. de Villa*, it did not "...legalize all checkpoints, i.e. at *all* times and under *all* circumstances. What the Court declared is, that checkpoints are not illegal *per se*. Thus, under exceptional circumstances, as where the survival of organized government is on the balance, or where the lives and safety of the people are in grave peril, checkpoints may be allowed and installed by the government. Implicit in this proposition is that when the situation clears and such grave perils are removed, checkpoints will have absolutely no reason to remain[18]."

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[14] *People v. Bagista*, G.R. No. 86218, September 18, 1992
[16] 237 SCRA 424
[17] In the resolution on the motion for reconsideration, G.R. No. 83988, May 24, 1990
[18] *ibid*

Q

What is this "plain view" doctrine?

Under the "plain view" doctrine, unlawful objects within the plain view of an officer who has the right to be in the position to have that view are subject to seizure and may be presented in evidence. Nonetheless, the seizure of evidence in plain view must comply with the following requirements: (a) a prior valid intrusion in which the police are legally present in the pursuit of their official duties; (b) the evidence was inadvertently discovered by the police who had the right to be where they are; (c) the evidence must be immediately apparent; and (d) the plain view justified mere seizure of evidence without further search[19].

For example, in one case, police authorities, acting on intelligence information, went around looking for a carnapped vehicle which was driven by an identified suspect. They spotted the suspected carnapped car, which was indeed driven by the suspected offennder. While the suspect was fumbling about in his clutch bag for the registration papers of the car, the CIDG agents saw four transparent sachets of *shabu*. These sachets of *shabu* were therefore in "plain view" of the law enforcers[20] and are admissible as evidence.

But in the case of *Nala v. Judge Barroso* [21] , where the police armed with a search warrant that was later found to be void for lack of probable cause went to the petitioner's house and upon searching found firearms and explosive at the rear portion of petitioner's house. The Supreme Court said that "...Clearly, therefore, the plain view doctrine finds no application here not only because the police officers had no justification to search the house of petitioner (their search warrant being void for lack of probable cause), but also because said officers failed to discharge the burden of

Q

Can we waive our right against unreasonable searches and seizure?

Yes, our right against unreasonable searches and seizures may be waived. But for the waiver of this constitutional right to be valid, it must appear that: (1) the right exists; (2) the person involved had knowledge, actual or constructive, of the existence of such right; and (3) said person had actual intention to relinquish the right.

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[19] *People vs. Macalaba* , G.R. Nos. 146284-86. January 20, 2003 citing *People v. Aspiras*, G.R. Nos. 138382–84, 12 February 2002

[20] *ibid*

[21] G.R. No. 153087, August 7, 2003

The right against unreasonable searches and seizures is a personal one and thus it cannot be waived by anyone except the person whose right is invaded, or one who is authorized to do so in his/her behalf. Thus, only the owner of the house to be searched, not by his/her helper, can waive the right. But if there is authorization by the owner in favor of the helper to waive the right, and the helper thus waived the right, there is a valid waiver.

Q Is my silence during the warrantless search considered as a waiver of my right against unreasonable searches and seizures?

Not necessarily. Silence does not always mean yes. In the case of *People v. Barros* [22], the Supreme Court ruled that the silence of the accused was not construed as consent. Rather, it was a "demonstration of regard for the supremacy of the law".

But it must be noted that in some cases, the Supreme Court ruled that there was a valid waiver where the accused did not object or the accused consented to the warrantless search being made by the authorities. Like in the case of *People v. Omaweng* [23] where the soldiers in the checkpoint asked permission to see the contents of a bag which was partially covered by the spare tire and the accused consented. Upon inspection, the bag was found to contain marijuana. Or in the case of *People v. Exala*[24] where the accused did not object to the admissibility of the evidence during trial.

Q What happens to the things that were illegally confiscated or seized?

When the search and seizure is illegally made, it does not necessarily follow that the illegally seized property will be returned immediately[25]. It could remain in the custody of the authorities especially if the items seized are illegal, like for example, prohibited drugs.

Although the illegally seized items cannot be used in evidence against the accused, it can be used in evidence against the officer responsible for the illegal seizure.

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[22] 231 SCRA 557
[23] 213 SCRA 462
[24] 221 SCRA 494
[25] Antonio B. Nachura, Outline Reviewer in Political Law (2000) p.88

Q

What if I do not own the things that were searched and subsequently seized?

It is not necessary that the property to be searched or seized should be owned by the person against whom the warrant is issued. It is sufficient that the property is within his/her control or possession[26].

Q

What are the requirements before the authorities can search my house or office?

Section 8, Rule 126 of the 2000 Rules on Criminal Procedure provides that "No search of a house, room, or any other premises shall be made except in the presence of the lawful occupant thereof or any member of his family or in the absence of the latter, two witnesses of sufficient age and discretion residing in the same locality."

Failure to comply with this requirement would invalidate an otherwise valid search.

Q

What are the properties that are subject to seizure?

Under Section 3, Rule 126 of the 2000 Rules on Criminal Procedure, the properties subject to seizure are the following:

1. The subject of the offense;
2. Stolen or embezzled property and other proceedings or fruits of the offense; and
3. Property used or intended to be used as means for the commission of an offense.

[26]Nachura (2000), p. 74 citing *Burgos v. Chief of Staff* (133 SCRA 800)

Q Does the constitutional right against unreasonable searches and seizures extend to acts committed by private individuals?

No, this right applies as a restraint directed only against the government and its agencies tasked with the enforcement of the law. The protection cannot extend to private individuals so as to bring them within the ambit of alleged unlawful intrusion by the government[27].

This right aims to protect the privacy and sanctity of the person and his/her house and other possessions against arbitrary intrusions by state officers.

It must be noted that the Bill of Rights does not protect citizens from unreasonable searches and seizures by private individuals[28]. So if your neighbor searches your house for any evidence against you, you cannot use the Bill of Rights against him/her because this only applies to the unlawful intrusion by the government. You can use other legal remedies against your neighbor but not the Bill of Rights. You can, for example, file a case against the said neighbor for robbery or trespass to dwelling, depending on the attending facts or circumstances.

Q After the judge issues the search warrant, how long will it be effective?

Sec. 10 of Rule 126 of the 2000 Rules on Criminal Procedure provides that "Search warrant shall be valid for 10 days from its date. Thereafter it shall be void."

It should also be noted that the search warrant can only be used once in its 10-day validity and therefore cannot be used everyday for 10 days.

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[27] *ibid*, p. 66 citing *People v. Marti* (193 SCRA 57)
[28] *ibid* p. 66, citing *Waterous Drug Corporation v. NLRC* (G.R. No. 113271, October 16, 1997)

Q When is the proper time for the police to make the search of a house or n office?

The 2000 Rules on Criminal Procedure in Sec. 9 states that "The warrant must direct that it be served in the day time unless the affidavit asserts that the property is on the person or in the place ordered to be searched, in which case a direction may be inserted that it be served at any time of the day and night."

Q What must the officer do after searching and seizing the property/ies to prove what properties are in their hands?

Section 11 of Rule 126 of the Rules on Criminal Procedure, says that, "The officer seizing property under the warrant must give a detailed receipt for the same to the lawful occupant of the premises in whose presence the search and seizure were made, or in the absence of such occupant, must in the presence of at least two witnesses of sufficient age and discretion residing in the same locality, leave a receipt in the place in which he found the seized property.

Q What if the police officer conducted the search without the witnesses mentioned above?

If a police officer conducted the search without witnesses, s/he can be held criminally liable under Art. 130 of the Revised Penal Code. Said article provides that the penalty of *arresto mayor* [imprisonment of one month and one day to six months] shall be imposed upon a police officer or employee who, in cases where a search is proper, shall search the domicile, papers or belongings of any person, in the absence of the latter, any member of his/her family, or in their default, without the presence of two witnesses residing in the same locality.

Q

Where will the police officer deliver the property seized?

The 2000 Rules on Criminal Procedure in Section 12 provides that the officer seizing the property must deliver the property seized to the judge who issued the warrant, together with a true inventory duly verified under oath.

C. RIGHTS DURING ZONING[29]

Q

What is "zoning"?

Zoning is an unofficial term describing a military or police operation in which an area is cordoned off while homes within are searched and suspects arrested. Some military personnel prefer to call it a "dragnet" operation.

In zoning, a particular community or "zone" is subjected to an operation where agents of the state (the military or police) conduct searches in the houses of said community and/or ask residents thereof to come out of their houses and allow themselves to be identified as possible suspects in certain crimes. Hence, "zoning" is also called "fishing expedition" by human rights workers.

Q

How are the military required to conduct themselves during zoning?

The AFP Troop Civil Relations Indoctrination Handbook contains elaborate guidelines for proper behavior of soldiers. These include:

1. Do not steal from the people.
2. Respect the rights of the people.
3. Pay compensation to the people for things damaged or broken.
4. Do not drink alcohol during duty hours.
5. Don't intimidate people.
6. Do not threaten anybody.
7. Do not torture or be cruel to arrested persons.
8. Do not display weapons unnecessarily and never open fire in or near urban centers unless there is no alternative.

[29] This section is quoted almost verbatim from Annex "C" of the IBP-LAHRIM, Handbook on Citizen's Rights (1988), pp. 31-34.

Q In what ways are human rights most often violated during zoning operations?

Even with the guidelines set above, human rights violations still occur during zoning, not only because of abusive behavior on the part of the agents conducting it, but also because of the inherent defects in the zoning. Some of these human rights violations are:

1. Lack of search warrants. The military, however, claims that such warrantless searches are voluntary because the soldiers always request permission from the occupants of the house before entering.

2. Lack of arrest warrants. The raiding team often apprehends suspects on such spurious criteria as the information given on the scene by guides and pinpointers. Sometimes, the guides volunteer fabricated information to the military about their personal enemies.

3. Lack of search witnesses. There is a danger of evidence being "planted," which usually arises when searches are allowed without witnesses.

4. Unnecessary violence

5. Looting

6. Property damage. Many residents have complained that during zoning, the soldiers ransack the homes they enter, tossing about the people's belongings with a total lack of regard for their value.

In addition, the zoning is usually preceded by profiling of the residents in the community. The profiling is usually based on some socio-economic, racial, ethnic, or religious bias which has facilitated the State agents' decision to target the community for zoning in the first place.

Q Can I enforce my rights in court?

Yes. You may either complain of human rights violations as a defense against criminal charges filed against you, or you may take the initiative yourself of either filing a lawsuit in civil courts against those who committed the violations, or else pressing criminal charges.

A civil case may be for concrete property damage, or else for receipt of just compensation for such constitutional violations as illegal arrest.

In addition, you may press criminal charges for any violation of the Revised Penal Code or of RA 7438 (or The law Defining Certain Rights Of Person Arrested, Detained Or Under Custodial Investigation As Well As The Duties Of The Arresting, Detaining And Investigating Officers).

You may also file administrative charges against the police raiders before the National Police Commission (NAPOLCOM) or before the JAGO against military men. Likewise, you may lodge your complaint with the Commission on Human Rights.

Q How can I prepare in advance for a zoning?

The following are a few steps suggested before zoning happens in your neighborhood:

1. Talk to others who have experienced it so that you'll know what to expect.
2. Organize your community. Your best defense to zoning abuses is to act as a group.
3. Choose someone to act as spokesperson. Ideally, your *punong barangay* should play this role, because s/he has the best chance of being taken seriously by the military.
4. Make sure your identification papers are in order.
5. Know the people you are staying with if you are a guest. The military often interrogate guests to make sure that are not fugitives or rebels in hiding, masquerading as relative or friends of the family.
6. If you know you are likely to be arrested, know your rights and brief your family about them. Make sure they know what steps to take if you are taken away.

Q

How should I respond when the time actually comes?

The following is a suggested list of "Do's" and "Dont's" during the zoning operation itself:

1. DO try to stay calm, at all costs, even if they are brandishing their weapons at you.
2. DO try to identify the commander and the unit s/he belongs to as soon as possible. Try to at least remember what the officers in charge look like or the license plate numbers of their vehicles.
3. DO object to any illegal search and arrest procedures if at all possible.
4. DO notify the *punong barangay* right away that a zoning is in progress.
5. DO ask for a receipt for anything they seize. If they actually give you one, draw a line underneath the last item to prevent them from adding anything later.
6. DO follow any arrested person to the headquarters immediately. To prevent torture and salvaging, don't let a moment pass when someone at the barracks is asking to see him/her.
7. DO NOT run, ever. You could have yourself shot.

Q

What should I do after zoning?

Don't waste any time. It is important that you report a zoning immediately and come to the aid of those arrested. Some of the most important steps you can take are as follows:

1. Publicize the zoning immediately. It is best to contact a radio station first, because they are able to get to the scene fastest, and their reports are difficult to censor.
2. Call a lawyer right away. Note that some legal rights are lost if they are invoked late. Hence, it is advisable to call a lawyer as soon as possible.
3. Get the community together to discuss as a group, preferably in the presence of the lawyer, what abuses have been committed and what you as a group would like to do about them.

D. RIGHT TO PRIVACY OF COMMUNICATION AND CORRESPONDENCE

Q

What is the constitutional basis of this right?

Sec. 3, Art III of the Constitution states, "(1) The privacy of communication and correspondence shall be inviolable except upon lawful order of the court, or when public safety or order requires otherwise as prescribed by law. (2) Any evidence obtained in violation of this or the preceding section shall be inadmissible for any purpose in any proceeding."

Q

What does this guarantee include?

This guarantee to the privacy of communications includes within its protection not only the tangible objects such as letters but also includes intangible objects such as telephone conversations[30].

Q

Is there a law that protects the privacy of our spoken word or private communication?

Yes, there is law that protects the privacy of our spoken word. The Anti-Wire Tapping Law or RA 4200 prohibits any person, not being authorized by all the parties to any private communication or spoken word, to tap any wire or cable, or by using any other device or arrangement, to secretly overhear, intercept, or record such communication or spoken word by using a device commonly known as a dictaphone or dictagraph or detectaphone or walkie-talkie or tape recorder, or however otherwise described.

[30] Nachura, p. 88

Q Is this Anti-Wire Tapping Law applicable even if the one recording the conversation is one of the parties in the conversation?

Yes. In the case of *Ramirez v. Court of Appeals* [31] the Supreme Court ruled that "Section 1 of R.A. 4200 xxx clearly and unequivocally makes it illegal for any person not authorized by all the parties to any private communication to secretly record such communication by means of a tape recorder. The law makes no distinction as to whether the party sought to be penalized by the statute ought to be a party other than or different from those involved in the private communication. The statute's intent to penalize all persons unauthorized to make such recording is underscored by the use of the qualifier "any." Consequently, as respondent Court of Appeals correctly concluded, "*even a (person) privy to a communication who records his private conversation with another without the knowledge of the latter (will) qualify as a violator" under this provision of R.A. 4200." [Emphasis ours.]*

Q Can the husband or wife invoke this right against his/her spouse?

In the controversial case of *Zulueta v. Court of Appeals*[32], the Supreme Court said yes, a person could invoke this right to privacy of communications and correspondence against his/her spouse. In this case, the wife suspecting that her husband was having an affair, entered the clinic of her husband, a doctor of medicine, and in the presence of her mother, a driver and private respondent's secretary, forcibly opened the drawers and cabinet in her husband's clinic and took 157 documents consisting of private correspondence between Dr. Martin and his alleged paramours, greetings cards, cancelled checks, diaries, Dr. Martin's passport, and photographs. The documents and papers were seized for use in evidence in a case for legal separation and for disqualification from the practice of medicine which petitioner had filed against her husband. The Supreme Court. The Supreme Court ruled in the following manner:

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[31] 248 SCRA 590, G.R. No. 93833, September 28, 1995
[32] 253 SCRA 699, G.R. No. 107383, February 20, 1996

The constitutional injunction declaring "the privacy of communication and correspondence [to be] inviolable" is no less applicable simply because it is the wife (who thinks herself aggrieved by her husband's infidelity) who is the party against whom the constitutional provision is to be enforced. The only exception to the prohibition in the Constitution is if there is a "lawful order [from a] court or when public safety or order requires otherwise, as prescribed by law." Any violation of this provision renders the evidence obtained inadmissible "for any purpose in any proceeding." The intimacies between husband and wife do not justify any one of them in breaking the drawers and cabinets of the other and in ransacking them for any telltale evidence of marital infidelity. A person, by contracting marriage, does not shed his/her integrity or his right to privacy as an individual and the constitutional protection is ever available to him or to her."

Q But hasn't it been said that the Bill of Rights does not protect citizens from unreasonable searches and seizures made by private individuals?

The Supreme Court in another case, the case of *Waterous Drug Corporation v. National Labor Relations Commission (NLRC)* [33]reiterated that the Bill of Rights does not protect citizens from unreasonable searches and seizures made by private individuals. In this case, an officer of Waterous Drug Corporation opened an envelope addressed to the dismissed employee and found therein a check evidencing an overprice in the purchase of medicine. Despite the lack of consent on the part of the employee, the check was deemed admissible in evidence[34]. It is admissible in evidence because the invasion of privacy was done not by a public official but a private individual against whom the Bill of Rights cannot be invoked. But although the Bill of Rights cannot be used against private individuals, an invasion to privacy committed by them will give rise to civil and criminal liabilities.

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[33] G.R. No. 113271, October 16, 1997
[34] Nachura (2000) p. 89

E. RIGHTS OF THE ACCUSED DURING ARREST

Q

What is meant by "arrest"?

Arrest means the taking of a person into custody in order that s/he may be bound to answer for the commission of an offense[35].

Q

How is arrest effected?

The arrest is made by an actual restraint of a person to be arrested, or by his/her submission to the custody of the person making the arrest.

No violence or unnecessary force shall be used in making an arrest. The person to be arrested shall not be subject to a greater restraint than is necessary for his/her detention[36].

Arrests can be made on any day and at any time of the day or night[37]. Generally, an arrest can be made only when there is a warrant of arrest.

Q

Is an arrest a violation of a person's right to liberty?

No, an arrest which is validly carried out does not violate a person's right to liberty. The physical restraint imposed upon an arrested person is a valid limitation to his/her right to liberty. A valid arrest is one carried out on a strength of a warrant issued by a judge after his/her personal determination of the existence of a probable cause[38].

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[35] Sec. 1, Rule 113, 2000 Rules on Criminal Procedure
[36] Sec. 2, *ibid*
[37] Sec. 6, *ibid*
[38] Institute of Human Rights, Compendium of Terms and Phrases on Human Rights (2002), p.22

Q

What are the requirements for a valid warrant of arrest?

The requirements for a valid warrant of arrests are:

1. There must be probable cause;
2. The determination of probable cause must be personally made by a judge;
3. The warrant is issued after examination, under oath or affirmation, of the complainant and the witnesses s/he may produce; and
4. It should sufficiently describe the person to be arrested.

Q

If an arrest is effected without a warrant, is it therefore illegal?

Yes, UNLESS the arrest is made under the following exceptional circumstances:

a.) When, in his/her presence, the person to be arrested has committed, is actually committing, or is attempting to commit an offense;
b.) When an offense has just been committed and s/he has probable cause to believe, based on personal knowledge of facts or circumstances, that the person to be arrested has committed;
c.) When the person to be arrested is a prisoner who has escaped from a penal establishment or place where s/he is serving final judgment or is temporarily confined while his/her case is pending, or has escaped while being transferred from one confinement to another.

Q

What should I do if I am arrested?

Check if there is a warrant for your arrest. Find out if your name appears on it. It could be a case of mistaken identity. A warrant issued upon an unnamed party is a “John/ Jane Doe” warrant. It is void, unless it sufficiently describes the person to be arrested.

If the officer does not have with him/her the warrant for your arrest at the time that you are arrested, go with the arresting officer but ask for a copy of the warrant as soon as you are brought to the precinct.

2. Request for identification of the name, rank, unit and/or precinct of the arresting officer.

3. Do not physically resist an arrest. Aside from the fact that resisting arrest is a crime, you would only be giving the arresting officer a good excuse to hurt you. Say that you object to the arrest, but go with the police peacefully. Remember, s/he is allowed to use reasonable force in apprehending you. Thus, police officers who, in order to overcome resistance to arrest, are justified in discharging their firearms and inflicting wounds.

4. Request a relative, friend or even a stranger (in the latter case, make sure that you get his/her name and address) to witness the proceedings of your arrest. The presence of a witness will ordinarily deter maltreatment or extortion.

5. Courteously ask the arresting officer where you will be brought to. Ask the person witnessing the proceedings of your arrest to accompany you. If it is not possible to bring the witness with you, make sure that you give your name to the witness and the name and contact number or address of a relative or friend who can help you and follow you to wherever it is you will be brought.

Note that a warrant of arrest does not expire. It remains valid until arrest is effected or the warrant is lifted.

Q

In case of a warrantless arrest, how long can the police hold the arrested person for interrogation before s/he is turned over to judicial authorities?

1. 12 hours: for those crimes punishable by light penalties (i.e., the penalty is 1-30 days);
2. 18 hours: for crimes punishable by correctional penalties (i.e., the penalty is 1 month and 1 day to 6 years); and
3. 36 hours: for crimes punishable by afflictive penalties (i.e., 6 years and 1 day to death)[39].

[39] Art. 125, Revised Penal Code

F. RIGHT TO PRELIMINARY INVESTIGATION

Q

In warrantless arrests, what is the accused's right with respect to preliminary investigation? What does it mean that the accused has to make a waiver of Art. 125 if s/he wants a preliminary investigation?

The general rule is that no complaint or information shall be filed for an offense which is penalized by imprisonment of not less that four (4) years, two (2) months and one (1) day without preliminary investigation. The exception to the rule is when the accused is lawfully arrested without warrant, in which case, an inquest must be conducted by an inquest prosecutor who will determine whether his/her arrest is lawful. The inquest prosecutor may order the release of the arrested person if s/he finds no sufficient ground to hold him/her without prejudice to conducting further investigation, or file complaint or information within the period specified in Art. 125 of the Revised Penal Code. Before the filing of the information, the accused may ask for a preliminary investigation, by signing a waiver of the provisions of Art. 125 of the Revised Penal Code. The prosecutor must terminate the preliminary investigation within a period of fifteen (15) days after which the prosecutor must decide whether to file the information or dismiss the case[40].

Q

What if a person arrested without a warrant is detained beyond the above periods and no complaint charges are filed?

The arresting officers are duty-bound to deliver the arrested person to the proper judicial authorities (or to make the complaint charges). If this duty is not complied with, the arresting officers are criminally liable under Art. 125 of the Revised Penal Code for the crime of "delay in the delivery of detained persons to the proper authorities". Or if the police is detaining a person without legal grounds s/he shall be liable for the crime of "arbitrary detention".

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[40] Agpalo (2001), pp.208-209

G. RIGHTS DURING CUSTODIAL INVESTIGATION

Q

What is meant by "police invitation"? Can I refuse the invitation?

"Invitations for questioning" are extended by the police to individuals who have not been formally arrested, but who are made to answer questions in relation to a crime as they are suspected of having committed the same. Under RA 7438, individuals invited for questioning are given the same rights as persons placed under custodial investigation. Hence, "invitations" are just like arrests as they put the "invited" person in the custody of the police officers.

Q

What is "custodial investigation"?

Custodial investigation refers to questioning initiated by law enforcement officers after a person has been taken into custody or otherwise deprived of his/ her freedom of action in any significant way. It is only after investigation ceases to be a general inquiry into an unsolved crime and begins to focus on a particular suspect, the suspect is taken into custody, and the police carries out a process of interrogation that lends itself to eliciting incriminating statements that the rule on custodial investigation begins to operate.

Q

What are my rights during "custodial investigation"?

The rights which a person under custodial investigation are entitled to are:

1. the right to remain silent;
2. the right to competent and independent counsel (preferably of his own choice) at all stages of the investigation;
3. the right to be informed of such rights;
4. these rights cannot be waived except in writing and signed by the person in the presence of his counsel;
5. No torture, force, violence, threat, intimidation, or any other means which vitiate the free will shall be used against him;
6. Secret detention places, solitary, incommunicado, other similar forms of detention are prohibited;
7. Any confession or admission obtained in violation of these rights is inadmissible in evidence.

Q

What rights may be waived?

The right to remain silent and to counsel may be waived but **not** the right to be informed of the right to remain silent and to counsel.

Q

What if the suspect during the custodial investigation admitted that s/he committed the crime but was not as sisted by his/her lawyer when s/he made the confession, can the admission be used as evidence against him/her?

No. The suspect's admission during the custodial investigation that was made without the assistance of a lawyer cannot be used against him/her. Any statement or confession obtained in violation of the accused's constitutional right to counsel shall be inadmissible in evidence.

Q

What if in the above-mentioned situation, the suspect was really telling the truth and s/he was not forced to admit it?

Even if the suspect's statement is true and voluntarily given, but s/he made such statement without being assisted to counsel, his/her statement will still not be admitted as evidence against him/her.

Q

What are "extra-judicial confessions"?

Extra-judicial confessions are statements or admissions made by a person outside the court, including those made under custodial investigation.

Q

But can the accused who made such extra-judicial confession without the aid of a lawyer still be convicted if such admission is inadmissible?

Yes, if there are other evidence to prove his/her guilt like the positive identification by witnesses, the accused can still be convicted[41].

Q

What if the accused made the confession not to the police during the custodial investigation but to his/her neighbor, is the confession admissible?

Yes, this time the confession can be used as evidence against the accused. Because when s/he made the confession, s/he was not under custodial investigation and the neighbor is not a police officer. The confession made by the accused to the neighbor is admissible because the Bill of Rights does not concern itself with the relationship between a private individual and another individual. It governs the relationship between the individual and the state. The prohibitions therein are addressed primarily to the state and its agents[42].

Q

What if the police or investigating officer violates any of my rights provided by Section 12, Art III of the 1987 Constitution, will s/he incur any civil or criminal liabilities?

Yes. Any police or investigating officer who violates the above-mentioned rights will incur criminal and civil liabilities.

For example, RA 7438 provides in Section 4 that:

(a) Any arresting public officer or employee, or any investigating officer, who fails to inform any person arrested, detained or under custodial investigation of his right to remain silent and to have competent and independent counsel preferably of his own choice, shall suffer a fine of Six thousand pesos (P6,000.00) or a penalty of imprisonment of not less than eight (8) years but not more than ten (10) years, or both. The penalty of perpetual absolute disqualification shall also be imposed upon the investigating officer who has been previously convicted of a similar offense.

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[41] Ed Vincent Albano, Political Law Reviewer (1998), citing the cases of *People v. Tunday* (G.R. No. L-67813, January 29, 1988) and *People v. Marquez* (G.R. No. L-48834, September 14, 1987) p. 203

[42] Nachura (2000) p. 114 citing the case of *People v. Domantay*, G.R. No. 130612, May 11, 1999

The same penalties shall be imposed upon a public officer or employee, or anyone acting upon orders of such investigating officer or in his place, who fails to provide a competent and independent counsel to a person arrested, detained or under custodial investigation for the commission of an offense if the latter cannot afford the services of his own counsel.

(b) Any person who obstructs, prevents or prohibits any lawyer, any member of the immediate family of a person arrested, detained or under custodial investigation, or any medical doctor or priest or religious minister chosen by him or by any member of his immediate family or by his counsel, from visiting and conferring privately with him, or from examining and treating him, or from ministering to his spiritual needs, at any hour of the day or, in urgent cases, of the night shall suffer the penalty of imprisonment of not less than four (4) years nor more than six (6) years, and a fine of four thousand pesos (P4,000.00).

Q Can the police force me to re-enact my alleged participation in a crime?

No. You cannot be forced to re-enact your alleged participation in the crime. Re-enactment and pictures of the re-enactment are part of the custodial investigation and are inadmissible as evidence if they were made/ taken without the assistance of counsel.

Q What if a person is asked to join a police line-up so the witness can identify the suspect, does that person need the assistance of counsel?

No, the accused does not need the assistance of counsel because a police line-up is not part of the custodial investigation.

But at the moment, there is a move to include in the right to counsel any act that tends to elicit admission or confession, or even plain information. It is argued by the proponents of this move that acts that may appear innocent or innocuous at the time should be given with the assistance of counsel unless there is a written waiver aided by counsel[43].

[43] Albano (1998), p. 203, citing *Gamboa v. Cruz*, June 27, 1988

Q What are the guidelines for the arresting, detaining, inviting or investigating officer or his/her companions?

In the case of *People v. Mahinay* (G.R. No. 122485, February 1, 1999), the Supreme Court laid down the guidelines for the arresting, detaining, inviting or investigating officers or his/her companions as follows:

1. The person arrested, detained, invited or under custodial investigation must be informed in a language known to and understood by him of the reason for the arrest and he must be shown the warrant of arrest, if any. Every other warning, information or communication must be in a language known and understood by said person.

2. He must be warned that he has the right to remain silent and that any statement he makes may be used as evidence against him.

3. He must be informed that he has the right to be assisted by counsel at all times and have the presence of an independent and competent lawyer, preferably of his own choice.

4. He must be informed that if he has no lawyer or cannot afford the services of a lawyer, one will be provided for him and that a lawyer may also be engaged by any person in his behalf, or may be appointed by the Court upon petition of the person arrested or one acting in his behalf.

5. That whether or not the person arrested has a lawyer, he must be informed that no custodial investigation in any form shall be conducted except in the presence of his counsel or after a valid waiver has been made.

6. The person arrested must be informed that at any time, he has the right to communicate or confer by the most expedient means, e.g., by telephone, radio, letter or messenger, with his lawyer, any member of his immediate family, or any medical doctor, priest or minister chosen by him or by anyone of his immediate family or by his counsel, or be visited by/ confer with duly accredited national or international non-government organization. It shall be the responsibility of the officer to ensure that this is accomplished.

7. He must be informed that he has the right to waive any of the said rights provided it is made voluntarily, knowingly and intelligently and ensure that he understood the same.

8. In addition, if the person arrested waives his right to a lawyer, he must be informed that this must be done in writing and in the presence of counsel. Otherwise, he must be warned that the waiver is void even if he insists on his waiver and chooses to speak.

9. The person to be arrested must be informed that he may indicate in any manner at any time or stage of the process that he does not wish to be questioned with a warning that once he makes such indication the police may not interrogate him if the same had not yet commenced, or the interrogation must ceased if it has already begun.

10. The person arrested must be informed that his initial waiver of his right to remain silent and the right to counsel or any of his rights does not bar him from invoking it at any time during the process, regardless of whether he may have answered some questions or volunteered some statements.

11. He must also be informed that any statement or evidence, as the case may be, obtained in violation of any of the foregoing, whether inculpatory or exculpatory, in whole or in part, shall be inadmissible in evidence.

Q Other than the constitutional provisions, is there any other law that provides for the rights of persons arrested, detained or under custodial investigation?

Yes. We have already mentioned said law, i.e., RA 7438, which was signed into law on April 27, 1992. It defines the rights of persons arrested, detained or under custodial investigation, as well as the duties of the arresting, detaining and investigating officers. It also provides for penalties for violations of the rights enunciated therein.

Sec. 1 of the said law states that its purpose is to comply with the policy of the state to value the dignity of every human being and guarantee full respect for human rights.

Q

What are the rights of persons arrested, detained or under custodial investigation under RA 7438?

Section 2 of RA 7438 states:

a) Any person arrested detained or under custodial investigation shall at all times be assisted by counsel.

b) Any public officer or employee, or anyone acting under his order or his place, who arrests, detains or investigates any person for the commission of an offense shall inform the latter, in a language known to and understood by him, of his rights to remain silent and to have competent and independent counsel, preferably of his own choice, who shall at all times be allowed to confer privately with the person arrested, detained or under custodial investigation. If such person cannot afford the services of his own counsel, he must be provided with a competent and independent counsel by the investigating officer.

c) The custodial investigation report shall be reduced to writing by the investigating officer, provided that before such report is signed, or thumbmarked if the person arrested or detained does not know how to read and write, it shall be read and adequately explained to him by his counsel or by the assisting counsel provided by the investigating officer in the language or dialect known to such arrested or detained person, otherwise, such investigation report shall be null and void and of no effect whatsoever.

d) Any extrajudicial confession made by a person arrested, detained or under custodial investigation shall be in writing and signed by such person in the presence of his counsel or in the latter's absence, upon a valid waiver, and in the presence of any of the parents, elder brothers and sisters, his spouse, the municipal mayor, the municipal judge, district school supervisor, or priest or minister of the gospel as chosen by him; otherwise, such extrajudicial confession shall be inadmissible as evidence in any proceeding.

e) Any waiver by a person arrested or detained under the provisions of Article 125 of the Revised Penal Code, or under custodial investigation, shall be in writing and signed by such person in the presence of his counsel; otherwise the waiver shall be null and void and of no effect.

f.) Any person arrested or detained or under custodial investigation shall be allowed visits by or conferences with any member of his immediate family, or any medical doctor or priest or religious minister chosen by him or by any member of his immediate family or by his counsel, or by any national non-governmental organization duly accredited by the Commission on Human Rights of by any international non-governmental organization duly accredited by the Office of the President. The person's "immediate family" shall include his or her spouse, fiancé or fiancée, parent or child, brother or sister, grandparent or grandchild, uncle or aunt, nephew or niece, and guardian or ward.

Q What is a "*writ* of *habeas corpus*"?

The *writ* of *habeas corpus* is an order issued by a court directed to a person who is detaining another commanding him/her to produce the body of the person whose liberty is being restrained at a designated time and place, and asking him/her to show sufficient cause for the continued custody of the person detained.

The purpose of the *writ* of *habeas corpus* is to inquire into all manner of involuntary restraint and to relieve the person from such restraint if found illegal. The *writ* is the proper remedy against any deprivation of liberty without legal cause. The purpose then of the *writ* is to free the person from such illegal restraint. The *writ* operates to safeguard the liberty of a person[44].

[44] Institute of Human Rights, p. 103

H. RIGHT TO BAIL

Q

What is "bail"?

"Bail" is the security given for the release of a person in custody of the law, furnished by him/her or a bondsman, upon his/her appearance before any court as may be required.

Bail may be given in the form of corporate surety, property bond, cash deposit or recognizance.

Q

When can the right to bail be invoked?

The right to bail may be invoked by any person under detention even if no formal charges have yet been filed. However, it is a basic principle that the right to bail can be availed of only by a person who is in custody of the law or otherwise deprived of his/her liberty and it would be premature, not to say incongruous, to file a petition for bail for someone whose freedom is not curtailed[45].

Q

Can the accused who is out on bail go abroad?

The rule laid down by the Supreme Court is that a person facing a criminal indictment and provisionally released on bail does not have an unrestricted right to travel, the reason being that a person's right to travel is subject to the usual constraints imposed by the very necessity of safeguarding the system of justice.

The person out on bail can therefore only travel abroad only if there is sufficient cause to justify the travel abroad and this is always subject to the Court's sound discretion. The Court, in the case of *Imelda Marcos v. Sandiganbayan*[46], said that "...a person's right to travel is subject to the usual constraints imposed by the very necessity of safeguarding the system of justice. In such cases, whether the accused should be permitted to leave the jurisdiction for humanitarian reasons is a matter of the court's sound discretion."

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[45] Nachura, p. 120 citing the cases of *Teehankee v. Rovira* (75 Phil 634), *People v. San Diego* (26 SCRA 522) and *Cortes v. Judge Catral* (Adm. Matter No. RTJ-97-1387, September 10, 1997).
[46] G.R. No. 115132-34, August 9, 1995

In the case of *Manotoc v. Court of Appeals*[47] , the Supreme Court held that a court has the power to prohibit a person admitted to bail from leaving the Philippines. This is a necessary consequence of the nature and function of a bail bond. The condition imposed upon petitioner to make him/herself available at all times whenever the court requires his/her presence operates as a valid restriction on the petitioner's right to travel. Then, the Court went on to point out its ruling in *People v. Uy Tuising*, 61 Phil. 404 (1935), to wit: ". . . the result of the obligation assumed by appellee (surety) to hold the accused amenable at all times to the orders and processes of the lower court, was to prohibit said accused from leaving the jurisdiction of the Philippines, because, otherwise, said orders and processes will be nugatory, and inasmuch as the jurisdiction of the courts from which they issued does not extend beyond that of the Philippines they would have no binding force outside of said jurisdiction." Indeed, if the accused were allowed to leave the Philippines without sufficient reason, s/he may be placed beyond the reach of the courts.

Q What if an accused who is out on bail tries to go abroad without permission from the court?

Under Sec. 23, Rule 114 of the Rules on Criminal Procedure, an accused who is released on bail may be re-arrested without the necessity of a warrant if s/he attempts to depart from the Philippines without permission of the court where the case is pending.

Q What is a corporate surety?

Sec. 10, Rule 114 of the Rules on Criminal Procedure states that, "Any domestic or foreign corporation, licensed as a surety in accordance with law and currently authorized to act as such, may provide bail by a bond subscribed jointly by the accused and an officer of the corporation duly authorized by its board of directors."

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[47] G.R. No. L-62100, May 30, 1986

Q

What is a property bond?

Property bond is an undertaking constituted as lien on the real property given as security for the amount of bail.

Q

What is a "lien"?

A lien is any official claim or charge against property or funds for payment of a debt or an amount owed for services rendered[48]. It is the right to take and hold or sell the property of a debtor as security or payment for a debt or duty[49].

Q

What is "recognizance"?

It refers to the type of bail where a person is released in his/her own custody or to the custody of a responsible person. This type of bail is allowable only in the cases when specific provisions of the law or the rules allow it.

The trial court usually entrusts the person of the accused to a person of known probity and responsibility who assumes the obligation to bring him/her to court for arraignment, during trial, promulgation of decision and execution of sentence. Recognizance is ordinarily applicable in light offenses[50].

The case of *Espiritu v. Hovillanos* (280 SCRA 579, 16 October 1997) laid down the instances when recognizance is allowed, and these are:

1. Under RA 6036, where the offense charged is a violation of an ordinance punishable by imprisonment;
2. When a person is already in custody for a period equal to or more than the minimum of the principal penalty for the offense charged, s/he shall be released on a reduced bail or on s/his own recognizance at the discretion of the court (Last paragraph, Sec. 16, Rule 114, Rules of Court);
3. Sec. 24, Rule 114 states that when the accused, before a judgment of conviction has become final, applies for probation and there was no bail filed or the accused was incapable of filing one, s/he may be released on recognizance to the custody of a responsible member of the community;
4. Art. 191, PD 603, in cases where the youthful offender is held for physical or mental examination;

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[49] The American Heritage Dictionary of the English Language, Fourth Edition (2000)
[50] Agpalo, Ruben, Handbook on Criminal Procedure (2001), p. 278

Q

When can the right to be bail be invoked?

Under Sections 4 and 5, Rule 114 of the Rules on Criminal Procedure, bail can be invoked as a matter of right in the following instances:

- BEFORE conviction by the Municipal Trial Court (MTC)
- AFTER conviction by the MTC
- BEFORE conviction by the RTC (Regional Trial Court), except if the offense charged is punishable by *reclusion perpetua,* life imprisonment, or death, where evidence of guilt is strong.

Q

When is bail a matter of right? Is it absolute?

Bail is a matter of right before final conviction, but the rule is not absolute. The exception is when a person is charged with a capital offense or when the offense for which s/he is charged is punishable by *reclusion perpetua*, and the evidence of guilt is strong. [51]

Q

What do you mean by *reclusion perpetua*? How is it different from life imprisonment?

The penalty of *reclusion perpetua* is imprisonment of twenty (20) years and one (1) day to forty (40) years while life imprisonment can be more than that as it means that the accused has to spend the rest of his/her life in jail. *Reclusion perpetua* usually applies to crimes defined in the Revised Penal Code while life imprisonment applies to the crimes defined by special laws.

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[51] Albano (1198), p.216

Q

When is the right to bail not available?

Bail is denied in the following circumstances:

1. BEFORE conviction by the RTC if the offense charged is punishable by *reclusion perpetua*, life imprisonment or death where evidence of guilt is strong.
2. AFTER conviction by the RTC where the penalty imposed is greater than 6 years and any of the following conditions are present:

-That the accused is a recidivist, quasi-recidivist, or habitual delinquent, or has committed the crime aggravated by the circumstance of *reiteracion*;

-That the accused has previously escaped from legal confinement, evaded sentence, or violated the conditions of his bail without valid justification;

-That the accused committed the offense while under probation, parole, or conditional pardon;

-That the circumstances of the case indicate the probability of flight if released on bail; or

-That there is undue risk that the accused may commit an other crime during the pendency of the appeal.

3. AFTER conviction by the RTC if the penalty imposed is death, *reclusion perpetua* or life imprisonment.

Q

What do you mean by "recidivist"?

A recidivist, as defined by paragraph 9, Art. 14 of the Revised Penal Code, is one who at the time of his/her trial for one crime shall have been previously convicted by final judgment of another crime embraced in the same title of the Revised Penal Code.

Q

What is a "quasi-recidivist"?

A quasi-recidivist is any person who shall commit a felony after having been convicted by final judgment, before beginning to serve such sentence or while serving the same. S/he shall be punished by the maximum period of the penalty prescribed by law for the new felony.[52]

Q

Who is a "habitual delinquent"?

A person shall be deemed to be a habitual delinquent if within a period of ten (10) years from the date of his release or last conviction of the crimes of serious or less serious physical injuries, robbery, theft, *estafa* or *falsificacion*, s/he is found guilty of any of the said crimes a third time or oftener.[53]

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[52] Art. 160, Revised Penal Code.
[53] Art. 62, *ibid.*

Q What is *reiteracion*?

Reiteracion is when the offender has been previously punished for an offense to which the law attaches an equal or greater penalty or for two or more crimes to which it attaches a lighter penalty.[54]

In *reiteracion,* the crimes committed by the offender are not embraced in the same title of the Revised Penal Code unlike in recidivism.

Q When is a crime considered as a "capital offense"?

Sec. 6, Rule 114 of the Rules on Criminal Procedure defines "capital offense" as an offense which under the law existing at the time of its commission and of the application for admission to bail may be punishable with death.

Q How much should the bail be?

It is judge who fixes the amount of recommended bail when s/he issues a warrant of arrest for a bailable crime or when s/he grants the application for bail.[55] But the prosecutor is duty bound to assist the courts by recommending the amount of bail to be granted.[56]

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[54] par. 10, Art 14, Revised Penal Code.
[55] *Parada v. Veneracion, 269 SCRA 371 (1997)*
[56] DOJ Circular No. 89, 2000 Bail Bond guide, August 29, 2000.

The 2000 Bail Bond Guide of the Department of Justice (DOJ Circular 89) laid down the following rules of computation to be used in arriving at a uniform rate of bail to be recommended by the prosecutors, to wit:

1. Where the penalty is *reclusion perpetua*, life imprisonment, *reclusion perpetua* to death, or death, bail is not a matter of right; hence, it shall not be recommended.

2. Where bail is a matter of right and the imposable penalty is imprisonment and/or fine, the bail shall be computed on the basis of the penalty of imprisonment applying the following formulae, *viz*:

(a) Where the penalty is *prision correccional* (regardless of the period) to *reclusion perpetua*, or *reclusion temporal* (regardless of the period) to *reclusion perpetua*, bail shall be computed based on the maximum period of *reclusion temporal.*

(b) Where the imposable penalty is *correccional* or afflictive, bail shall be based on the maximum of the penalty, multiplied by P2,000.00. A fraction of a year shall be rounded-off to one year.

(c) For crimes covered by the Rule on Summary Procedure and Republic Act No. 6036 [or the law that provides that bail shall not, with certain exceptions, be required in cases of violations of municipal or city ordinances and in criminal offenses when the prescribed penalty for such offenses is not higher than arresto mayor and/or a fine of two thousand pesos or both], bail is not required except when respondent/accused is under arrest, in which case bail shall be computed in accordance with this guideline.

(d) For crimes of reckless imprudence resulting in homecide and with violation of the Land Transportation and Traffic Code, bail shall be P30,000.00, regardless of the number of deaths.

(e) For violation of Batas Pambansa Blg. 22 (Bouncing Checks Law), bail shall be P2,000.00 for the first P40,000.000 face value of the check and an additional P1,000.00 for every P10,000.00 in excess of P40,000.00, but bail shall not exceed P30,000.00.

3. Where the imposable penalty is fine only, bail shall be computed as follows:

(a) For fine not exceeding P2,000.00, bail is not required.

(b) For fine of more than P2,000.000, bail shall be 50% thereof but shall not exceed P30,000.00.

(c) In case of reckless imprudence resulting in damage to property, bail shall be one-fourth (¼) of the amount of the damage but shall not exceed P30,000.00, except when covered by the Rule on Summary Procedure, in which case, bail is not required.

4. For violation of the following laws, bail shall be computed based on the maximum penalty imposable, multiplied by P10,000.00, to wit:

(a) Republic Act No. 6425 (Dangerous Drugs Act), as a mended by R.A. 7659.

(b) Republic Act No. 6539 (Anti-Carnapping Act), as amended by R.A. 7659.

(c) Republic Act No. 7610 (Special Protection of Children Against Child Abuse, Exploitation and Discrimination), as amended.

(d) Republic Act No. 7659 (for other crimes covered by it).

(e) Presidential Decree No. 1866 (Illegal Possession of Fire arms, Ammunition or Explosives), as amended by R.A. 8294.

(f) Presidential Decree No. 1464 (Tariff and Customs Code of 1978).

(g) Republic Act No. 6968 (Rebellion, Insurrection or Coup d' Etat).

Q What are the standards or other factors to be taken into account in fixing bail?

Sec. 9, Rule 114, of the Rules on Criminal Procedure provides that "[t]he judge who issued the warrant or granted the application shall fix a reasonable amount of bail considering primarily, but not limited to the following factors:

a) financial ability of the accused to give bail;
b) nature and circumstance of the offense;
c) penalty for the offense charged;

d) character and reputation of the accused;
e) age and health of the accused;
f) weight of the evidence against the accused;
g) probability of the accused appearing at the trial;
h) forfeiture of other bail;
i) the fact that the accused was a fugitive from justice when arrested; and
j) pendency of other cases where the accused is on bail."

Q **Can the right to bail be waived?**

Yes. The right to bail is another constitutional right that may be waived. It is a right personal to the accused and whose waiver would not be contrary to law, public order, public policy, morals, good customs or prejudicial to a third person with a right recognized by law.[57]

Q **What if a person is illegally arrested, what is the effect if s/he posted bail?**

It shall not bar the accused from challenging the validity of his/her arrest or the legality of the warrant issued therefore, or from assailing the regularity or questioning the absence of a preliminary investigation of the charge against him/her, provided that s/he raises them before entering his/her plea.[58]

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[57] Nachura, p. 124 citing the case of People v. Donato, 198 SCRA 130.
[58] Sec 26, *ibid.*

Q Is the right to bail available to the military?

Traditionally, the right to bail has not been recognized and is not available to the military, as an exception to the Bill of Rights. This is based on national security considerations. The Supreme Court in the case of *Commendador v. de Villa* ruled that it would set a dangerous precedent which would disturb national security and tranquility.[59]

Chapter II. RIGHTS OF THE ACCUSED DURING TRIAL IN A CRIMINAL PROSECUTION

Q What are the constitutional rights of the accused?

The rights of the accused are the following:

1. right to due process;
2. right to be presumed innocent until proven guilty;
3. right to be heard by him/herself and counsel;
4. right to be informed of the nature and cause of the accusation against him/her;
5. right to speedy, impartial and public trial;
6. right to meet witnesses face to face;
7. right to compulsory process.

[59] Albano, p. 222.

A. RIGHT TO DUE PROCESS

Q

What does "due process of law" mean?

The right to due process of law means that any deprivation of a person's life, liberty or property can only be done under the authority of law and after compliance with fair and reasonable methods of procedure prescribed by law. Section 1, Article III of the Constitution provides that "No person shall be deprived of life, liberty or property without due process of law."

There is not strict definition of due process. It furnishes through a standard to which all governmental actions should conform in order that deprivation of life, liberty or property, in each appropriate case, be valid. The standard is responsiveness to the supremacy of reason, obedience to the dictates of justice. Negatively put, arbitrariness is ruled out and unfairness avoided xxx It is the embodiment of the sporting idea of fair play.[60]

Q

What are the components of due process as applied to criminal procedure?

In one case[61], the Supreme Court enumerated the components of due process as applied to criminal procedure to wit:

1. The accused has been heard in a court of competent jurisdiction;

2. The accused is proceeded against under the orderly processes of law;

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[60] Institue of Human Rights, p. 76 citing the case of Ermita-Malate Hotel and Motel Operations Association v. City of Manila, 20 SCRA 849.

[61] Mejia v. Pamaran, G.R. Nos. L-56741-42, April 15, 1988.

3. The accused has been given notice and the opportunity to be heard; and

4. The judgment rendered was within the authority of a constitutional law.

Q What do you mean by "presumption of innocence"?

Under this principle, a person charged with a commission of a crime is presumed innocent and the burden to prove the contrary lies in the prosecution. The principal effect is that no person shall be convicted unless the prosecution has proven him/her guilty beyond reasonable doubt.[62]

B. RIGHT TO COUNSEL

Q What is the importance of the right of the accused to counsel?

The right to counsel proceeds the fundamental principle of due process which basically means that a person must be heard before being condemned. It is more than just the presence of a lawyer in the courtroom or mere propounding of standard questions and objections. It means that the accused is amply accorded legal assistance extended by a counsel who commits himself to the cause of the defense and acts accordingly.[63]

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[62] *Ibid*, p.128.
[63] People v Bermas, G.R. No. 120420, April 21, 1999.

The right to be heard would be of little avail if it does not include the right to be heard by counsel. Even the most intelligent person may not have the skill in law, especially the rules of procedure, hence, the accused may be convicted not because he is guilty but because he does not know how to establish his innocence.[64]

C. RIGHT TO SPEEDY TRIAL

Q **What is meant by "speedy trial"?**

It simply means that the trial should be acted on promptly or without delay except upon reasonable grounds. A speedy trial is a trial free from vexatious, capricious and oppressive delays. But justice and fairness, not speed, are the objectives.

The right to speedy trial is relative, subject to reasonable delays and postponements arising from illness, medical attention, body operations, etc. xxx In determining the right of the accused to speedy trial, courts should do more than a mathematical computation of the number of postponements of scheduled hearings of the case. What offends the right are unjustified postponements which prolong trial for an unreasonable length of time.[65]

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[64] *People v. Holgado, 86 Phil 752*.
[65] Nachura , pp 131-132.

D. RIGHT TO PUBLIC TRIAL

Q What is meant by "public trial"? And why is it necessary?

A public trial is one held openly or publicly. It is sufficient that relatives and friends, who want to watch the proceedings are given the opportunity to witness it.

It is necessary to prevent abuses which may be committed against the accused.

Q When can the court exclude the public from the trial?

Sec. 21 of Rule 119 of the Rules on Criminal Procedure provides, "The judge may, *motu propio*, exclude the public from the courtroom if the evidence to be produced during the trial is offensive to decency or public morals. He may also, on motion of the accused, exclude the public from the trial except court personnel and the counsel of the parties."

It is said that the court can exclude the public from the trial to:

1. prevent disorder in the courtroom;
2. prevent embarrassment (especially in sexual crimes);and
3. limit attendance to seating capacity (especially when the case has attracted a lot of media attention).

E. RIGHT TO CONFRONT WITNESSES

Q What is the meaning of the right to confrontation?

The right to confrontation is the right of the accused to meet his/her accuser and the witnesses against him/her face-to-face. It is the right of the accused to cross-examine the said witnesses.

F. RIGHT TO COMPULSORY PROCESSES

Q What is the meaning of the right to compulsory processes? What is its importance or purpose?

The right to compulsory processes is the right of the accused to secure the attendance of witnesses and the production of evidence.

The purpose of this right is to assure a full and unimpeded opportunity for him/her to meet what in the end could be a baseless suit or accusation.[66]

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[66] *Albano, pp. 235-236*.

G. RIGHT TO APPEAR DURING TRIAL

Q When is the presence of the accused in court mandatory?

The presence of the accused in court mandatory during:

1. arraignment;

2. trial, for identification; and

3. promulgation of sentence unless for a light offense wherein the accused may appear by counsel or a representative.

Of course when the accused is out on bail and his/her presence is required by the court or by the Rules of Court (as enumerated above) and s/he failed to appear, the bail shall be declared forfeited and the bondsmen is given thirty (30) days to produce the accused and show cause why no judgment should be rendered against them for the amount of their bail. Within the said period of 30 days the bondsmen must:

a. produce the body of the principal or give the reason for his/her non-production; and

b. explain why the accused did not appear before the court when

Q What is "trial in absentia"?

A trial is a "trial in absentia" when the accused is not present in the proceedings of the court trial.

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[67] Sec. 21, Rule 114, Revised Rules on Criminal Procedure.

Its purpose is to speed up the disposition of criminal cases considering that if the accused would not always be present, that would derail the trial of the cases.[68]

It is mandatory upon the court whenever the accused has been arraigned, notified of dates of hearing and his/her absence is unjustified.[69]

Q What if the accused waived his/her right to appear in the trial, what are the effects?

If the accused waives his/her right to appear, the effects are:

1. There is a waiver of the right to present evidence;
2. The prosecution can present evidence if accused fails to appear; and

H. RIGHT AGAINST SELF-INCRIMINATION

Q What is the right against self-incrimination? And what is its purpose?

The right against self-incrimination, as provided for by Sec 17, Art III of the 1987 Constitution, means that no person shall be compelled to testify against him/herself.

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[68] *Ibid*.
[69] Nachura (2000) p. 134
[70] Albano (1998), p. 237

Q When is the right against self-incrimination available?

The right against self-incrimination is available not only in criminal prosecution but also in all other government proceedings, including civil action and administrative or legislative investigations. It may be claimed not only by the accused but also by any witness to whom a question calling for an incriminating answer is addressed.

As a rule it can only be invoked when and as the question calling for an incriminating answer is asked, since the witness has no way of knowing in advance the nature and effect of the question to be put to him/her.

Q Can the accused in a criminal proceeding be compelled to take the witness stand?

No, in a criminal prosecution, the accused may not be compelled to take the witness stand, on the reasonable assumption that the purpose of the interrogation will be to incriminate him/her.[71]

Q What is the scope of this right?

The right is not against all compulsion, but testimonial compulsion only. The right against self-incrimination is simply against the legal process of extracting from the lips of the accused an admission of guilt. It does not apply where the evidence sought to be excluded

[71] Chavez v. Court of Appeals, 24 SCRA 663

is not an incriminating statement but an object evidence. Hence, a person may be compelled to submit to fingerprinting, photographing and paraffin testing. S/he may be compelled to submit to a physical examination to determine his/her involvement in an offense of which s/he is accused.[72]

Chapter III. RIGHTS AFTER JUDGEMENT

Q **Can a person be detained solely by reason of his/her political beliefs and aspirations?**

No. Section 18, Art. III of the 1987 Constitution provides that " No person shall be detained solely by reason of his political belief or aspirations."

A. RIGHT AGAINST INVOLUNTARY SERVITUDE

Q **What does the "right against involuntary servitude" mean?**

It is the right not to be compelled against your will to work, whether paid or not.

[72] Nachura (2000) p. 139

Q What are the exceptions where a person may be compelled to labor or require to render service against his will?

The exceptions are as follows:

1. <u>After a person has been convicted of a crime and is sentenced to imprisonment and labor</u>**;**

2. When a person is required to render military service for the defense of the state;

3. When a person is enlisted in the service of a merchant vessel, s/he is to remain in such service until the end of the voyage for which s/he is contracted– to prevent desertion of a ship in a foreign ports;

4. "*Posse comitatus*" for the apprehension of criminals. This means that the state, under its police power, may require some group of people to assist in the pursuit of some criminals;

5. Striking workers in industries affected with public interest, like public utilities such as light, telephone, etc.

6. "*Patria potestas*" - or parental authority which is defined in Roman law as the mass of rights and obligations which parents have in relation to the person and property of their children, until their majority age or emancipation, and even after this under certain circumstances.

B. RIGHT AGAINST CRUEL, DEGRADING OR INHUMAN PUNISHMENT AND EXCESSIVE FINES

Q What are prohibited punishments?

Prohibited punishments are those that are cruel, degrading or inhuman punishments and excessive fines.

Q What are the two concepts of cruel and unusual punishment?

1. Those which public sentiment would regard as cruel and obsolete to law. (This refers to form, not on severity or seriousness of the punishment. An example would be crucifixion.)

2. Those which are disproportionate to the offense as to shock the moral sense.

Q Can a person be imprisoned for non-payment of debt?

No, the constitution guarantees that no person shall be imprisoned for debt, except in cases where there is strong presumption of fraud.

C. RIGHT AGAINST DOUBLE JEOPARDY

Q What is the right against double jeopardy?

It is a right that provides a defense that no person shall be twice put in jeopardy of punishment for the same offense.

To put it simply, it means that if a person is charged with an offense and the case is terminated by acquittal or conviction, or in any other manner, dismissed without the consent of the accused, s/he cannot again be charged with the same offense or identical offense of the same act.

Note that it is this rule on double jeopardy that prohibits the state or the people of the Philippines to appeal or from filing a petition for review of a judgment of acquittal that was based on the merits of the case. Sec. 1 of Rule 122 of the Rules on Criminal Procedure provides that "Any party may appeal from a judgment or final order, unless the accused will be placed in double jeopardy." The rule stems from the constitutional mandate that no "person shall be put twice in jeopardy by the prosecution from a judgment of acquittal would place the accused in double jeopardy."[73]

D. RIGHTS AGAINST EX POST FACTO LAW AND BILL OF ATTAINDER

Q What is an *ex post facto* law?

It is a criminal law with a retroactive effect prejudicial to the accused of convicted. Under the Bill of Rights, *ex post facto* laws are not allowed.

Q What are the (6) kinds of ex post facto laws?

1. A law which makes an action done before the passage of the law, and which was innocent when done, criminal;

2. A law which aggravates a crime or which makes the crime greater than when it was committed;

3. A law which changes the punishment and inflicts a greater punishment than the law annexed to the crime when committed;

[73] Agpalo (2001) p. 513 citing the case of People v. court of Appeals, 308 SCRA 687, 1999

4. A law which alters the legal rules of evidence and receives less or different testimony than the law requires at the time of the commission of the offense;
5. A law which assumes to regulate civil rights and remedies only, but in effect imposes a penalty or the deprivation of a right for something which when done was lawful; and
6. A law which deprives persons accused of crimes of some lawful protection to which they have become entitled, such as the protection of a former conviction, or acquittal, or a proclamation of amnesty.

Q What is a bill of attainder?

It is a legislative act which inflicts punishment without trial. It is likewise not allowed under the Bill of Rights.

For example, when Congress passes a law which authorizes the arrest and imprisonment of communists without the benefit of a judicial trial.

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[118] CBCRM Resource Center, *Community-Based Coastal Resource Management Festival: Celebrating the Gains, Reflecting on Challenges and Advancing the CBCRM Movement*

NATIONAL DEMOCRATIC INSTITUTE FOR INTERNATIONAL AFFAIRS

The National Democratic Institute for International Affairs (NDI) is a nonprofit organization working to strengthen and expand democracy worldwide. Calling on a global network of volunteer experts, NDI provides practical assistance to civic and political leaders advancing democratic values, practices and institutions. NDI works with democrats in every region of the world to build political and civic organizations, safeguard elections, and promote citizen participation, openness and accountability in government.

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NATIONAL DEMOCRATIC INSTITUTE FOR INTERNATIONAL AFFAIRS

Safeguarding the Environment: A Primer on Environment and Other Related Laws

With the support from United States Agency for International Development

USAID FROM THE AMERICAN PEOPLE

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Safeguarding the Environment: A Primer on Environment and Other Related Laws

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Packaged by: National Democratic Institute for International Affairs
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We would like also to extend our thanks to Sentro ng Alternatibong Lingap Panligal (Saligan) Mindanaw for their tireless efforts in putting together a relevant, easy-to-understand and informative primer.

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I. The Constitutional Guarantees for Environmental Protection Local Environmental Governance

II. Local Environmental Governance

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III. Waters and its Resources

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This chapter is a presentation of the various provisions of the 1987 Constitution regarding the environment, natural resources and other related provisions guaranteeing sustainable resource use, utilization and management of these resources.

Chapter II. Local Environmental Governance

The powers granted to local government units include the devolved functions previously under national government agencies concerned with the implementation of environmental laws, policies and programs.

Chapter III. Laws affecting Land and other Natural Resources

This chapter discusses national laws governing the land-based natural resources and the protection provided for its sustainable use, development and management, particularly other regulations enacted to strengthen efforts on conservation.

Chapter IV. Waters and its Resources

This chapter focuses on the national laws governing water-based resources including utilization, development and management of fishery and aquatic resources, particularly on the concepts of municipal waters.

Chapter V. Coastal Resource Management

This is a presentation of how coastal resources can be managed and the different strategies employed to sustain these resources, particularly for marginalized fishing communities.

Chapter VI. Autonomy & Environment: Sustainable Development in ARMM

The mandate for protection of the environment and the sustainable use of the natural resources covers not only the national and the local governments, but also the Regional Government of the Autonomous Region in Muslim Mindanao.

CHAPTER I. THE CONSTITUTIONAL GUARANTEES FOR ENVIRONMENTAL PROTECTION

Q

What are the constitutional provisions relating to the environment?

A

First, it is important to note the following constitutional provisions on National Territory and on National Economy and Patrimony, as the discussion on other national laws relating to environment, specifically delves into these precepts.

Article I. The National Territory

The national territory comprises the Philippine archipelago, with all the islands and waters embraced therein, and all other territories over which the Philippines has sovereignty or jurisdiction, consisting its terrestrial, fluvial, and aerial domains, including its territorial sea, the seabed, the subsoil, the insular shelves, and other submarine areas. **The waters around, between, and connecting the islands of the archipelago, regardless of their breadth and dimensions, form part of the internal waters of the Philippines** (Emphasis supplied).

This provision is in adherence to the archipelagic principle enunciated in the 1982 United Nations Convention on the Law of the Sea. It has also been the major basis of advocates for municipal waters and marginalized fisherfolks in asserting that this principle shall also be followed in the delineation of municipal waters. This discussion shall be elaborated further in the Chapter on Fisheries and Aquatic Resources.

Article XII. National Economy and Patrimony

> Section 2. **All lands of the public domain, waters, minerals, coal, petroleum, and other mineral oils, all forces of potential energy, fisheries, forests or timber, wildlife, flora and fauna, and other natural resources are owned by the State.** With the exception of agricultural lands, all other natural resources shall not be alienated. The exploration, development, and utilization of natural resources shall be under the full control and supervision of the State. The State may directly undertake such activities, or it may enter into co-production, joint venture, or production-sharing agreements with Filipino citizens, or corporations or associations at least sixty *per centum* of whose capital is owned by such citizens. Such agreements may be for a period not exceeding twenty-five years, renewable for not more than twenty-five years, and under such terms and conditions as may be provided by law. In cases of water rights for irrigation, water supply, fisheries or industrial uses other than the development of water power, beneficial use may be the measure and limit of the grant (Emphasis supplied).

This provision establishes the foundation of *jura regali* or the regalian doctrine, which, as adopted in republican system, has been stripped of royal overtones: ownership is vested in the State.[1] This doctrine shall be discussed later on the portion on laws affecting natural resources.

Q **What other constitutional provisions are directly related to the environment?**

A Section 16, Article II of the 1987 Constitution provides:

> The State shall protect and advance the right of the people to a balanced and healthful ecology in accord with the rhythm and harmony of nature.

[1] Joaquin G. Bernas, The 1987 Constitution of the Republic of the Phlippines: A Commentary (1996), pp. 1009-1010

Q

How does this provision relate to other constitutional provisions considering that this is merely a statement in the Declaration of Principles and State Policies, and not in the Bill of Rights?

A

In *Oposa vs. Factoran, Jr.*[2] where this provision first found its application linked together with the right to health, the Supreme Court recognized a "right to a balanced ecology" and "the correlative duty to refrain from impairing the environment".[3]

The Court stated that it does not follow that it is less important than any of the civil and political rights. The right to a balanced ecology belongs to a different category of rights altogether for it concerns nothing less than self-preservation and self-perpetuation, the advancement of which may even be said to predate all governments and constitutions.

The Court further enunciates that as a matter of fact, these basic rights need not even be written in the Constitution for they are assumed to exist from the inception of humankind. If they are now explicitly mentioned in the fundamental charter, it is because of the well-founded fear of its framers that unless the rights to a balanced and healthful ecology and to health are mandated as state policies by the Constitution itself, thereby highlighting their continuing importance and imposing upon the state a solemn obligation to preserve the first and protect and advance the second, the day would not be too far when all else would be lost not only for the present generation, but also for those to come — generations which stand to inherit nothing but parched earth incapable of sustaining life. **The right to a balanced and healthful ecology carries with it the correlative duty to refrain from impairing the environment.**

The highest court in the land affirmed the principles of sustainable development as a policy through inter-generational responsibility of stewards of the environment.

---

[2] 224 SCRA 792 (1993).
[3] Bernas, pp.84

Q

What does the provision on the right to health contain?

A

Section 15 of the 1987 Constitution provides that "the State shall protect and promote the health of the people and instill health consciousness among them."

Q

Considering that the constitutional provision on environment relates to ecology and nature, what does it provide in terms of the lands?

A

Lands, particularly that of public domain, are classified into four (4) types:

1. Agricultural,
2. Forest or Timber,
3. Mineral Lands, and
4. National Parks.

Among these four types, only agricultural lands of the public domain may be considered alienable and may be further classified according to the uses which they may be devoted.[4]

[4] Sec. 3, Art. XII, 1987 Constitution

Q

As public lands are differentiated into such types of classifications, who does the actual identification and what criteria does such classification follow?

A

The power to identify lands as agricultural or mineral or forest has been given by statute exclusively to the executive department. This power is, in turn, exercised through positive acts of the executive department. The classification done is descriptive of the legal nature of the land and not of what it looks like. Hence, for instance, the fact that a forest land has been denuded does not, by that fact, mean it has ceased to be forest land.[5] Moreover, classifications must be categorical: that is, land is either completely agricultural or completely mineral or completely forest or park.[6] Presently, the system of land classification can be checked with the Department of Environment and Natural Resources, the executive office tasked to oversee lands of the public domain.

Q

Are there any other limitations on the use of these public lands by persons?

A

The Constitution qualifies. Private corporations or associations may not hold such lands of the public domain except by lease, for a period not exceeding twenty-five (25) years, renewable for not more than twenty-five (25) years, and not to exceed one thousand (1,000) hectares in area.

Citizens of the Philippines however, may lease not more than five hundred (500) hectares, or acquire not more than twelve (12) hectares thereof by purchase, homestead or grant.[7]

The Constitution further states that taking into account the requirements of **conservation, ecology and development**, and subject to the requirements of agrarian reform, the Philippine Congress shall determine, by law, the size of lands of the public domain which may be acquired, developed, held or leased and the conditions for its acquisition, development, holdings or lease.[8] Note that the discretion to determine how much of alienable public land may be open to private acquisition or lease is given to Congress, but subject to conservation, ecological and developmental requirements.

---

[5] Bernas, citing *Director of Lands v. Judge Antonio*, 192 SCRA 296 (1990)
[6] *Id.*, citing *Republic v. Court of Appeals*, 160 SCRA 228 (1988)
[7] Sec. 3, Art. XII, 1987 Constitution
[8] *Ibid, para. 2*

Q

Who can determine the specific limits of forest lands and national parks?

A

The Constitution gives Congress the power, as soon as possible, to determine by law the specific limits of forest lands and national parks, marking clearly their boundaries on the ground. After such boundary demarcation, forest lands and national parks so marked shall be conserved and may not be increased nor diminished, except by law.[9]

Congress shall further provide, for such periods as it may determine, measures to prohibit logging in endangered forests and in watershed areas. This also means that once forest lands are converted into parks, logging may not be permitted in the areas.[10]

Q

Considering that indigenous peoples primarily reside on areas traditionally classified as forest lands, are there any protections for them provided in the Constitution?

A

The highest constitutional protection is given to indigenous people. It mandates the state to protect the rights of the indigenous cultural communities to their ancestral lands to ensure their economic, social and cultural well-being. This is however subject to the other provisions of the Constitution and national development policies and programs.[11] However, the Congress may provide for the applicability of customary laws governing property rights or relations in determining the ownership and extent of ancestral domain.[12]

---

[9] *Id.,* Sec. 4
[10] Bernas, p. 1027
[11] Sec. 5, Art. XII, 1987 Constitution
[12] *Id,* para. 2

Q

Has Congress provided for a law determining the extent of ancestral domain?

A

Yes. The Indigenous Peoples' Rights Act (IPRA) has given substance to this constitutional protection to indigenous peoples and has recognized their right to their ancestral domain. IPRA has been challenged before the Supreme Court on the ground that the ancestral domain ownership includes those which are classified as inalienable, such as mineral lands, forest or national parks.

In *Cruz v. Secretary,*[14] the Supreme Court dismissed the petition questioning its constitutionality, thereby giving the law a color of constitutionality. It was questioned on the ground that it amounted to an unlawful deprivation of the State's ownership over lands of the public domain as well as minerals and other natural resources therein, in violation of the regalian doctrine. Likewise, the peritioner argues that by providing for an all-encompassing definition of "ancestral domains" and "ancestral lands" which might even include private lands found within said areas, there is violation of proprietary rights of private landowners.

Justice Puno, in interpreting the law, attempts to discover its soul shrouded by the mist of our history, because not only was this enacted to fulfill a constitutional mandate but more importantly, to correct a grave historical injustice to our indigenous peoples. By declaring its constitutionality, the Court categorically declares ancestral lands and domains held by native title as never to have been public land, thus domains and lands held under native title are, therefore, indisputably presumed to have never been public lands and are private.

[14] G.R. No. 135385, December 6, 2000

Q

Does the Constitution grant the same benefit to other people living in areas that are traditionally classified as inalienable public domain lands?

A

What comes to mind is merely in the utilization of natural resources. In the disposition or utilization of other natural resources, including lands of the public domain under lease or concession suitable to agriculture, the state shall apply the principles of agrarian reform or stewardship.[15] This is subject to prior rights, homestead rights of small settlers, and the rights of indigenous communities to their ancestral lands.

Q

How does the State apply the principles of agrarian reform in this?

A

Fr. Bernas wrote that at the heart of agrarian reform is the principle capsulated in the phrase "land to the tiller". It is this principle which must be applied to the utilization of natural resources. Referring to the discussions of the Constitutional Commission, the application of this principle of agrarian reform in forestry or mining means that the chief beneficiaries should be the people in the area. [16]

"So, instead of having logging concessions owned by people outside the area, the people in the area and the communities themselves should be considered, too, as principal beneficiaries. The people may be entrusted with the land [but these lands] need not be given to them by title. It can be the same kind of concession or rights that are now given under the law. If they are the ones given that right, we expect that they will take better care of the area because their children and grandchildren will still be there and, therefore, they would undertake activities like reforestation."[17]

---

[15] Sec. 6, Art. XIII, 1987 Constitution
[16] Bernas, pp. 1077-1078
[17] *Id.,* quoting Commissioner Christian Monsod

Q

What about the principles of stewardship?

A

Applying this principle, the individual would have free use and free occupancy but s/he would not be given a legal title to the land. That is what we call in law a usufructuary. Correlated with the principle of agrarian reform, the state shall give them all the support and assistance that they would need to be successful in their utilization of the natural resources.

Q

Does this include protection for people using water resources?

A

Yes, as the state is mandated as well to protect the rights of subsistence fishers, especially of local communities, to the preferential use of the communal marine and fishing resources, both inland and offshore.[18] It shall provide support to such fishers through appropriate technology and research, adequate financial, production and marketing assistance, and other services.

Q

Is the protection only for the people and not to the resources?

A

No, the state shall also protect, develop, and conserve such marine and fishing resources. The protection shall extend to offshore fishing grounds of subsistence fishers against foreign intrusion. Fish workers shall also receive a just share from their labor in the utilization of marine and fishing resources.[19]

---

[18] Sec. 7, Art. XIII, 1987 Constitution
[19] *Ibid.*

Q

How does this protection relate to other Constitutional provisions?

A

It should be read in conjunction with Section 2, Article XII, the second paragraph of which provides: "The State shall protect the nation's marine wealth in its archipelagic waters, the territorial sea, and exclusive economic zone, and reserve its use and enjoyment exclusively to Filipino citizens."

The third paragraph states: "The Congress may, by law, allow small-scale utilization of natural resources by Filipino citizens, as well as cooperative fish farming, with priority to subsistence fishermen and fishworkers in rivers, lakes, bays and lagoons."

These provisions are additional limitations in the utilization of natural resources. First, a stricter rule is imposed regarding the use and enjoyment of the nation's marine wealth, which is reserved for the exclusive use and enjoyment of Filipino citizens. Thus, aliens would not be allowed even if they paid rent or fees for fishing rights. Second, a special provision is made in favor of subsistence fishers and fish workers. This reference harmonizes all these provisions relating to protection of the marginalized fisherfolks. The spirit of this rule is that "small-scale" should refer to single proprietorships.[20]

Q

In essence, what does the Constitution imply with all of these provisions?

A

As articulated in Article XIII on Social Justice and Human Rights, the state, through Congress shall give highest priority to the enactment of measures that protect and enhance the right of all people to human dignity, reduce social, economic, and political inequalities, and remove cultural inequities by equitably diffusing wealth and political power for the common good.

This is tempered however by the mandate that the state shall regulate the acquisition, ownership, use, and disposition of property and its increments to achieve the purposes set by the state.

[20] Bernas, p. 1015

Q

Does our Constitution recognize the country's international commitments to the environment and in sustainable development?

A

Yes, the Philippines adopts the generally accepted principles of international law as part of the law of the land.[21] In 1992, the Philippines was one of the more than 160 countries which signed into existence of Agenda 21, which was a result of the United Nations (UN) Conference on Environment and Development, also known as the Earth Summit held in Rio de Janeiro in Brazil. The Agenda 21 is an ambitious program to reduce poverty, advance economic development, and at the same time, enhance environmental conditions and quality of life of citizens around the world.

After the Earth Summit, the Philippine government created the Philippine Council for Sustainable Development (PCSD), which became one of the first established national councils for sustainable development in the world. As part of the ongoing efforts to realize its international commitments made at the Summit, PCSD also finalized the Philippine Agenda 21 in 1996, which is the highest framework for sustainable development in the country.

[21] Sec. 2, Art. II, 1987 Constitution

CHAPTER II. LOCAL ENVIRONMENTAL GOVERNANCE

Q

What are the principles of local governance with respect to protection of the environment?

A

In general, the principal guideline given to Congress for structuring local government units is that the structure must be "responsive and accountable" and "instituted through a system of decentralization."[22] The structure, therefore, must be both sensitive to the needs of the locality, accountable to the electorate of the locality, and freed as much as possible from central government interference.[23]

Q

What is the relation then of the national governments over local government units and local government units among themselves?

A

The Constitution provides that the President shall exercise general supervision over local governments. Provinces with respect to component cities and municipalities, and cities and municipalities with respect to component barangays shall ensure that the acts of their component units are within the scope of their prescribed powers and functions.[24]

Q

What does "general supervision" mean?

A

General supervision means no more than ensuring that laws are faithfully executed or that subordinate officers act within the law. It does not authorize the superior unit to substitute its judgment in discretionary matters for that of the inferior unit.[25]

---

[22] *Id.*, Sec. 3, Art. X
[23] Bernas, p. 966
[24] Sec. 4, Art. X, 1987 Constitution
[25] Bernas, p. 970

Q

How do these principles translate into the law as formulated by Congress?

A

Republic Act 7160, otherwise known as the "Local Government Code of 1991", declares the policy of the state that its territorial and political subdivisions shall enjoy genuine and meaningful autonomy to enable them to attain their fullest development as self-reliant communities and make them more effective partners in the attainment of national goals, and thus, should be given more powers, authority, responsibilities and resources.[26] This is autonomy of powers, as compared to autonomy of administration. However, decisions of the Supreme Court on this question has leveled the power of local governments into autonomy of powers only, as the President still exercises power of general supervision over them.

Q

Do these greater powers, authority, responsibilities and resources include the protection of the environment?

A

Yes, the law has actually devolved some of the powers of the national government relating to environment. Such basic services and facilities include, but are not limited to, the following:[27]

For a barangay:

- Services and facilities related to the general hygiene and sanitation, beautification, and solid waste collection;
- Maintenance of water supply systems;

For a city:

- All the services and facilities of the municipality and province;

For a municipality:

- Extension and on-site research services and facilities related to agriculture and fishery activities;
- Water and soil resources utilization and conservation project;
- Enforcement of fishery laws in municipal waters including the conservation of mangroves;

---

[26] Sec. 2, RA 7160
[27] *Id.*, Sec. 17(b)

- Implementation of community-based forestry projects which include integrated social forestry programs and similar projects;
- Management and control of communal forest with an area not exceeding fifty (50) square kilometers;
- Establishment of tree parks, greenbelts, and similar forest development projects;
- Solid waste disposal system or environmental management system and services or facilities related to general hygiene and sanitation;
- Infrastructure facilities intended primarily to service the needs of the residents of the municipality and which are funded out of the municipal moneys including, but not limited to, communal irrigation, small water impounding projects and other similar projects; fish ports; artesian wells, spring development, rainwater collectors and water supply systems; seawalls, dikes, drainage and sewerage, and flood control;

For a province:

- Agricultural extension and on-site research services and facilities which include assistance in the organization of farmers' and fishers' cooperatives and other collective organizations, as well as the transfer of appropriate technology;
- Enforcement of forestry laws limited to community-based forestry projects, pollution control law, small-scale mining law, and other laws on the protection of the environment; and mini-hydro electric projects for local purposes;
- Infrastructure facilities intended to service the needs of the residents of the province and which are funded out of provincial funds including, but not limited to, inter-municipal waterworks, drainage and sewerage, flood control and irrigation systems; reclamation projects; and similar facilities.

Q **What does "devolution" mean in the context of the law?**

A It refers to the act by which the national government confers power and authority upon the various local government units to perform specific functions and responsibilities.[28]

[28] *Id.*, Sec. 17 (e)

Q **Is this enumeration of the devolved powers exclusive, in the sense that those not in the list are still lodged with the national government?**

A No, the list is not exclusive considering that every local government unit shall exercise the powers expressly granted, those necessarily implied there from, as well as powers necessary, appropriate, or incidental for its efficient and effective governance, and those which are essential to the promotion of general welfare.[29] This is the General Welfare clause of the Local Government Code. It further states that within their respective territorial jurisdictions, local government units shall enhance the right of the people to a balanced ecology.

Q **While it is within the powers of the local government units to protect the environment, what are the particular duties of public officials?**

A A **punong barangay** is tasked to enforce laws and regulations relating to pollution control and protection of the environment.[30] The sangguniang barangay, as the legislative body of the barangay, shall organize regular lectures, programs, or fora on community problems and convene assemblies to encourage citizen participation in government.[31]

A **city/municipal mayor** shall adopt adequate measures to safeguard and conserve land, mineral, marine, forest, or other resources of the city or municipality.[32]

The **sangguniang panglungsod/bayan**, as the legislative body of the city/municipality shall:

- enact ordinances and approve resolutions that protect the environment;
- impose appropriate penalties for acts which endanger the environment, such as dynamite fishing and other forms of destructive fishing, illegal logging and smuggling of logs, smuggling of natural resources products and of endangered species of flora and fauna, slash and burn farming, and such other activities which result in pollution, acceleration of euthrophication of rivers and lakes or of ecological imbalance;[33]

---

[29] *Id.*, Sec. 16
[30] *Id.*, Sec. 389 (b) (9)
[31] *Id.*, Sec. 391 (a) (17)
[32] *Id.*, Sec. 444 (b) (3) (vii)
[33] *Id.*, Sec. 447 (a) (1) (vi)

- grant the exclusive privilege of constructing fish corrals or fish pens, or taking or catching of bangus fry, prawn fry or kawag-kawag or fry of any species or fish within municipal waters;
- provide for the establishment, maintenance, protection, and conservation of communal forests and watersheds, tree parks, greenbelts, mangroves, and other similar forest development projects;
- authorize the removal of encroachments and illegal constructions in public places, when necessary in the interest of the general welfare;
- provide for the establishment , operation, maintenance, and repair of an efficient waterworks system to supply water for the inhabitants;
- regulate the construction, maintenance, repair and use of hydrants, pumps, cisterns and reservoirs;
- protect the purity and quantity of the water supply of the municipality;
- extend the coverage of appropriate ordinances over all territory within the drainage area of said water supply and within one hundred (100) meters of the reservoir, conduit, canal, aqueduct, pumping station or watershed used in connection with the water service;
- regulate the consumption, use or wastage or water;
- provide for an efficient and effective system of solid waste and garbage collection and disposal and prohibit littering and the placing or throwing of garbage, refuse and other filth and wastes;

A provincial governor shall adopt adequate measures to safeguard and conserve land, mineral, marine, forest, or other resources of the province, in coordination with the mayors of the component cities and municipalities.[34]

The sangguniang panlalawigan shall protect the environment and impose appropriate penalties for acts which endanger the environment, such as dynamite fishing and other forms of destructive fishing, illegal logging and smuggling of logs, smuggling of natural resources products and of endangered species of flora and fauna, slash and burn farming, and such other activities which result in pollution, acceleration of euthrophication of rivers and lakes or of ecological imbalance.

Q What will be the functions of the Department of Environment and Natural Resources (DENR) then?

A All these projects are still subject to the supervision, control and review of the DENR. However, based on DENR Administrative Order 92-03,[35] certain functions, programs and functions are to be devolved to LGUs for each of the sectors:

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[34] *Id.*, Sec. 444 (b) (3) (vii)

[35] Guidelines for the Transfer and Implementation of DENR Functions Devolved to the Local Government Units

In forest management sector, the implementation of the following community-based forestry projects was devolved:

- Integrated Social Forestry (ISF) projects;
- Establishment of new regular reforestation projects (except those areas located in protected areas and critical watersheds)
- Completed family and community-based contract reforestation projects;
- Forest Land Management Agreements; and
- Community Forestry projects.

In protected areas and wildlife management sector, also devolved are:

- Management and control of communal forests with an area not exceeding 50 square kilometers or 5,000 hectares;
- Management, protection, rehabilitation and maintenance of small watershed areas that are sources of local water supply; and
- Enforcement of forest laws in community-based forestry project areas, small watershed areas and communal forests, including the apprehension of violators of forest laws, and the confiscation of illegally extracted forest products on site.

In addition to their Internal Revenue Allotment (IRA), LGUs are to allot funds for financing local development and livelihood projects, and for protecting and developing the environment and natural resources. These funds will come from the LGU's share of 40 percent of the gross collection derived by the national government from mining taxes, royalties, forestry charges and other taxes, fees, or charges enumerated under the Local Government Code.

The DENR shall also transfer to the concerned LGUs the personnel and assets including pertinent records and equipment corresponding to the devolved functions. The DENR and concerned LGUs shall organize an Environment and Natural Resources Council (ENRC), which shall consist of appropriate LGU and DENR officials and representatives from concerned LGU and acts to review and recommend the implementation of programs and projects, and perform oversight functions on matters pertaining to environment and natural resources.

Q **In view of the devolution of these powers from DENR to the LGUs, how shall they build their partnership in forest management?**

A According to DENR-DILG Joint Memorandum Circular No. 98-01,[36] a National Steering Committee shall be created to formulate policies and programs toward strengthening and institutionalizing the DENR-DILG-LGU partnership on devolved and other forest management functions.

[36] Manual of Procedures for DENR-DILG-LGU Partnership on Devolved and Other Forest Management Functions

Regional Steering Committees will likewise be created to oversee and monitor the DENR-DILG-LGU partnership and to prepare a strategic plan which shall include, among others, joint land use planning, resources sharing, and training for LGU capacity building on forest management.

As part of this partnership, the appointment or designation of an Environment and Natural Resources Officer and the creation of an ENR Office in the LGU shall be encouraged. Forest management projects, such as reforestation, communal forests, forest or tree parks, greenbelts and functions devolved from the DENR, including personnel, equipment and other resources to the LGUs shall be fully documented and covered by a Memorandum of Agreement.

Q How about the roles of other national agencies in the maintenance of ecological balance?

A It shall be the duty of every national agency or government-owned and controlled corporation involved in the planning and implementation of any project or program that may cause pollution, climactic change, depletion of non-renewable resources, loss of cropland, rangeland, or forest cover, and extinction of animal or plant species, to consult with the local government units, non-governmental organizations, and other sectors concerned and explain the goals and objectives of the project or program, its impact upon the people and the community in terms of environmental or ecological balance, and the measures that will be undertaken to prevent or minimize the adverse effects of the project or program.[37]

Q What will happen if prior consultations, as required above, are not conducted?

A Prior consultations are required and no project or program shall be implemented unless the consultations are complied with, and prior approval of the sanggunian concerned is obtained.[38] In case there are occupants in areas where these projects are to be implemented, they shall not be evicted unless appropriate relocation sites have been provided, in accordance with the provisions of the law[39] and the Constitution on just and humane eviction.

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[37] Sec. 26, RA 7160
[38] *Id.*, Section 27
[39] An Act to Provide For a Comprehensive and Continuing Urban Development and Housing Program, Establish the Mechanism For Its Implementation, And For Other Purposes

Q **Are these laws on local governance applicable in the Autonomous Region in Muslim Mindanao (ARMM)?**

A Yes, one of the guiding principles and policies under Republic Act 9054[40] is the devolution of powers. It states that the regional government shall adopt a policy on local autonomy whereby regional powers shall be devolved to local government units particularly in the areas of education, health, human resource, science and technology, and people empowerment.

Q **Has the Regional Government already formulated a policy on local governance and autonomy?**

A None so far with respect to RA 9054. However, guided by the provisions of RA 6734,[41] the Regional Legislative Assembly enacted Muslim Mindanao Autonomy Act No. 25[42]. MMAA No. 25 provides that the territorial and political subdivisions under ARMM shall enjoy genuine and meaningful local autonomy to enable them to attain their fullest development as self-reliant communities and make them more effective partners in the attainment of regional goals

Q **Are the provisions of MMAA 25 consistent with the devolution of local government powers on environmental protection prescribed by RA 7160?**

A MMAA 25 has only enumerated the following basic services and facilities that local government units shall exercise as necessary, appropriate, or incidental for their efficient and effective provision:

1. Agricultural support, extension and research services;
2. Health and social welfare services;
3. Infrastructure services;
4. Transportation and communication services;
5. Industrial research and development services;
6. Support for education, police and fire services and facilities;
7. Tourism development and promotion program.

---

[40] An Act to Strengthen and Expand the Organic Act for the Autonomous Region in Muslim Mindanao (ARMM), Amending for the Purpose Republic Act No. 6734. It was enacted in 2001

[41] The original Organic Act for ARMM, enacted in 1989

[42] An Act Providing For a Local Government Code of the Autonomous Region in Muslim Mindanao, enacted in 1994

Q **Would it be fair to state that MMAA 25 has limited the powers granted to the local government units as compared to RA 7160?**

A Upon careful analysis of the provisions of the Local Government Codes, both of the ARMM and of the national government, such basic services and facilities that LGUs provide are not closed enumerations, but merely examples of such basic services and facilities that they can provide. Note that both provisions are clearly qualified by the term, "but not limited to".

Hence, these provisions serve as guide in the exercise of the powers of the LGU of their powers expressly granted, necessarily implied therefrom, as well as powers necessary, appropriate, or incidental for its efficient and effective governance and those which are essential to the promotion of the general welfare.

Q **Are the provisions on the maintenance of ecological balance and prior consultations required of projects and programs implemented by government authorities also consistent with the national law?**

A Yes, these provisions are faithful reproductions of the RA 7160 provisions on the same topics. The replication affirms the necessity of maintaining the importance of environment in development activities such that communities are first consulted before the actual implementation of programs and activities.

Q **Did all these change when RA 9054, amending RA 6734, was enacted?**

A Hopefully not. RA 9054 provides that until the Regional Assembly enacts a law implementing the provision on devolution of powers, RA 7160 shall continue to apply to all provinces, cities, municipalities, and barangay within the autonomous region.[43] It further states that the Regional Assembly may not pass any law to diminish, lessen, or reduce the powers, functions, and shares in the internal revenue taxes of the said local government units as provided by RA 7160.

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[43] Sec. 3, RA 9054

The Philippine Congress presumed a misapplied precept in these provisions. First, it presupposes that RA 7160 is still the law governing local government units and is being applied in the region. Secondly, if indeed Congress, in enacting RA 9054, still considers RA 7160 as the applicable law and should continue to be applied, it implies that MMAA 25 has not been recognized as applicable in the Region. Finally, the law governing local government units is still RA 7160 and continues to apply until the Regional Assembly enacts a law implanting the provision on devolution on powers.

Q

Where does MMAA 25 stand now?

A

The more appropriate interpretation should be that RA 6734 granted the Regional Assembly the power to enact a corresponding appropriate Local Government Code. This has been MMAA 25, and presumably should have been applied upon its enactment. From that time on until the Regional Assembly has appropriately enacted another regional law amending MMAA 25, then MMAA 25 should still be applicable.

CHAPTER III. LAWS AFFECTING LAND AND OTHER NATURAL RESOURCES

Q

How are lands of the public domain classified?

A

As discussed in Chapter I, lands of the public domain are classified into four (4) types;

1. Agricultural;
2. Forest or Timber;
3. Mineral Lands; and
4. National Parks.

Agricultural lands of the public domain may be further classified according to their use. The power to reclassify agricultural lands is given to cities and municipalities, which shall also provide for the manner of their utilization or disposition in the following cases:[44]

1. When the land ceases to be economically feasible and sound for agricultural purposes; or
2. Where the land shall has substantially greater economic value for residential, commercial, or industrial purposes.

Q

Is there no limitation to the area where such reclassification can be made?

A

There is, as such reclassification shall be limited to the following percentage of the total agricultural land area at the time of the passage of the ordinance:[45]

1. For highly urbanized and independent component cities, fifteen percent (15%);
2. For component cities and first to third class municipalities, ten percent (10%); and
3. For fourth to sixth class municipalities, ten percent (10%).

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[44] Sec. 20, RA 7160
[45] *Ibid.*

Q **Does this reclassification of agricultural lands affect those agricultural lands distributed to agrarian reform beneficiaries?**

A Definitely not. The law[46] provides that agricultural lands distributed to agrarian reform beneficiaries pursuant to RA 6657,[47] otherwise known as the Comprehensive Agrarian Reform Law (CARL), shall not be affected by the said reclassification and the conversion of such lands into other purposes shall be governed by Section 65 of the CARL.

Q **What does Section 65 of CARL provide?**

A It states that after the lapse of five (5) years from its award to an agrarian reform beneficiary, when the land ceases to be economically feasible and sound for agricultural purposes, or the locality has become urbanized and the land will have greater economic value for residential, commercial or industrial purposes, the Department of Agrarian Reform, upon application of the beneficiary or the landowner, with due notice to the affected parties, and subject to existing laws, may authorize the reclassification or conversion of the land and its disposition.

Q **How about the classification and reclassification of other lands of the public domain?**

A For purposes of other lands of the public domain, they may be classified or reclassified from time to time and once a parcel of land is officially classified as timber or mineral land, the same shall remain as such until it is released and rendered open to disposition or concession by the government in the manner provided by law.[48]

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[46] *Ibid.*

[47] An Act Instituting a Comprehensive Agrarian Reform Program to Promote Social Justice and Industrialization, Providing the Mechanism for its Implementation, and for other Purposes

[48] Narciso Peňa, *Philippine Law on Natural Resources,* Manila (1997), citing *Vicente v. Director of Forestry,* 64 O.G. 4, p. 800, Jan. 22, 1968 (CA)

Q

What are forests or timberlands?

A

Presidential Decree 705,[49] otherwise known as the Revised Forestry Code, refers to forestlands to include the public forest, the permanent forest or forest reserves, and forest reservations. **Public forest** is the mass of lands of the public domain which has not been the subject of the present system of classification for the determination of which lands are needed for forest purposes and which are not. **Permanent forest or forest reserves** refer to those lands of the public domain which have been the subject of the present system of classification and determined to be needed for forest purposes. **Forest reservations** refer to forest lands which have been reserved by the President for any specific purpose or purposes.

Q

What are national parks?

A

Republic Act 7586,[50] otherwise known as the National Integrated Protected Areas System Act (NIPAS), defines national parks as forest reservations essentially of natural wilderness character which has been withdrawn from settlement, occupancy or any form of exploitation except in conformity with approved management plan and set aside as such exclusively to conserve the area or preserve the scenery, the natural and historic objects, wild animals and plants therein and to provide enjoyment of these features in such areas.

Q

What are mineral lands?

A

Republic Act 7942,[51] otherwise known as the Philippine Mining Act of 1995, defines mineral lands as any area where mineral resources are found.

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[49] Revising Presidential Decree No. 389, Otherwise Known As The Forestry Reform Code Of The Philippines

[50] An Act Providing For The Establishment And Management Of National Integrated Protected Areas System, Defining Its Scope And Coverage, And For Other Purposes

[51] An Act Instituting A New System Of Mineral Resources Exploration, Development, Utilization, And Conservation

Q **What are the general rules in the classification of these public lands?**

A The Forestry Code[52] provides the rule that no land of the public domain eighteen per cent (18%) in slope or over shall be classified as alienable and disposable.

Q **What happens then if lands eighteen percent (18%) in slope or over have been declared as alienable and disposable?**

A Lands eighteen per cent (18%) in slope or over which have already been declared as alienable and disposable shall be reverted to the classification of forest lands, to form part of the forest reserves, unless they are already covered by existing titles or approved public land application, or actually occupied openly, continuously, adversely and publicly for a period of not less than thirty (30) years as of the effectivity of the Forestry Code, where the occupant is qualified for a free patent under the Public Land Act.

Q **Despite the exception provided above, can these lands still be reverted as inalienable lands of the public domain?**

A Yes, whenever public interests so require, steps shall be taken to expropriate, cancel defective titles, reject public land application, or eject occupants from these lands.

[52] Sec. 15, PD 705

Q

Therefore, only lands with slopes eighteen percent (18%) or over are needed for forest purposes?

A

Not necessarily. The following lands, even if they are below eighteen per cent (18%) in slope, are needed for forest purposes, and may not, therefore, be classified as alienable and disposable land, to wit:[53]

1. Areas less than 250 hectares which are far from, or are not contiguous with, any certified alienable and disposable land;
2. Isolated patches of forest of at least five (5) hectares with rocky terrain, or which protect a spring for communal use;
3. Areas which have already been reforested;
4. Areas within forest concessions which are timbered or have good residual stocking to support an existing, or approved to be established, wood processing plant;
5. Ridge tops and plateaus regardless of size found within, or surrounded wholly or partly by, forest lands where headwaters emanate;
6. Appropriately located road rights-of-way;
7. Twenty-meter strips of land along the edge of the normal high waterline of rivers and streams with channels of at least five (5) meters wide;
8. Strips of mangrove or swamplands at least twenty (20) meters wide, along shorelines facing oceans, lakes, and other bodies of water, and strips of land at least twenty (20) meters wide facing lakes;
9. Areas needed for other purposes, such as national parks, national historical sites, game refuges and wildlife sanctuaries, forest station sites, and others of public interest; and
10. Areas previously proclaimed by the President as forest reserves, national parks, game refuge, bird sanctuaries, national shrines, national historic sites.

Q

What if a person already has a title to any of the above-mentioned lands?

A

In case an area falling under any of the above-stated categories shall have been titled in favor of any person, steps shall be taken, if public interest so requires, to have said title cancelled or amended, or the titled area expropriated. [54]

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[53] *Id.*, Sec. 16
[54] *Ibid.*

Q

If forest lands cannot be alienated or disposed, are there other instruments available for the utilization of the natural resources therein?

A

Yes, certain grants and privileges may be available to qualified persons by means of lease, license, license agreement or permit.[55]

Lease is a privilege granted by the state to a person to occupy and possess, in consideration of a specified rental, any forest land of the public domain in order to undertake any authorized activity therein.

License is a privilege granted by the state to a person to utilize forest resources, within any forest land, without any right of occupation and possession over the same, to the exclusion of others, or establish and operate wood-processing plant, or conduct any activity involving the utilization of forest resources.

License agreement is a privilege granted by the state to a person to utilize forest resources within any forest land with the right of possession and occupation thereof, to the exclusion of others, except the government, but with the corresponding obligation to develop, protect and rehabilitate the same in accordance with the terms and conditions set forth in said agreement.

Permit is a short-term privilege or authority granted by the state to a person to utilize any limited forest resources or undertake a limited activity within any forest land without any right of occupation and possession therein.

Q

Are these instruments still valid in the utilization of forest resources?

A

Under the 1987 Constitution, it seems that all the above instruments are not valid anymore. Reaffirming the regalian doctrine, the constitutional policy is that the exploration, development, and utilization of natural resources shall be under the full control and supervision of the State.[56]

The state may directly undertake such activities, or it may enter into co-production, joint venture, or production-sharing agreements with Filipino citizens, or corporations or associations at least sixty per centum of whose capital is owned by such citizens.

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[55] *Pena,* p. 177
[56] Sec. 2, Art. XII, 1987 Constitution

Q What is the limitation as to period of time for these agreements?

A The agreements may be for a period not exceeding twenty-five years, renewable for not more than twenty-five years, and other terms and conditions provided by law.[57]

Q Are these limitations for forestry resources applicable to all natural resources owned by the state?

A No. In cases of water rights for irrigation, water supply, fisheries, or industrial uses other than the development of waterpower, beneficial use may be the measure and limit of the grant.[58]

Q Does this rule or even the exception apply to mineral resources?

A No. The 1987 Constitution provides that the President may enter into agreement with foreign-owned corporations involving either technical or financial assistance for large-scale exploration, development, and utilization of minerals, petroleum, and other mineral oils according to the general terms and conditions provided by law, based on real contributions to the to the economic growth and general welfare of the country.[59]

Q What other powers does the President have over mineral lands?

A When the national interest so requires, such as when there is a need to preserve strategic raw materials for industries critical to national development, or certain minerals for scientific, cultural or ecological value, the President may establish mineral reservations upon the recommendation of the DENR Secretary.

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[57] *Ibid.*
[58] *Ibid.*
[59] *Ibid.*

Q

Can these declarations of mineral reservations be reviewed?

A

Yes, mineral reservations are subject to periodic review to determine whether their continued existence is consistent with the national interest. Upon the recommendation of the DENR Secretary, the President may, by proclamation, alter or modify the boundaries thereof or revert the same to the public domain subject to prior existing rights.[60]

Q

Are ancestral domains open to mining operations?

A

The law states that no ancestral domain shall be opened for mining operations without the prior consent of the indigenous cultural community concerned. In the event of an agreement with an indigenous cultural community, the parties shall agree upon the royalty payment, upon utilization of the minerals. The said royalty shall form part of a trust fund for the socio-economic well-being of the indigenous cultural community.[61]

Q

Are there areas that are closed to mining?

A

Mineral agreement or financial or technical assistance agreement applications shall not be allowed in these areas[62]:

a. In military and other government reservations, except upon prior written clearance by the government agency concerned;
b. Near or under public or private buildings, cemeteries, archeological and historic sites, bridges, highways, waterways, railroads, reservoirs, dams or other infrastructure projects, public or private works including plantations or valuable crops, except upon written consent of the government agency or private entity concerned;
c. In areas covered by valid and existing mining rights;
d. In areas expressly prohibited by law;

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[60] Sec. 7, RA 7942
[61] *Ibid.*
[62] *Id.*, Sec. 19

e. In areas covered by small-scale miners as defined by law unless with prior consent of the small-scale miners, in which case a royalty payment upon the utilization of minerals shall be agreed upon by the parties, said royalty forming a trust fund for the socio-economic development of the community concerned; and

f. Old growth or virgin forests, proclaimed watershed forest reserves, wilderness areas, mangrove forests, mossy forests, national parks, provincial/municipal forests, parks, greenbelts, game refuge and bird sanctuaries as defined by law and in areas expressly prohibited under the National Integrated Protected Areas System (NIPAS) under Republic Act No. 7586, Department Administrative Order No. 25, series of 1992 and other laws.

Q

Does the above prohibition apply to small-scale mining?

A

No, small-scale mining activities are governed by Republic Act 7076,[63] otherwise known as the People's Small-scale Mining Act of 1991. Small-scale mining refers to mining activities which rely heavily on manual labor using simple implement and methods and do not use explosives or heavy mining equipment.[64]

Q

Are ancestral domains open to small-scale mining?

A

The answer remains the same. No ancestral domain may be declared as a people's small-scale mining area without the prior consent of the cultural communities concerned: Provided, That, if ancestral lands are declared as people's small-scale mining areas, the members of the cultural communities therein shall be given priority in the awarding of small-scale mining contracts.[65]

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[64] *Id.*, Sec. 3 (b)
[65] *Id.*, Sec. 7

Q

Do the rules on mining apply also to quarrying activities?

A

No, because mining and quarrying activities are not the same. Quarrying means the process of extracting, removing and disposing quarry resources found on or underneath the surface of private or public land.[66]

Quarry resources refers to any common rock or other mineral substances that do not contain metals or metallic constituents and/or other valuable minerals in economically workable quantities such as, but not limited to, andesite, basalt, conglomerate, coral sand, diatomaceous earth, diorite, decorative stones, gabbro, granite, limestone, marble, marl, red burning clays for potteries and bricks, rhyolite, rock phosphate, sandstone, serpentine, shale, tuff, volcanic cinders, and volcanic glass.[67]

Minerals, on the other hand, refers to all naturally occurring inorganic substance in solid, gas, liquid, or any intermediate state excluding energy materials such as coal, petroleum, natural gas, radioactive materials, and geothermal energy.[68]

One author distinguished both by stating that a "mine" in its specific sense is a work for the excavation of minerals, by means of pits, shafts, levels, and others, as opposed to "quarry" where the whole excavation is open. It has been said that whether any excavation be a mine or not depends on the mode in which it is worked, and not on the substance obtained from it.[69]

However, this distinction does not hold true in Philippine law considering that the terms are defined based on the substance obtained from the activities conducted.

Q

Where will one get a permit for quarrying?

A

While mining activities are regulated by the Department of Environment and Natural Resources, through the Mines and Geosciences Bureau, quarrying regulation has been devolved to the provincial government. The Provincial Governor, through the Provincial Mining Regulatory Board, shall be the one who will receive applications from qualified persons and who, after compliance with the requirements prescribed, shall grant the permit for quarrying.[70]

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[66] Sec. 3 (ar), RA 7942
[67] *Id.*, Sec. 3 (at)
[68] *Id.*, Sec. 3 (aa)
[69] *Pena,* p. 110
[70] Sec. 43, RA 7942

Q

Can these permits be cancelled?

A

Similarly with other permits granted by the government, quarrying permits may be cancelled for violations of the provisions of the law or its implementing rules and regulations or the terms and conditions of said permit. This is tempered however by the rule that before the cancellation of such permit, the holder thereof shall be given the opportunity to be heard in an investigation conducted for the purpose.[71]

Q

How are national parks identified?

A

Republic Act 7586,[72] otherwise knows as the National Integrated Protected Areas System (NIPAS) Act provides the guiding principle in the establishment of national parks. The law declares as a policy to secure for the Filipino people of present and future generations the perpetual existence of all native plants and animals through the establishment of a comprehensive system of integrated protected areas within the classification of national park as provided for in the Constitution.

This is in cognizance of the profound impact of humankind's activities on all components of the natural environment particularly the effect of increasing population, resource exploitation and industrial advancement. The NIPAS Act also recognizes the critical importance of protecting and maintaining the natural biological and physical diversities of the environment notably in areas with biologically unique features to sustain human life and development as well as plant and animal life.

Q

What was established by the NIPAS?

A

It established a system which shall encompass outstandingly remarkable areas and biologically important public lands that are habitats of rare and endangered species of plants and animals, biogeographic zones and related ecosystems, whether terrestrial, wetland or marine, all of which shall be designated as "protected areas".

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[71] *Id.*, Sec. 45

[72] An Act Providing For The Establishment And Management Of National Integrated Protected Areas System, Defining Its Scope And Coverage, And For Other Purposes

It is recognized that these areas, although distinct in features, possess common ecological values that may be incorporated into a holistic plan representative of the natural heritage; that effective administration of these areas is possible only through cooperation among the national government, local governments and concerned private organizations; that the use and enjoyment of these protected areas must be consistent with the principles of biological diversity and sustainable development.[73]

Q

Are national parks under the NIPAS free from human settlement, occupation or exploitation?

A

Not necessarily. As defined earlier, national parks conform to an approved management plan and was set aside as such exclusively to conserve the area or preserve the scenery, the natural and historic objects, wild animals and plants therein and to provide enjoyment of these features in such areas.

As a result, management plans promote the adoption and implementation of innovative management techniques including, if necessary, the concept of zoning, buffer zone management for multiple use and protection, habitat conservation and rehabilitation, diversity management, community organizing, socio-economic and scientific researches, site-specific policy development, pest management, and fire control.[74]

Q

Are the indigenous peoples, who usually reside in national parks, secure from eviction?

A

Yes, the management planning strategy shall also provide guidelines not only for the protection of indigenous cultural communities, but other tenured migrant communities and sites as well.[75] There should also be a close coordination between and among local agencies of the government as well as the private sector through the Protected Area Management Board (PAMB).

Particularly for indigenous peoples, ancestral lands and customary rights and interests arising shall be accorded due recognition. The DENR shall prescribe rules and regulations to govern ancestral lands within protected areas but it has no power to evict indigenous communities from their present occupancy nor resettle them to another area without their consent and these rules shall be subjected to notice and hearing to be participated in by members of concerned indigenous community.

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[73] *Id.*, Sec. 2
[74] *Id.*, Sec. 9
[75] *Id.*, Sec. 13

CHAPTER IV. WATERS AND ITS RESOURCES

Q

What law governs waters, their ownership, use and disposition?

A

Primarily it is Presidential Decree 1067,[76] otherwise known as the Water Code of the Philippines. Among its salient objectives are to establish the basic principles and framework relating to the appropriation, control and conservation of water resources; to define the extent of the rights and obligations of water users and owners, including the protection and regulation of such rights; and to identify the administrative agencies which will enforce the law.

The underlying principles of the Water Code are:

1. All waters belong to the State;
2. All waters that belong to the State cannot be the subject of administrative concession;
3. The State may allow the use or development of waters by administrative concession;
4. The utilization, exploitation, development, conservation and protection of water resources shall be subject to the control and regulation of the government; and
5. Preference in the use and development of waters shall consider current usage and be responsive to the changing needs of the country.

Q

What are the waters being referred to by the law?

A

Waters, refer to water under the grounds, above the ground, in the atmosphere and the waters of the sea within the territorial jurisdiction of the Philippines.[77]

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[76] A Decree Instituting a Water Code, thereby Revising and Consolidating the Laws Governing the Ownership, Appropriation, Utilization, Exploitation, Development, Conservation and Protection of Water Resources

[77] *Id.*, Art. 4

Q

If all waters belong to the State, should one also apply for a permit for the utilizations of waters in one's private property?

A

It depends on the purpose for which the waters are to be used. The owner of the land where the water is found may use the same for domestic purposes without securing a permit, provided that such use shall be registered, when required.[78] Such use may also be regulated when there is wastage, or in times of emergency.

Q

How can waters be appropriated and for what purposes?

A

Appropriation of waters is the acquisition of rights over the use of waters or the taking or diverting of waters from a natural source in the manner and for any purpose allowed by law.[79] No person, including government instrumentalities, shall appropriate water without a water right, which shall be evidenced by a document known as a water permit, which is a privilege granted by the government to appropriate and use water. It may be appropriated for the following purposes:[80]

1. Domestic;
2. Municipal;
3. Irrigation;
4. Power generation;
5. Fisheries;
6. Livestock raising;
7. Industrial;
8. Recreational, and
9. Other purposes.

Q

What are exceptions to the rule about securing water permits before appropriating it?

A

Exception to this rule is when one appropriates or uses natural bodies of water for any of the following purposes:[81]

1. Appropriation of water by means of hand carried receptacles;
2. Bathing or washing, watering or dipping of domestic or farm animals, and navigation of watercrafts or transportation of logs and other objects by flotation.

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[78] *Id.*, Art. 6
[79] *Id.*, Art. 9
[80] *Id.*, Art. 10
[81] *Id.*, Art. 14

Q

What other principles should be considered in the utilization of waters?

A

The Water Code provides some of these guidelines, such as:

1. Preference in the development of water resources shall consider the security of the state, multiple use, beneficial effects, adverse effects and costs of development;[82]
2. The utilization of subterranean or ground water shall be coordinated with that of surface waters so that a superior right in one is not adversely affected by an inferior right in the other;[83]
3. No person shall develop a stream, lake, or spring for recreational purposes without first securing a permit;[84]
4. Drainage systems shall be so constructed that their outlets are rivers, lakes, the sea, natural bodies of water, or such other water course as may be approved by the proper government agency;[85]
5. The banks of rivers and streams and the shores of the seas and lakes throughout their entire length and within a zone of three (3) meters in urban areas, twenty (20) meters in agricultural areas and forty (40) meters in forest areas, along their margins, are subject to the easement of public use in the interest of recreation, navigation, floatage, fishing and salvage. No person shall be allowed to stay in this zone longer than what is necessary for recreation, navigation, floatage, fishing or salvage or to build structures of any kind;[86]

Q

What does the Water Code declare about conservation and protection of waters and watersheds?

A

It provides that any watershed or any area of land adjacent to any surface water or overlying any ground water may be declared by the DENR as protected area.[87]

As such, rules and regulations may be promulgated by DENR to prohibit or control such activities by the owners or occupants thereof within the protected area which may cause damage or cause the deterioration of the surface water or ground water or interfere with the investigation, use, control, protection, management or administration of such waters.

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[82] *Id.*, Art. 31
[83] *Id.*, Art. 32
[84] *Id.*, Art. 41
[85] *Id.*, Art. 44
[86] *Id.*, Art. 51
[87] *Id.*, Art. 67

Q

Does the Water Code state anything about fisheries and fishery resources?

A

Yes, in relation to other resources. It provides that the conservation of fish and wildlife shall be coordinated with other features of water resources development programs to insure that fish and wildlife values receive equal attention with other project purposes.[88]

Q

Are there any other laws governing fishery and fishery resources in particular?

A

Yes, Republic Act 8550[89] ,otherwise known as the Philippine Fisheries Code of 1998. The law declares that the achievement of food security is the overriding consideration in the utilization, management, development, conservation and protection of fishery resources.

Q

What other state policies does the Fisheries Code enunciate?

A

First, to limit fishery and aquatic resources of the country for the exclusive use and enjoyment of Filipino citizens.[90]

Second, to ensure the rational and sustainable development, management and conservation of fishery and aquatic resources including the Exclusive Economic Zone (EEZ) and in the adjacent high seas, consistent with the primordial objective of maintaining a sound ecological balance, protecting and enhancing the quality of the environment;[91]

Third, to protect the rights of fisherfolk, especially local communities with priority to municipal fisherfolk, in the preferential use of the municipal waters;[93]

Fourth, to provide support to the fishery sector, primarily to the municipal fisherfolk, including women and youth sectors; and to extend the protection of municipal fisherfolk against foreign intrusion up to offshore fishing grounds;[94]

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[88] *Id.*, Art. 73
[89] An Act Providing for the Development, Management and Conservation of the Fisheries and Aquatic Resources, Integrating All Laws Pertinent Thereto, and For Other Purposes
[90] *Id.*, Sec. 2(b)
[91] *Id.*, Sec. 2©
[92] *Id.*, Sec. 2(d)
[93] *Id.*, Sec. 2(e)

Fifth, to manage fishery and aquatic resources, in a manner consistent with the concept of an integrated coastal area management in specific natural fishery management areas, appropriately supported by research, technical services and guidance provided by the state;[94]

Q

How does the law define municipal waters?

A

Municipal waters[95] include streams, lakes, inland bodies of water and tidal waters within the municipality which are not included within the protected areas as defined by the NIPAS Act, public forest, timber lands, forest reserves or fishery reserves or fishery reserves. It also marine waters included between two (2) lines drawn perpendicular to the general coastline from points where the boundary lines of the municipality touch the sea at low tide and a third parallel line with the general coastline including offshore islands and fifteen (15) kilometers from such coastline.

Where two (2) municipalities are so situated on opposite shores that there is less than thirty (30) kilometers of marine waters between them, the third line shall be equally distant from the opposite shores of the respective municipalities.

Q

Who has jurisdiction over municipal waters?

A

The municipal or city government shall have jurisdiction over municipal waters[96]. In consultation with the Fisheries and Aquatic Resources Management Council (FARMC), it shall be responsible for the management, conservation, development, protection, utilization, and disposition of all fish, fishery and aquatic resources within their respective municipal waters.

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[94] *Id.*, Sec. 2(f)
[95] *Id.*, Sec. 3(58)
[96] *Id.*, Sec. 16

Q

How about the management of contiguous fishery resources?

A

The management of contiguous fishery resources such as bay which straddle several municipalities, cities or provinces, shall be done in an integrated manner, and shall not be based on political subdivisions of municipal waters in order to facilitate their management as single resource systems.

The local government units (LGU) which share or border such resources may group themselves and coordinate with each other to achieve the objectives of integrated fishery resource management. The venue for close collaboration among LGUs in the management of fishery resources shall be the Integrated FARMCs. IFARMCs shall be created in bays, gulfs, lakes and rivers and dams bounded by two (2) or more municipalities[97].

Q

What are FARMCs and what are their functions?

A

The FARMCs shall be formed by fisherfolk organizations/cooperatives and non-governmental organizations (NGOs) in the locality and shall be assisted by the LGUs and other government entities[98]. The National FARMC[99] acts as an advisory or recommendatory body to the Department of Agriculture and has the following functions:

1. Assist in the formulation of national policies for the protection, sustainable development and management of fishery and aquatic resources for the approval of the DA Secretary;
2. Assist the Department in the preparation of the National Fisheries and Industry Development Plan; and
3. Perform such other functions as may be provided by law.

Municipal/City FARMCs[100] shall be created in each of the municipalities and cities abutting municipal waters and shall exercise the following functions:

1. Assist in the preparation of the Municipal Fishery Development Plan and submit such plan to the Municipal Development Council;
2. Recommend the enactment of municipal fishery ordinances to the sangguniang bayan/panglungsod through its Committee on Fisheries;
3. Assist in the enforcement of fishery laws, rules and regulations in municipal waters; and
4. Advise the sangguniang bayan/panglungsod on fishery matters through its Committee on Fisheries.

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[97] *Ibid.*
[98] *Id.*, Sec. 69
[99] *Id.*, Sec. 70
[100] *Id.*, Sec. 73

Q

Who are authorized to utilize the fishery related activities in municipal waters?

A

All fishery related activities in municipal waters shall be utilized by municipal fisherfolk and their cooperatives/organizations listed as such in the registry of municipal fisherfolk[101]. The municipal/city government, however, may, through its local chief executive, and acting pursuant to an appropriate ordinance, authorize or permit small and medium commercial fishing vessels to operate within ten point one (10.1) to fifteen (15) kilometer area from the shoreline in municipal waters.

This allowance of commercial fishing vessels to operate within the municipal waters is further qualified by the condition that all of the following requirements are met:

1. No commercial fishing in municipal waters with depth of less than seven (7) fathoms;
2. Fishing activities utilizing methods and gears should be consistent with national policies, as determined by the Department of Agriculture;
3. Prior consultation, through public hearing, with the Municipal/City FARMC has been conducted; and
4. The applicant vessel, as well as the ship owner, employer, captain and crew, has been certified by the appropriate agency as not having violated the Fisheries Code, any environmental laws and related laws.

Q

Who are the municipal fisherfolk?

A

Municipal fisherfolk[102] are persons who are directly or indirectly engaged in municipal fishing and other related fishing activities. Municipal fishing[103] refers to fishing within municipal waters using fishing vessels of three (3) gross tons or less, or fishing not requiring the use of fishing vessels.

This is distinguished from a commercial fishing[104], which is utilizing fishing vessels of more than three (3) gross tons. This classification is further classified as:

1. Small-scale fishing with passive or active gear utilizing fishing vessels of 3.1 gross tons (GT) up to twenty (20) GT;

[101] *Id.*, Sec. 18
[102] *Id.*, Sec. 3 (56)
[103] *Id.*, Sec. 3 (57)
[104] *Id.*, Sec. 3 (10)

2. Medium-scale fishing utilizing active gears and vessels of 20.1 GT up to 150 GT; and
3. Large-scale fishing utilizing active gears and vessels of more than 150 GT.

Q

What other benefits and privileges does the municipal fisherfolk have in the utilization of municipal waters?

A

The following are the enumerations of their benefits in municipal waters:

1. Preference in the grant of fishery rights for duly registered fisherfolk organizations/ cooperatives[105];
2. Granted the use of demarcated fishery areas to engage in fish capture, mariculture and/or fish farming for fisherfolk organizations/ cooperatives whose members are listed in the registry of municipal fisherfolk[106];
3. Priority to exploit municipal and demarcated fishery areas for resident municipal fisherfolk and their organizations/ cooperatives[107];
4. Granted demarcated fishery rights for mariculture operations to fishery organizations/cooperatives[108];
5. Other incentives for credit and guaranteed funds for post-harvest and marketing projects for the purpose of enhancing fisherfolk competitiveness by reducing post-harvest losses, capability-building programs to promote greater bankability and credit worthiness[109].

Q

What is the registry of municipal fisherfolk?

A

It is a record maintained by the LGU of those who are fishing or may desire to fish in municipal waters, and of monitoring fishing activities and/or other related purposes. This list is updated annually or as may be necessary, and shall be posted in barangay halls or other strategic locations where it shall be open to public inspection, for the purpose of validating the correctness and completeness of the list[110].

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[105] *Id.*, Sec. 17
[106] *Id.*, Sec. 20
[107] *Id.*, Sec. 21
[108] *Id.*, Sec. 22
[109] *Id.*, Sec. 24
[110] *Id.*, Sec. 14

The LGU, in consultation with or through the recommendation of the FARMCs, shall formulate the necessary mechanisms for the inclusion or exclusion procedures that shall be most beneficial to the resident municipal fisherfolk. The LGU shall also maintain a registry of municipal fishing vessels by type of gear and other boat particulars with the assistance of the FARMC.

Q What happens to the operation of commercial fishing vessels?

A While small- to medium-scale commercial fishing may be allowed in the municipal waters whenever the municipality through an ordinance allows it, fishing vessel operators are encouraged, through new incentives given for improvement of fishing vessels and acquisition of fishing equipment, to fish farther in the Exclusive Economic Zone, which is an area beyond and adjacent to the territorial sea which shall not extend beyond 200 nautical miles from the baseline[111].

Q Are the fishworkers protected from violations on labor and safety regulations?

A Yes, the fishworkers shall be entitled to the privileges accorded to other workers under the Labor Code, Social Security System and other benefits under other laws and social legislation for workers. Fishworkers on board any fishing vessels engaged in fishing operations are also covered by the Labor Code[112]. All fishing vessels should also be provided with adequate medical supplies and life-saving devices. For fishing vessels of twenty (20) gross tons or more, there shall be a person qualified as a first aider in its crew[113].

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[111] *Id.*, Sec. 35
[112] *Id.*, Sec. 25
[113] *Id.*, Sec. 37

Q

What are some of the prohibitions identified by the Fisheries Code and its corresponding penalty?

A

The table below enumerates the different types of violations under the law, with the corresponding provision and penalty provided therein:

Violations	Penalties	Remarks
	A. DESTRUCTIVE FISHING	
Fishing through explosives, substances and/ or electricity (Sec. 88)	1) mere possession - imprisonment 6 mos. - 2 yrs.; confiscation of catch, gear, vessel 2) actual use - imprisonment 5 yrs. - 10 yrs. without prejudice to separate criminal case when such results in physical injury or death; confiscation of catch, gear, vessel	Exceptions: Department may allow such practices for research, educational or scientific purposes only to eradicate predators in fishponds Discovery of explosives and chemical compounds or equipment for electro-fishing shall constitute prima facie evidence
Fishing with the use Muro-Ami or gear method that destroys coral reefs, seagrass beds, and other fishery marine life habitat (Sec. 92)	For operator, boat captain, master fisherman and recruiter or organizer of fishworkers: 1) Imprisonment of 2-10 yrs.. and/or 2) Fine not less than P100,000 - P500,000 3) Confiscation of catch and gear	
Knowingly possessing, dealing in, selling, disposing fish/ fishery species illegally caught (Sec. 88)	1) Imprisonment of 6 mos. - 2 yrs. 2) Confiscation of catch, gear, vessel	Discovery of fish illegally caught shall constitute prima facie evidence

B. USE OF ACTIVE GEAR		
Use of active gear in the municipal waters and bays and other fishery management areas (Sec. 90)	1) Boat captain and master fisher of the vessels who participated - Imprisonment 2-6 yrs. 2) Owner/operator of the vessel - Fine of P2,000 to P20,000 3) Confiscation and forfeiture of catch	If owner/operator is a corporation, the penalty shall be imposed on the chief executive officer; if it is a partnership, penalty shall be imposed on the managing partner.
C. UNAUTHORIZED FISHING		
Unauthorized (commercial) fishing without license, lease, or permit (Sec. 86)	For commercial fishing boat captain/ three (3) highest officers: 1) Fine equivalent to value of catch or P10,000, whichever is higher 2) Imprisonment 6 months 3) Confiscation of catch and fishing gears 4) Automatic revocation of license	
Unauthorized fishing in bays or other fishery management areas which are declared over exploited (Sec. 86)	For commercial fishing boat captain/ three (3) highest officers: 1) Fine equivalent to value of catch or P10,000, whichever is higher 2) Imprisonment of 6 months 3) Confiscation of catch and fishing gears 4) Automatic revocation of license	

Violations	Penalties	Remarks
Unauthorized commercial fishing in municipal waters (Sec. 86)	1) Fine of P500.00 2) Confiscation of catch	One should be listed in the registry of municipal fisherfolk before fishing in municipal waters
Poaching in Philippine waters (Sec. 87)	1) Fine of $100,000 2) Confiscation of catch, fishing equipment, fishing vessel 3) Deparment may impose administrative fine of not less than $50,000 but not greater than $200,000 or equivalent in Phil. Currency	Entry of any foreign fishing vessel in Philippine waters shall constitute a *prima facie* evidence that the vessel is engaged in fishing in Philippine waters.
Use of fine mesh nets (Sec. 89)	1) Fine of P2,000 to P20,000 and/ or 2) Imprisonment of 6 months - 2 years If committed by a commercial fishing vessel, the boat captain and master fisher, owner/ operator = also subject to the same penalties. The Department may impose an administrative fine and/or cancel his/ her permit or license, or both	
Fishing with the use of superlights (Sec. 93) (in municipal waters or in violation of IRR on the use of superlights outside municipal waters)	1) Imprisonment of 6 months to 2 yrs. and/or 2) Fine of P5,000 per superlight 3) Confiscation of superlight, fishing gears and vessel	

Violations	Penalties	Remarks
Fishing in overfished area and during closed season (Sec. 95)	1) Imprisonment of 6 months and 1 day to 6 yrs. and/ or 2) Fine of P6,000 3) Forfeiture of catch 4) Cancellation of fishing permit or license	
Fishing in fishery reserves, refuge and sanctuaries (Sec. 96) (those declared by DA and LGUs)	1) Imprisonment of 2 - 6 yrs. and/ or 2) Fine of P2,000 - P20,000 3) Forfeiture of catch 4) Cancellation of fishing permit or license	
Fishing in violation of catch ceilings (Sec. 101)	1) Imprisonment of 6 mos. and 1 day - 6 yrs. and/ or 2) Fine of P50,000 3) Forfeiture of catch and fishing equipment used 4) Revocation of license	
D.DESTRUCTION OF NATURAL HABITATS AND TAKING OF CORALS,MINERALS AND OTHER SUBSTANCES		
Gathering, possessing, selling, or exporting ordinary precious and semi-precious corals (Sec. 91)	1) Imprisonment of 6 months - 2 yrs. and/ or 2) Fine P2,000 to P20,000 3) Forfeiture of subject corals, vessel and its proper disposition	
Gathering, selling or exporting white sand, silica, pebbles and any other substances (Sec. 92)	1) Imprisonment of 2-10 yrs. and/ or 2) Fine of P100,000 to P500,000 3) Confiscation of substance	

Violations	Penalties	Remarks
Converting mangroves into fishponds or for other purposes (Sec. 94)	1) Imprisonment of 6 yrs. and 1 day to 12 yrs. and/ or 2) Fine of P80,000 3) Offender must restore or compensate for the restoration and damage if the area requires it	
Introduction by human or machine substances or energy to the aquatic environment which result or is likely to result in Aquatic Pollution (Sec. 102)	1) Imprisonment of 6 yrs and 1 day - 12 yrs and/or 2) Fine of P80,000 3) Additional Fine of P80,000 per day until such violation ceases and the fines paid	
E. TAKING/CATCHING OF ENDANGERED OR BANNED OR UNDERSIZED FISHERY PRODUCTS		
Fishing or taking of rare, threatened or endangered species (Sec. 97)	1) Imprisonment of 12- 20 yrs and/ or 2) Fine of P120,000 3) Forfeiture of catch 4) Cancellation of fishing permit	
Catching, gathering, capturing or possessing mature milkfish or *"sabalo"* and such other breeders or spawners of other fishery species (Sec. 98)	1) Imprisonment of 6 mos. and 1 day - 8 yrs. and/ or 2) Fine of P80,000 3) Forfeiture of catch and fishing equipment used 4) Revocation of license	
Exportation of breeders, spawners, eggs, or fry (Sec. 99)	1) Imprisonment of 8 yrs. 2) Confiscation of the items 3) Fine equivalent to double the value of the same 3) Revocation of the fishing and/or export license or permit	

Violations	Penalties	Remarks
Taking, selling, transferring, or having in possession any shellfish which is sexually mature or below the minimum size or above the maximum quantities prescribed for particular species (Sec. 103)	1) Fine of P2,000 - P10,000 and/or 2) Imprisonment of 1 month and 1day to 6 months 3) Administrative fine of not more than P10,000 4) Cancellation of permit or license 5) Impound with the assistance of the Phil. Coast Guard, PNP-Maritime Command	
F. VIOLATION OF LICENSING LABOR AND SAFETY STANDARDS		
Failure to exhibit or show proof of compliance with the safety standards (Sec. 103)	The owner and captain of a commercial fishing vessel shall be: 1) Immediately prevented from continuing with his fishing activity 2) Escorted to the nearest port or landing point 3) His/her license to operate shall be suspended, until safety standard is complied with	
Obstruction to navigation or flow or ebb of tide in any stream, river, lake or bay (Sec. 103)	1) Fine of not more than P10,000 and/or 2) Imprisonment of not more than 2 yrs. 3) Forfeiture of the proceeds and the instruments or tools with which it was committed	
Employing unlicensed fisherfolk or fishworker in a commercial fishing vessel (Sec. 104)	For the owner or operator of a commercial fishing vessel: Fine of P500 for each and every month that the same is employed, and or P1,000 for every month for each unlicensed crew member who has been employed	

Violations	Penalties	Remarks
G. VIOLATION OF ADMINISTRATIVE REGULATIONS		
Importation or exportation fish or fisheries species (Sec. 100)	1) Imprisonment of 8 yrs. 2) Fine of P80,000 3) Destruction of live fishery species or forfeiture of non-live fishery species in favor of the Department	
Failure to conduct yearly report on all fishponds, fish pens and fish cages (Sec. 103)	1) Immediate cancellation of FLA 2) If offender is owner of fishpond, fish pen or fish cage: a) First offense: Fine of P500 per unreported hectare b) Subsequent offenses: Fine of 1,000 per unreported hectare	
Construction and operation of Fish corals/traps, fish pens and Fish cages without a license or permit (Sec. 103)	1. Fine of P2, 000- P10, 000 and/or 2. Imprisonment of 1 month and 1 day- 6 mpnths • Secretary is empowered to impose administrative fine of not more than P10, 000 • Or Cancel permit or license • Or both impose fine and cancel permit • Empowered to impound	
Unlawfully obstructing or delaying the inspection or movement of fish and fishery/aquatic products when such is authorized (Sec. 103)		
Obstruction of any defined migration paths of anadromous, catadromous and other migratory species (Sec. 105)	1) Imprisonment of 7 yrs - 12 yrs. and/or 2) Fine of P50,000 -P100,000 3) Cancellation of permit or license 4) Dismantling of obstruction at the expense of the offender 5) Confiscation of obstruction	

Violations	Penalties	Remarks
H. RESISTING PERSONS IN AUTHORITY		
Evading, obstructing, or hindering any fishery law enforcement officer from performing his/her duty (Sec. 106)	The boat owner, master or operator or any person acting on his/her behalf: 1) Fine of P10,000 2) Cancellation of registration permit and or license including the license of the master fisher	

CHAPTER V. COASTAL RESOURCE MANAGEMENT

Q

What is coastal resource management?

A

As declared in the Philippine Fisheries Code of 1998, it is the policy of the state to manage fishery and aquatic resources, in a manner consistent with the concept of an integrated coastal area management in specific natural fishery management areas, appropriately supported by research, technical services and guidance provided by the state[114].

This is a step forward from the traditional notion of resource management as a primary function of the state, which is based on the argument that all resources are owned by the state. This old framework, however, lacks a system of direct accountability on the part of the government. Any impact on the environment and resource base is usually borne by affected residents or local communities.

[114] Sec. 2 (f), RA 8550

Q

What has spurred this CRM framework, particularly community-based?

A

The 1987 Constitution provided opportunities for the participation of communities in the formulation and implementation of local policies as well as in the actual management of coastal resources. It embodied the following principles:

1. Democratization of access to resources;
2. Social justice
3. Right of the People to a balanced and healthful ecology;
4. Due process clause; and
5. Fundamental liberties.

Q

How have these principles been applied in the Philippine Fisheries Code?

A

RA 8550 has complemented and applied these principles through these policies:

1. Protecting the rights of fisherfolk, particularly municipal fisherfolk communities, in the preferential use of municipal waters;
2. Providing primary support to municipal fisherfolk through appropriate technology and research, adequate financial and marketing assistance and other services;
3. Managing fisheries and aquatic resources in a manner consistent with the concept of integrated coastal area management in specific natural fishery management areas;
4. Establishing Fisheries and Aquatic Resources Management Councils in the local levels down to the barangay level to assist LGUs in formulating and enforcing fishery policies; and
5. Participatory policy-making processes through representation of peoples' and non-governmental organizations in local government bodies.

Q

Are these not the principles and policies espoused before for coastal resource management?

A

No, government's initial response to the deterioration of coastal environments followed traditional lines of action such as promoting the establishment of "protected areas" regulated and controlled by the government, with practically no community involvement. This top-down approach did not work, and coral reef areas proclaimed as marine parks continued to be ravaged by fishers and users of destructive fishing methods. Moreover, because government often lacks the will to regulate the use of coastal resources and enforce environmental laws, resources are accessible to everyone to either use or destroy.

Q

What are some strategies that can be followed in coastal resource management[115]?

A

First, **understand the coastal ecosystem**. Some of the questions to ask are the boundaries of the coastal zone, the different ecosystems therein and how they relate with each other, people who live along the coasts, their economic condition, fishing practices, reason and threats to their fishing activities, how they catch or earn from other sources of livelihood, and sources of pollution in the coastal areas.

Second, **create partnerships with other LGUs with jurisdiction over the coastal zone.** Environmental problems do not respect political boundaries. What happens upstream affects those downstream. More often than not, different LGUs share responsibility over a bay, a river, or a lake. It is therefore important to create co-management schemes with these other LGUs.

Third, **create a sense of ownership among coastal communities.** Critical to the success of any coastal resource management plan is ownership of the project by coastal communities. The community must actually have a stake in the project. One way of creating a sense of ownership is by entering into stewardship agreements with them, recognizing the role of coastal communities as co-managers.

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[115] Kaban Galing: The Philippine Case Bank on Innovation and Exemplary Practices in Local Governance (2001)

Fourth, **enforce the laws**. Non-enforcement and inconsistent enforcement of the law condone the continuing practice of destructive fishing methods. Encroachment by commercial fishing vessels into municipal waters represent unfair competition to small, artisanal fisherfolk, compelling the latter to use harmful fishing practices to keep up. The municipal government can win over coastal communities to its side if it can minimize intrusions into municipal waters. The community itself can be mobilized to form *Bantay Dagat* to guard the waters.

Fifth, **develop other means of livelihood for the fisherfolk**. Declaration of a marine reserve or coastal resource management programs become points of contention between government and the fisherfolk because it is perceived that such move would lead to loss of income and livelihood. LGUs can develop other livelihood activities that would substantially reduce the fisherfolk's dependence on the sea.

Sixth, **undertake a sustained information and education campaign**. Don't take it for granted that since your efforts are meant to protect the environment that people would automatically follow your lead. Information campaigns have to be sustained even during the project implementation stage.

Lastly, but more importantly, **institutionalize fisherfolk's participation in the management of coastal resources**. This can be done through the creation of and active support to Fisheries and Aquatic Resource Management Councils (FARMCs). It is a multi-sectoral body consisting of fisherfolk organizations, NGOs, and government agencies that is mandated by law to regulate fishing activities in a municipality or city's coastal waters. The FARMC can recommend setting aside of at least fifteen percent (15%) of the coastal waters as fish sanctuaries and marine reserves.

Q Why a community-based approach on CRM?

A Community-based coastal resource management (CBCRM) approaches are superior over other CRM strategies because the most successful programs on coastal CRM are community based. The key to understanding why this is so lies in the nature of coastal resources. They are open-access resources, meaning legal ownership is not covered by appropriate tenurial instruments, such as land titles or stewardship contracts and thus no property rights, only possession or actual use. This situation has been blamed for unrestricted exploitation resulting in environmental damage and resource depletion.

What CBCRM provides to resource users, through full participation, cooperation and empowerment of stakeholders, is the sense of being proprietors and claimants to resources. The organized fisherfolk or communities are the *de facto* day-to-day managers of resources. Such conditions are conducive to protection and proper management of coastal resources.

Q

What are the features of a community-based coastal resources management?

A

There is no definite model for a CBCRM since various areas practicing this approach use different strategies. The most common philosophy governing CBCRM is founded on the principle that well-organized sustenance fishers/ stakeholders are in the best position to manage the coastal and marine resources.

Q

What has been the context of CBCRM in its approach?[116]

A

Initially, the understanding of the problems and insights that CBCRM seeks to address has been enriched with an increasing appreciation of the intricate links between the biological and social processes involved in fisheries production and utilization, as well as with our analysis of how broader political and socio-economic structures and relations impinge on the work at the grassroots.

However, CBCRM practitioners and advocates now are informed of the following emergent insights:

- CBCRM is equally concerned with both the biological and social processes. Thus, there must be unity and integration in the analysis and understanding of both the biological and social processes occurring in the community.
- CBCRM begins with the "community of users"- the resource users- who use and identify with a common resource base, or fishing area.
- Effective CBCRM needs to take the form of area management, intricately combining both stock/ habitat/ resource management and people management;

[116] sBCRM Resource Center, *Affirming the Forces that give Life and energy: Revisiting the Theory and Practice of CBCRM in the Philippines,* Community-Based Coastal Resource Management Festival Proceedings (2003)

Q

What has been CBCRM's guiding ideas?

A

CBCRM remains guided by the ideas of participation, empowerment and equity.

Participation enables local people to identify, express and achieve more of their own priorities. The premium for participation in CBCRM is rooted in the premise that communities and local people as direct resource users are involved in the daily administration of resources and thus, in a better position to as resource managers.

Empowerment has been dominantly understood to mean bringing peole who are outside the decision-making process into it. This notion puts strong emphasis on increasing the abilities of communities to participate in formal decision-making processes as well as in economic spheres through the formation of organizations.

The principle of equity in CBCRM addresses concerns not only on who will have access to resources, but also on who will share the benefits derived from any management scheme. As such, it underlies efforts in CBCRM aimed at the reduction or eradication of poverty among coastal communities.

Q

What are the most common methods of community-based coastal resource management?

A

Among the most popular are: community organizing, participatory research, capability-building through education, resource management and networking, advocacy, governance[117].

Community organizing in CBCRM has been defined as a "problem-solving process whereby the community is empowered with the knowledge and skills to identify and prioritize its needs and problems, harness and mobilize its human and material resources to deal with these problems and take action collectively.

Participatory research involves empowering the community to understand better its bio-physical and socio-cultural environment generating new knowledge that could serve as a bases in formulating a viable resource management strategy, and building the confidence of people in undertaking CBCRM.

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[117] *Id.,* p. 96

Capability-building activities within a community-based approach serve as venues for generating and disseminating knowledge and information, and for building consensus regarding community issues as well as viable actions to address them.

Resource management involves the evaluation of existing patterns of resource use and the development of particular management options based on information obtained from participatory research process.

The **need to forge links between local resource management activities and external actors**, such as the local or national government, other sectoral organizations, academe, research and financial institutions, and non-governmental organizations has surfaced with the growing realization of the "nestedness of systems" within which CBCRM evolves.

Q

Based on this context, what have been the results from experience?

A

First, **there has been a coastal community of fisherfolks organized to lead in the management of the resources**. This results from the formation and strengthening of fisherfolk organizations. This is essential since these organizations define local institutions that will carry the advocacy of the fisherfolk and manage the limited resources within the community.

Second, **increased participation of local communities in local community legislation, decision-making**. One of the biggest impacts of CBCRM is the increase in the level of awareness of local government units, not only on the importance of fishery resources and the role of fishery management, but also on the "potential capabilities" of fisherfolk in CRM development and implementation.

Third, **an institutionalization of resource management measures proposed by the stakeholders**. A major output of CBCRM was the lobby of fisherfolk organizations in the passage of RA 8550. The conceptualization and establishment of FARMCs was actually an offshoot of the experience of organized fisherfolk in their communities. Aside from the passage of national laws, local ordinances were formulated for the provision of resources for enforcement.

Fourth, **increased networking and partnership of peoples organizations, local communities, NGOs, LGUs and external agencies**. Fisherfolk organizations initiate networking from local to national level sectoral or multi-sectoral groups to address such issues such as displacement, intrusion of commercial fishing vessels, incursion of industries and beach resorts in foreshore areas. Furthermore, POs enter into partnership with LGUs and government line agencies to implement resource management projects like mangrove reforestation, sanctuary establishment and management, organizing and enterprise development components of CRM.

Fifth, **better enforcement of fishery laws through increased diligence and vigilance of LGUs though fisherfolk and community initiatives**. This are attributes to the formation of credible and dependable local fish wardens or *Bantay Dagat.* Because of the deputation process and requirements, LGUs become involved in CRM activities. And because local fisherfolk are involved in the law enforcement, the community claims a sense of ownership and protection over their resources.

Sixth, **protection of critical habitats, enhanced regulation on resource use, reduction of fishing pressure and increased biodiversity**. All of these ecological and biophysical factors result from the most common CRM intervention, which is through establishment of marine protected areas and projects like mangrove reforestation.

Finally, **there has been some livelihood diversification and increased fish catch in CBCRM areas**. Although economic gains have not been many, some social and economic services are being undertaken to pursue sustaining this approach. Likewise, sustainable livelihood framework is slowly being used to broaden the concept to include goals such as reducing community vulnerabilities, increasing community assets, and enhancing transforming structures in society.

Q What are the current trends in community-based coastal resource management?

A CBCRM practitioners shares the following[118]:

Popularization of technical services. Demystified by CBCRM, technical CRM-related services have been popularized among the fisherfolk who can now take on these responsibilities. Paralegals, barefoot trainors, local organizers, and participatory researchers and scientists are but some of the roles that local fisherfolk have been enabled to undertake.

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[118] CBCRM Resource Center, *Community-Based Coastal Resource Management Festival: Celebrating the Gains, Reflecting on Challenges and Advancing the CBCRM Movement*

Phase-out of NGOs and the take-over of POs. It is interesting to note that external agents are actually ensuring a phase-out process in their program. This is to facilitate a smooth turn-over of roles to the PO or federation.

Identifying and synthesizing community needs. Unlike other CRM programs, CBCRM recognizes the community itself, and not the fishing ground or the fishery resource, as the primary management unit. The main focus of CBCRM is therefore the well-being of the community.

Holistic intervention and value formation. CBCRM programs are not limited by CRM issues. There is an expansion of interventions covering health, education, housing, disaster management. Sustained involvement of POs and communities in CBCRM could be attributed to the level of internalization of the basic principles and values in sustainable development.

Engagement through co-management and mainstreaming CRM in development planning. CRM plans are starting to be mainstreamed in barangay and municipal development planning processes. These plans were previously separate from development plans, but because there is a high number of fisherfolk organizations conducting joint actions with LGUs on CRM, they are now engaging LGUs through development councils and pushing for fisheries & fisherfolk concerns.

CHAPTER VI. AUTONOMY AND ENVIRONMENT: SUSTAINABLE

Q

What does the Organic Act provide in terms of environmental protection?

A

RA 9054 provides for a section on environmental protection and sustainable development[119]. It states that the protection, rehabilitation, and the sustainable development of forests, coastal and marine resources, including the adoption of programs and projects to ensure the maintenance of ecological balance, shall be given priority.

[119] Sec. 17, Art. III, RA 9054

Q **Does the protection extend to forests and other watersheds?**

A Yes, because it is clearly stated in the law that the proclamations issued by the national government declaring old growth or natural forests and all watersheds within the autonomous region as forest reserves are reiterated[120]. These forest reserves shall not be subjected to logging operations of any nature or kind.

Q **What happens to the existing forest concessions, timber licenses, contracts or agreements?**

A These are cancelled, nullified and voided on the date of the approval of the Organic Act, whatever the instrument may be, in any kind or nature whatsoever, whichever national or regional agency of the government may have issued such and shall not be renewed until thirty (30) years after the approval of the Organic Act[121].

Q **What happens if these forest areas are logged over or mined?**

A The President may order that funds provided by the national government, including the internal revenue shares be withheld, reduced, cancelled, or forfeited in case the forest reserves are logged over or mined by authority or neglect of the Regional Government[122] .

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[120] *Id.*, Sec. 5, Art. X
[121] *Id.*, Sec. 5
[122] *Ibid,*

Q What should be the primary goal of the Regional Government in forest areas?

A The Regional Government shall actively and immediately pursue reforestation measures to ensure that at least fifty percent (50%) of the land surface of the autonomous region shall be covered with trees, giving priority to watershed areas, strips of land along the edges of rivers and streams, and shorelines of lakes and seas within or abutting the autonomous region[123].

It shall also adopt measures for the development of lands eighteen percent (18%) in slope or over by providing infrastructure, financial and technical support to upland communities, especially the lumads or tribal peoples. It shall further adopt measures to employ the people who may be displaced by the cancellation or revocation of timber concessions, licenses, contracts and agreement.

Q What will be the role of local government units in all of this?

A All local government units, including the Regional Government, shall devote ten percent (10%) of their shares in the internal revenue taxes and all allocations for the development of the autonomous region by the national government to reforestation projects and other environmental activities to enhance the protection and development of the environment in the autonomous region[124]. This affirms the primary responsibility of the state in protecting its people to their right to a balanced and healthful ecology as enshrined in the Constitution.

---

[123] *Id.*, Sec. 14, Art. XII
[124] *Id.*, Sec. 5, Art. X

Q

Does this sustainable development include the concept of preferential rights to the community?

A

Apparently so. While the Regional Government shall have the authority, power and right to explore, develop, and utilize the natural resources, including surface and sub-surface rights, inland and coastal waters, and renewable and non-renewable resources in the autonomous region, Muslims and the other indigenous cultural communities shall, however, have priority rights to explore, develop, and utilize the said resources in the areas designated as parts of their respective ancestral domains[125].

Q

Does the Regional Government have the power over the utilization of natural resources?

A

This power is qualified. The Regional Assembly, by law, shall have the authority to grant franchises and concessions and may, by law, empower the Regional Governor to grant leases, permits, franchises, or concessions over agricultural, forest or mineral lands[126]. The said leases, permits. Franchises and concessions shall however, cover areas not exceeding the limits allowed by the Constitution and shall subsist for a period not exceeding twenty-five (25) years.

Q

Hass the Regional Government exercised this power?

A

In March 3, 2004, the Regional Legislative Assembly enacted Muslim Mindanao Autonomy Act No. 161[127], otherwise known as the Regional Sustainable Forest Management Act of 2003 of the ARMM.

It declares as a policy of the regional government to protect and conserve the remaining natural forests, rehabilitate the denuded forestlands, develop, constructively utilize and manage them through the established principles of Shariah customary *Adat* laws, multi-sectoral participation, community based approach, multiple use and sustainable forestry in order to ensure ecologically conscious, morally upright, poverty alleviated, socially responsible, economically developed and politically mature cultural communities.

---

[125] *Id.*, Sec. 8, Art. III
[126] *Id.*, Sec. 5 (e), Art. XII
[127] An Act Providing for sustainable Forest Management in the Autonomous Region in Muslim Mindanao and For Other Purposes

Q

How about other persons engaging into activities that may affect the environment?

A

The Regional Government shall require corporations, companies and other entities within the ancestral domain of the indigenous cultural communities whose operations adversely affect the ecological balance to take the necessary preventive measures and safeguards to restore, enhance, and maintain such a balance[128].

Q

Aside from this requirement, what else need to be done before such operation?

A

The permits, licenses, franchises, or concessions over the natural resources located within the boundaries of an ancestral domain shall be issued by the Regional Assembly only after consultations are conducted with the cultural community concerned[129].

Q

In terms of the economy and patrimony, what does the Organic Act provide?

A

It gave the Regional Assembly power to enact laws pertaining to the economy and patrimony that are responsive to the needs of the region. However, the Regional Government may not lower the standards required by the national government for the protection, conservation and enhancement of natural resources[130].

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[128] Sec. 5, Article X, RA 9054
[129] *Id.*, Sec. 5 (e), Art. XII
[130] *Id.*, Sec. 1

Q **Does the Regional Government have a policy against toxic or hazardous substances?**

A Yes, it does. The Regional Government shall prohibit the use, importation, deposit, disposal, and dumping of toxic or hazardous substances within the autonomous region[131].

Q **How about the policy on agriculture, soil and water conservation?**

A The Regional Government shall encourage agricultural productivity and promote diversified and organic farming[132]. At the same time, it shall also give top priority to the conservation, protection, utilization, and development of soil and water resources for agricultural purposes[133].

Q **How does the Regional Government ensure that these policies are implemented?**

A The Organic Act provides that the Regional Government shall, within one (1) year from the approval of the law, adopt and implement a comprehensive urban land reform and land and water use program, to ensure the just utilization of lands and waters within its jurisdiction[134]. This is subject to the condition that such programs be consistent with the Constitution, the Organic Act, and subject as well to ecological considerations.

---

[131] *Id.*, Sec. 15
[132] *Id.*, Sec. 22
[133] *Id.*, Sec. 23
[134] *Id.*, Sec. 4, Art. XI

Q

How about the Regional Government's policy on mining?

A

Under the Organic Act, it is vested with the power of control and supervision over the exploration, utilization, development and protection of the mines, minerals and other natural resources within the autonomous region[135]. Exceptions to this regional control and supervision are the strategic minerals such as uranium, petroleum, and other fossil fuels, mineral oils, all sources of potential energy, as well as national reserves and aquatic parts, forest and watershed reservations already delimited by authority of the national government.

Q

Is this policy similar with that of the small-scale mining?

A

No, small-scale mining shall be regulated by the Regional Government to the end that the ecological balance, safety and health, and the interests of the indigenous cultural communities, the miners, and the people of the place where such operations are conducted are duly protected and safeguarded[136].

Q

What will happen to persons who will be adversely affected by the destructive operations of mining?

A

Laws for the benefit and welfare of the inhabitants injured, harmed, or adversely affected by the harnessing of natural and mineral resources in the autonomous region shall be enact by the Regional Government[137]. Such laws may include payment of just compensation to and relocation of the people and rehabilitation of the areas adversely affected by the harnessing of natural and mineral resources.

The Regional Assembly may, by law, also require the persons, natural or juridical, responsible for causing the harm or injury to bear the costs of compensation, relocation and rehabilitation wholly or partially.

---

[135] *Id.*, Sec. 5, Art. XII
[136] *Id.*, Sec. 9
[137] *Id.*, Sec. 13

Q **Does the preferential treatment for marginalized fisherfolk still apply in the ARMM?**

A Yes, the constitutional protection for them is read into the Organic Act. RA 9054 is more generalized when it stated that the Regional Government shall recognize, promote, and protect the rights of fisherfolk, fishworkers, as well as cooperatives and associations of fisherfolk and fish workers[138].

Q **Is RA 8550 applicable also in the ARMM?**

A Yes, because the power of the Regional Assembly to enact an aquatic and fisheries code is not mandatory, in the sense that it may elect to adopt RA 8550 within its jurisdiction or enact a separate fisheries code.

Q **Has a separate aquatic and fisheries code been enacted?**

A A separate code has been enacted under RA 6734. This was Muslim Mindanao Autonomy Act No. 86, also known as the ARMM Aquatic and Fisheries Code of 1999.

[138] *Id.*, Sec. 21

Q Is MMAA No. 86 still applicable then with the enactment of RA 9054?

A It seems that the answer is in the negative. As stated above, MMAA 86 was formulated under RA 6734. This previous Organic Act is substantially different from the amended Organic Act in terms of the provisions of the Aquatic and Fisheries Code.

First, RA 9054, while still protecting subsistence fisherfolk to the preferential use of communal marine and fishing resources, now provides that provinces and cities in the region have been given the priority rights to the utilization, development, conservation, and protection of the offshore fishing grounds[139]. This is different from the previous law, which was silent on who has jurisdiction over the waters. MMAA 86, however clearly states and adopts the RA 8550 formulation that cities and municipalities have jurisdiction over municipal waters.

Second, RA 9054 adopts the RA 8550 formulation of the measurement of these waters at fifteen (15) kilometers from the coastline of the autonomous region. RA 6734, on the other hand, measures the jurisdiction over these waters at twelve (12) nautical miles from such coastline[140]. And MMAA 86 refers to a 22 ½ kilometer ARMM waters[141] and a 12 kilometer municipal waters[142].

These differences would lead us to conclude that RA 9054 has significantly amended RA 6734 in terms of the formulation of an aquatic and fisheries code. MMAA 86, as the fisheries and aquatic code formulated under the previous Organic Act, is therefore modified accordingly insofar as provisions inconsistent with the amended Organic Act are concerned.

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[139] *Id.*, Sec. 24
[140] Sec. 18, Art. XIII, RA 6734
[141] Sec. 2, MMAA 86
[142] *Id.*, Sec. 5

NATIONAL DEMOCRATIC INSTITUTE FOR INTERNATIONAL AFFAIRS

The National Democratic Institute for International Affairs (NDI) is a nonprofit organization working to strengthen and expand democracy worldwide. Calling on a global network of volunteer experts, NDI provides practical assistance to civic and political leaders advancing democratic values, practices and institutions. NDI works with democrats in every region of the world to build political and civic organizations, safeguard elections, and promote citizen participation, openness and accountability in government.

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PATROL INCIDENT REPORT FORM **Report no._____**

Type of incident (describe - e.g. shooting; murder; assault; traffic accident; vandalism; etc…)	Date of report	Time of report (military)

Location of incident (specify barangay and proximity to fixed location – e.g. *Poblacion; approx. 20 feet Northwest of intersection of National Hwy1 and Avenida de los ninos*)	Date of incident	Time of incident (military)	Weather conditions

Complainant information:	Report taken (at) (mark one): **police station** **residence** **business** **on-scene** **other location**
Complainant 1 **Name:** **Address:** **Contact information:** (phone number; relative in area, etc…)	
Is complainant 1 a witness? (√ one): **Yes** **No** Is complainant 2 a witness? (√ one): **Yes** **No**	Other complainant information (nm; address; contact information):

Suspect(s) information:	**Known affiliation(s)/modus operandi**:
Name/alias suspect 1	**Address** (if address not known, enter any available location information such as where last seen or known hang-outs)

Suspect 1 description:	**Nationality/ethnicity**	**Skin complexion**	**Scars/marks/tattoos**	**Build**	**Height**

Weight	**Hair color**	**Eye color**	**Clothing description (top – bottom)**					
			Hat	**Jacket**	**Shirt**	**Pants**	**Footwear**	**Other – glasses; bandana?**

Vehicle information: Related to suspect 1? (√ one): **Yes** **No**	**Make**	**Model**	**Registration no.**	**No. doors**	**Color**

Weapon(s) information: If recovered, √ here: __	**Type**	**Caliber**	**Color/other characteristics**	**Other than firearm**

PATROL INCIDENT REPORT FORM **Report no._____**

Suspect(s) information:	**Known affiliation(s)/modus operandi**:
Name/alias suspect 2	**Address** (if address not known, enter any available location information such as where last seen or known hang-outs)

Suspect 2 description:	**Nationality/ethnicity**	**Skin complexion**	**Scars/marks/tattoos**	**Build**	**Height**

Weight	**Hair color**	**Eye color**	**Clothing description (top – bottom)**					
			Hat	**Jacket**	**Shirt**	**Pants**	**Footwear**	**Other – glasses; bandana?**

Vehicle information: Related to suspect 2? (√ one): **Yes** **No**	**Make**	**Model**	**Registration no.**	**No. doors**	**Color**

Weapon(s) information: If recovered, √ here: ___	**Type**	**Caliber**	**Color/other characteristics**	**Other than firearm**

Attach information on additional suspects on separate page(s).	If additional suspect information attached, √ here:

Evidence available:	Where is evidence stored?

(√ if available): **Vehicle ____** **Ammunition/shell casings _____** **Fingerprints _____**

Narcotics & drugs _____ **Paraphernalia _____** **Other physical evidence _____**

Description of evidence:

Statement(s) available: (√ if available):	**Complainant/victim _____** **Witness _____** **Suspect _____** ATTACH STATEMENT IF AVAILABLE

Other relevant information:

Case information action (√ one):	**Open : forwarded to investigator _____** **warrant requested_____** **Closed:** **arrest _____** **non-criminal _____**

Reporting officer (print name and signature)	**Supervisor (print name and signature)**

PATROL INCIDENT REPORT FORM **Report no._____**

SUPPLEMENTAL SUSPECT INFORMATION

Suspect(s) information:	**Known affiliation(s)/modus operandi**:				
Name/alias suspect	**Address** (if address not known, enter any available location information such as where last seen or known hang-outs)				
Suspect description:	**Nationality/ethnicity**	**Skin complexion**	**Scars/marks/tattoos**	**Build**	**Height**
Weight	**Hair color**	**Eye color**	**Clothing description (top – bottom)**		
			Hat	**Jacket**	**Shirt**
			Pants	**Footwear**	**Other – glasses; bandana?**
Vehicle information: Related to suspect? (√ one): **Yes** **No**	**Make**	**Model**	**Registration no.**	**No. doors**	**Color**
Weapon(s) information: If recovered, √ here: ___	**Type**	**Caliber**	**Color/other characteristics**	**Other than firearm**	

Suspect(s) information:	**Known affiliation(s)/modus operandi:**				
Name/alias suspect	**Address** (if address not known, enter any available location information such as where last seen or known hang-outs)				
Suspect description	**Nationality/ethnicity**	**Skin complexion**	**Scars/marks/tattoos**	**Build**	**Height**
Weight	**Hair color**	**Eye color**	**Clothing description (top – bottom)**		
			Hat	**Jacket**	**Shirt**
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Vehicle information: Related to suspect? (√ one): **Yes** **No**	**Make**	**Model**	**Registration no.**	**No. doors**	**Color**
Weapon(s) information: If recovered, √ here: ___	**Type**	**Caliber**	**Color/other characteristics**	**Other than firearm**	

LEADERSHIP CASE STUDIES ON ETHICAL DILEMMAS AMONG UNIFORMED PERSONNEL IN THE PUBLIC SAFETY SECTOR

Developed by the

SCHOOL OF GOVERNMENT

ATENEO DE MANILA UNIVERSITY

for the

NATIONAL DEMOCRATIC INSTITUTE

With support from the

United States Agency for International Development

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Promoting Democratic Governance and Enhancing Community-Police Relations in the Autonomous Region in Muslim Mindanao

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With USAID/Philippines

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Introduction

The Ateneo School of Government (ASG) and the Philippine Public Safety College (PPSC) signed a Memorandum of Agreement in March 2005. The agreement stipulates that the "ASG will offer a Course consisting of a Module on Leadership for 250 uniformed officers of the DILG and PNP, including those in ARMM, for a period of one year."

PPSC is the civilian entity mandated to serve as the premier institution for the training, human resource development and continuing education for all uniformed personnel of the Department of Interior and Local Government (DILG). The College is composed of three (3) constituent institutes and 19 Regional Training Schools. At any time, it could conduct educational and training classes for more than 8,000 officers of the public safety sector.

The PPSC has been offering a series of leadership courses as part of its curriculum. However, the offering has suffered in quality due to a weak design and faculty development. The imperative for strengthening the leadership formation of public safety personnel emanates from the increasing distrust of citizens due to escalating malpractices in the public safety sector.

In response to PPSC's request, ASG proposed to offer a tailor fitted course on Leadership and a Sanctuary Program. The targeted participants include commissioned and non-commissioned officers of the Philippine National Police (PNP), Bureau of Jail Management and Penology (BJMP), and the Bureau of Fire Protection (BFP). A total of 250 uniformed personnel were meant to undergo the module within a period of one (1) year.

DESCRIPTION OF THE MODULE ON LEADERSHIP

The Module on Leadership focuses on public service and encompasses the political, technical, organizational and ethical dimensions of governance. The design and delivery of the Module is greatly inspired by ASG's Leadership Framework which stands on three core competencies of self-mastery, learning in action, and service. The delivery of this Module on Leadership is through interactive and reflective learning activities about the personal, group, organizational/institutional and societal issues that require leadership response to public safety issues. The learning environment provided to participants provide a calibrated mix of reflection/discernment as well as sharing and dialogue but also stimulated by a sprinkling of inputs as reference points. Such inputs are not lectures but conceptual synthesis of shared experiences and insights. Story telling and sharing is a key activity in the delivery of the course.

The Module's general objective is to equip participants with critical/strategic thinking and ethical action and values in their exercise of leadership.

Specifically, the module aims to:

- equip the participants with critical/strategic thinking and ethical action and values using case and leadership stories that will be nonsectarian and nonpartisan but focusing on experiences and dilemmas of uniformed personnel
- review with the participants the major theories and concepts of leadership and power
- let the participants appreciate the depth and richness of the practice of leadership
- help sensitize participants to their ideas, thoughts and beliefs about the sources of their power as police and public safety officers

PARTNERSHIP WITH THE NATIONAL DEMOCRATIC INSTITUTE

To supplement the resources that were committed in the design of the leadership course, ASG sought support from the National Democratic Institute (NDI) to fund the generation and development of the leadership cases.

In the Agreement between NDI and the ASG, signed in April 2005, NDI approved the amount of Php 301,000 as supplemental funding. The amount was based on the proposed budget submitted by the ASG with costs such as case writers' honoraria, transportation, per diem, and communication.

GENERATION AND DEVELOPMENT OF LEADERSHIP CASE STORIES ON ETHICAL DILEMMAS

The program uses a lot of leadership stories—generated from among the ranks of police officers—for discussion and analysis. Thus, to make the delivery of the leadership course more effective, ASG deemed it necessary that instructional materials be relevant and directly resonant to the participants.

Case Study Approach

The Module used the Case Study approach to highlight insights and lessons learned and to serve as focus for discussion. The cases whish served as stimuli and take off points for deeper discussions and learning were based on actual experiences in the public safety sector.

To generate and develop the case stories, ASG collaborated closely with PPSC in identifying benchmark cases or experiences for documentation. The cases dealt with exemplary cases of leadership guided by ethics, focusing on experiences relating to dilemmas faced in the field by public safety officers, how these were resolved, the conditions prevailing at the time of the resolution, and the key learning from the experience.

Methodology

Composite cases or stories were prepared from the information gathered from key informant interviews and focus group discussions (also called focus group story telling sessions). A number of police officers were selected as respondents or participants to these activities. Considering the sensitivity and highly confidential nature of the stories shared, ASG decided to write up composite stories that did not necessarily use information and experiences from any single participant. The face-to-face interviews and story-telling sessions encouraged the respondents to be more open about their deeper insights, reflections, and learning as leaders in the public safety sector.

Care was taken to select FGD participants who had the following characteristics: a) ability to communicate and reflect on their experiences, b) have stories and/or experiences of integrity and commitment despite dilemmas in the conduct of their duty, c) have struggled, and/or still continue to struggle, for reforms.

The FGDs were designed in such a way that a) all group members would be of the same rank or at least contemporaries; b) they know each other well

enough or, better yet, are friends/peers/*barkada*; c) there is trust and respect among them; and d) the discussion would be done informally (or *kwentuhan*).

It was assumed that the groups would be telling stories that are sensitive and confidential. At best, "social desirability" might contaminate information if external facilitators would lead the discussions/sharing; at worst, information might be too selective to be useful. Hence, it was desirable to have lead facilitators from the "inside"—a group member who has the ability to evoke stories from the participants in a spirit of camaraderie and fun. The proceedings were taped, but the participants were assured of confidentiality.

The FGD Convenors/Lead Facilitators Orientation

Prior to, and in preparation for, the actual data gathering activity, selected police officers were recruited to facilitate the FGDs/storytelling sessions. For this purpose, a special orientation was conducted on March 29, 2005 in ASG for a select group of police officer facilitators. They were expected to hold their own FGD/storytelling sessions with fellow police officers and submit their outputs to ASG.

Target Respondents/Participants

The following groups were identified as sources of information for the case stories:

- Philippine National Police Academy (PNPA) alumni
- Philippine Military Academy (PMA) alumni
- Association of Generals and Flag Officers (AGFO)
- Manila's Finest, or the "old-timers"
- Police officers of the Autonomous Region of Muslim Mindanao (ARMM-PNP)
- Female police officers

Data Gathering Activities

A series of data gathering activities were conducted between April and May 2005. These included face-to-face interviews with key informants and FGDs/storytelling sessions with selected police officers. Also collected were secondary materials such as PNP documents and reading materials.

Of those who attended the special orientation for FGD/storytelling facilitators, three (3) submitted raw outputs of their respective FGD/storytelling sessions. These sessions were held in Metro Manila and outlying areas.

Two data gathering activities were conducted in the Mindanao area. The first was in Regional Training School (RTS)-12 in Camp Felicisimo Marcos in Zamboanga City. The other activity was held in RTS-ARMM in Camp Salipada Pendatun in Parang, Maguindanao. A total of 15 respondents participated in the interviews and storytelling sessions, which were facilitated by Dr. Angelita Gregorio-Medel (Lead Faculty, ASG), P/SSupt Nestor M. Fajura (Director, Office of Special Projects, PPSC), and Adelfo V. Briones (Sr. Program Manager, ASG).

Data Processing and Case Write-up

Because of the preparations the initial training run of the Module on Leadership on the last week of June 2005, data processing and case write-up were delayed. However, vignettes and short case stories on leadership ethical dilemmas were extracted from the data to serve as instructional materials for the initial run of the training.

The process of extracting, creating composites, and writing the vignettes and case stories from the data continued even as the subsequent training runs were implemented. Supplementing these mini-cases were dilemma stories shared by the training participants themselves during the training runs.

Even as the series of training runs were conducted in various venues, case writing was also being pursued.

FINAL OUTPUT

The final output consists of the following:

- 12 fully written up case stories
- 18 vignettes and short cases

The case stories and vignettes have been intensively used as instructional materials during the training runs of the "A Module on Leadership" and the "Training of Trainers". (The latter is currently under implementation.)

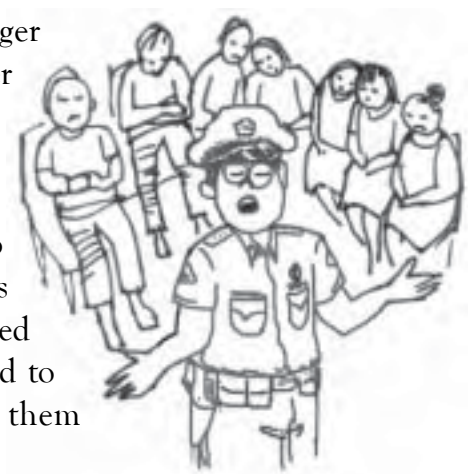
The case stories and vignettes, it must be emphasized, are composites of real-life experiences. Names of persons and places have been deliberately changed to protect the identities of respondents.

Feedback from the participants shows that the case stories and vignettes are able to resonate with their true-to-life situations and easily connect with their own ethical dilemmas in the field. This is perhaps because the stories are truly "mirrors" of the dilemmas faced by public safety officers.

RIDO

SENIOR INSPECTOR Sukarno Sappal still remembers vividly the incident that changed the course of his life. As a young man, he had always wanted to be a doctor. He got good grades in his Science subjects. He was naturally inquisitive about things that made the human body tick…until that fateful day in November.

Ramadan, the holy season for Muslims, had just ended. The then ten-year old Sukarno was watching TV with his father, his mother, and an older brother. Beside him was his six-year old brother Karim who was busy playing with his toy gun. Suddenly loud a explosion was heard. The toy gun … an explosion…these were the last thoughts that Sukarno had before he lost consciousness. When he came to, he found his left arm bandaged heavily and his younger brother dead. Shortly thereafter, his father died.



"Vengeance!" cried their relatives. That was when he came to know the meaning of *rido* – vendetta killings to avenge a family member's death. His dreams of becoming a doctor were quashed instantly. In his young mind, he wanted to capture his brother's killers and put them behind bars.

Now, twenty five years after the incident, Senior Inspector Sappal is a much-respected member of the police force in Sulu. His left arm still bears the scars of that fateful day when he lost two members of his family, but time has made him a true police officer and a gentleman committed to serve and protect the people. Attesting to his good record in the service are numerous awards and citations from various institutions.

The shrill ringing of the phone on his desk broke his reverie. It was his cousin, Abdul.

"Sukarno, help us! My brother Salim has been shot dead!"

"Who did that to him? Who killed him?"

"I saw them, the members of the Tamano Clan. The bastards! I saw them," shouted Abdul at the other end of the line.

Salim was Sukarno's favorite cousin. They got along very well. Being of the same age, they grew up together, going to the same school from elementary to high school. Salim was a mild-mannered and well-educated Muslim who grew up to be a lawyer. He was always ready to help people in need of legal advice and service. Sukarno knew of no reason why anybody would want to kill such a fine man as Salim.

Senior Inspector Sappal rushed to the scene of the crime. The witnesses pointed to members of the Tamano Clan as perpetrators of the crime. But nobody wanted to go on record to give official statements for fear of reprisal.

When Senior Inspector Sappal went back to his office, he found his uncle, Salim's father, waiting along with other relatives. They were fully armed, ready to go into combat.

"Sukarno, we want revenge."

"We have to teach them a lesson. They asked for it, they will get it."

"Sukarno, remember how members of the same clan threw a grenade at your house and killed your innocent brother? We have to avenge their death and that of Salim."

"We have high-powered firearms to mount an attack. Let us not give them any chance to repeat this dreadful thing. *Ubusin na natin ang lahi nila* [Let's kill them all]!"

Everyone had something to say out of anger. They were at the height of agitation.

"Help us, Sukarno. You are in a position of power. You can be of great help. *Tapusin na natin ang laban* [Let's finish this war]," said Salim's father bitterly, tears streaming down his cheeks as he pleaded for Sukarno's help.

Sukarno could not help but remember his young brother Karim, playing

with a toy gun one instant and dead the next. He caught sight of the scars on his left arm – remembrance from a childhood gone horrible because of *rido* – the senseless vendetta killings involving warring clans, passing on legacies of anger and hatred from generation to generation.

Senior Inspector Sukarno Sappal thought of his mission as a member of the police force to maintain peace and order and to ensure public safety. On the other hand, he thought of his clan's honor. If they allowed this to pass, this would cause others to lose respect for them and regard them as cowards. Will he allow himself to be used for the perpetuation of a hideous tradition such as *rido* that has done nothing but claim innocent lives?

Hazards and Risks

"One of the hazards of being a police officer is that you cannot be promoted to a higher rank if you have a pending case in court. Your promotion is at risk. In addition, you are on your own. Your superiors—and the system—will not lift a hand to give you legal or financial assistance, even if your case stemmed from following their orders. As a result, you become extra careful in implementing the law. So you avoid situations—or you make compromises—when implementing the law because you do not want this to happen. As much as possible, you try to protect your reputation and your career."

"Tapusin na natin ito..."

Senior Jail Officer 4 Hadjiri Yusop, the Assistant Municipal Jail Warden of the Sinsuat Municipal Jail found himself humming along with the born-again Christians who were conducting a bible study session a few yards away from where he sat in his office. He was tapping his foot lightly, following the beat of the lively music that he had gotten used to hearing every weekend. The group has been holding bible study sessions in the prison regularly for the Christian prisoners. And even if he was a Muslim, he has learned to appreciate the efforts of the group, at times even listened to and observed their sessions.

"Hadjiri, is everything set for Ali's transfer to the Provincial Jail tomorrow?" asked his superior, Jail Chief Inspector Adib Osman.

"Yes, sir, I have made the necessary arrangements," he replied.

Ali was, perhaps, the most priced inmate at the Sinsuat Municipal Jail. After all, he was a confirmed high ranking member of the dreaded Abu Sayyaf gang. He was said to be one of those responsible for the LRT bombing last

December where dozens were killed and more than a hundred others injured. Hadjiri and his colleagues captured him two weeks ago after months of surveillance. And now, he was scheduled for transfer to the maximum security compound of the Provincial Jail. Eventually, he was to be flown to Manila for the trial concerning his involvement in the LRT bombing. Intelligence reports had it that his Abu Sayyaf comrades were planning to assault the Sinsuat jail to free him from his captors. Upon hearing this, his superior immediately made plans for the rebel's transfer to the Provincial Jail of Maguindanao.

Hadjiri felt a little relieved. He knew that they were undermanned to ensure the safekeeping of a high profile prisoner like Ali. The rebel, who, up to this time has refused to speak to anybody but him has become some sort of a friend. Many times, he would caution himself about exchanging too much word with this dreaded rebel. Perhaps, he still saw him as a Muslim brother, albeit, one who has chosen to take Allah's teachings from a perspective that differed from his.

Hadjiri could tell that Ali felt at ease with him. While the rebel would hardly say anything to anyone even during his questioning, he would talk freely with Hadjiri, convincing him of their "cause".

"You are a Tausug, too and you know well how badly we've been treated by these Christians. How could you side with them?" he asked.

"Ali, my brother, since I was a child I have witnessed how people would get killed and maimed because of this senseless war. I have seen too many of them," he would answer, "I would not dream of seeing more."

"Then, why did you join the police force? What does it give you, if not the power to kill more. Kill more of them, not more of us," he taunted.

Their conversations always ended this way, with Ali taunting him for joining the police force. He would walk away, thinking that it is senseless to explain to a hardcore rebel like Ali. Having been born and raised in Sulu, a known hotbed for terrorism, he grew up with an obsession to be part of a peacekeeping force. There was too much bloodshed, too much anger, and too little peace in his land.

Shouts and screams of terrified people, followed by a single gunshot broke his reverie. He rushed outside his office and nearly ran against a member of the born-again Christian worshippers. "*May hinostage dun, yung kasama namin!* [One of our members has been taken hostage!]" shouted the man. JCInsp Osman followed a few steps behind him.

Arriving at the scene, Hadjiri saw Ali pointing a gun at a woman's temple. Beside them was a bleeding policeman who lay crumpled at their feet.

"Sanchez, what happened?" shouted Hadjiri as he ran towards the wounded officer.

"Don't come near!" warned Ali," let the bastard die."

"Whatever it is you want Ali, please don't hurt that lady. She only came here to pray with our inmates," pleaded Hadjiri softly. The middle-aged woman looked pale, as if ready to faint any second.

"*La hawla wa la quwwata illa Billah!* [There is no power or glory except for Allah's!]" shouted Ali.

Hadjiri tried to pacify the agitated Muslim. "Ali, no one contests your beliefs here. You are in prison because of your involvement in something that has killed many people. This is not a Muslim-Christian thing."

"You are a Muslim, Hadjiri. You should serve your fellow Muslims well. Set me free or this woman will die with me," answered the defiant rebel.

"Well, at least let me get my wounded colleague. I can't allow him to die like this," said Hadjiri.

"No! He deserves it. He treated me badly," shouted Ali.

JCInsp Osman tapped Hadjiri on the shoulder and whispered something to him. "This cannot go on," he said, "We better do something fast before word gets out. It will cost us much embarrassment."

"What do you want me to do, Sir?" Hadjiri asked.

"Shoot him. Shoot him immediately but try to save the woman," said Osman. "I will get the other men to help you."

"Sir, let me negotiate with him. Perhaps I can talk some sense into his head," said Hadjiri.

"*Bismillah* [In the name of Allah], Ali, let us resolve this peacefully. Let me help you," pleaded Hadjiri.

"*Allahu Akbar*! [Allah is the greatest!]" shouted Ali.

Ali was getting more agitated every minute that passed. He was mouthing words in Tausug. He was quoting phrases from the Qur'an. Hadjiri was getting nervous. He remembered the order of JCInsp Osman. He knew that if he bungled in this, he would get the flak and his citation for helping capture this man would be for naught.

He kept trying to convince Ali to free his hostage. Ali, in turn kept taunting him to bring honor to the Tausugs by setting him free and leaving the police force. The woman hostage, sensing futility of the negotiations began muttering prayers. Osman arrived with the other jail guards, their firearms aimed at Ali. Hadjiri stood between them.

"Move away, Hadjiri. Let us finish this," barked Osman.

Hadjiri stood thinking what to do given the situation. How could this be resolved without anyone compromising his principles and beliefs?

The Way We Were..And Will Always Be

"I'm waiting for my courtesy call to the mayor. You know, one of those 'must-do's' in the selection of a station commander. They say it's always been done this way. If you get his backing, then you are well on your way to your choice assignment. But the mayor will see it as a favor, and you have to return that favor in the future in whatever way. But should I do that? We complain, yes, but if you really want to rise in the ranks, you have to follow what the 'system' dictates, even if you know it is not right."

Quo Vadis, Pulis?

"If I leave the police force, where will I go? And what will happen to my family? This is the only job I know. So even if I need to cover-up the mistakes and illnesses of the government, I have to do it or else they will kick me out of service. I can't afford to lose the only source of my income. I can't think of anything else to support my family. That why I need to obey my superiors always, even if I know they are asking me to do the wrong thing. But definitely, no policeman wants to become corrupt."

Career Dilemma

"Even our 'schooling' is a dilemma. We know that schooling is important for our careers. But we feel it is a waste of money. It is a financial burden to us and our family. We think twice, even thrice before we take the qualifying exams, which is already expensive. Once you pass the exam, you are pressured to go on with your schooling, or else it will be forfeited. So, in order to get to the next rank, which means you have to go schooling, which in turn means you need money, you have to go to your loanshark. Or you make *diskarte*, which is, technically, illegal and unethical."

Indecent Proposal

Police Chief Inspector Romualdo Akim's cellphone was ringing persistently as he was shaving his face one morning. The unexpected early morning call caused a gash on the left side of his face, near the chin.

Looking at the caller's name, he saw that it was a call from Police Inspector Laput, one of his trusted men.

"Sir, PO3 Figueroa has been brought to the hospital. Somebody shot him while he was patrolling the street along the public market. I heard that he is in bad shape," said the caller at the other end of the line.

CInsp Akim tried to remain calm as he took in the bad news.

"Do we have suspects? How about witnesses?" he asked without emotion, being the seasoned policeman that he is.

"Witnesses are pointing to the Albani brothers, Sir."

CInsp Akim, the Talipao Chief of Police in Sulu, remembers that morning vividly. Seated now in his office two weeks after the incident, PO3 Figueroa's attackers have yet to be brought to justice despite his orders for a relentless pursuit of the suspects. *olice Chief Inspector Romualdo Akim's cellphone was ringing persistently as he was shaving his face one morning. The unexpected early morning call caused a gash on the left side of his face, near the chin.*

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CInsp Akim, the Talipao Chief of Police in Sulu, remembers that morning vividly. Seated now in his office two weeks after the incident, PO3 Figueroa's attackers have yet to be brought to justice despite his orders for a relentless pursuit of the suspects. For one, eyewitnesses have refused to come out openly, making it difficult for them to pin down the Albani brothers who come from a rich and politically influential family in Sulu. Second, even if somebody had the courage and evidence to incriminate the two, the Albani family will surely do everything to keep their rogue scions out of prison. Furthermore, anyone who dares to stand up against them will surely suffer because they have been known to take revenge against anyone who dared to cross their path. As if these factors are not enough, two other Albanis sit as Sangguniang Bayan members in the municipal council. Meanwhile, PO3 Figueroa, a good Christian policeman who is a newly assigned cop in a predominantly Muslim province in the ARMM has been lying comatose in a government hospital, his family watching over him, waiting for any sign of hope. Funds were running low. The injured policeman's two children had to stop schooling.

Seeing how helpless and hopeless the situation was, CInsp Akim decided to bring the matter to the Provincial Director, Police Senior Superintendent Ibrahim. He prepared a full report on the incident, expecting that the matter would make the Provincial Director feel as indignant as he was over the injustice done to one of their men. CInsp Akim did not expect the Provincial Director's actions as he presented him the report. He simply leafed through it, looked at CInsp Akim in the eye and issued him a warning.

"You can't expect me to endorse your complaint against the Albanis. Surely, you know better than that. *Patay tayo sa mga kamag-anak at kaalyado nila sa gobyerno* [We're deadmeat considering their relatives and allies in government]. We don't stand a chance. If you want, I can get in touch with them. *Pag-usapan na lang natin ito* [We'll just have to talk about it]," said the Director nonchalantly.

CInsp Akim was aghast at the suggestion. His face was pale and his whole body was shaking with unreleased anger as he left the Director's room. He vowed to pursue the case as thoughts of PO3 Figueroa and his family came to mind.

A day after the meeting with the Provincial Director, CInsp Akim got an unexpected visit from Councilor Hashim Albani. The tall and dignified-looking Muslim Councilor was accompanied by two other members of the Sangguniang Bayan. They were all wearing caps, proof of their high stature in Muslim society.

"*As-sallamu aleykum!*" they said to him in greeting. "Peace be unto you!"

Without much ado, Councilor Albani confronted the chief inspector about his nephews' pending case of attempted murder.

"Brother, I heard that you are filing a case against my nephews. Do you have witnesses and evidences to prove their guilt? I am warning you of the consequences of your action," he threatened. The Councilor's companions nodded in agreement to his statements.

"Look, we are brothers. Don't tell me that you will take the side of a Christian rookie policeman. Have you investigated well? He may have provoked my nephews to warrant that action from them. We are a prominent family here and we will not do anything to stain our family name."

"With due respect, Sir, this is not a matter of religion or status in society. One of my men is lying comatose and helpless in a hospital. Nobody knows if he will survive. Our investigation reveals that he was just patrolling the streets the day he was shot by your nephews. *Paltik nga lang ang dalang baril ng tao* [Even his gun was a fake]. And he did nothing to provoke your nephews as you claim. He is a good man. Now, his family is going hungry, Sir."

The three Councilors looked at each other meaningfully. The two other councilors nodded at Councilor Albani, as if in silent agreement with something that he had yet to utter.

"Ah, then, let me help the family instead. If it is money you need, I will give it to you in exchange for the dropping of the case against my nephews. Get some fall guy instead."

CInsp Akim was not prepared for this blatantly indecent proposition from the councilor.

"Is half a million enough?" Councilor Albani asked.

CInsp Akim let out a heavy sigh. If he pursued the case against the Albanis, he would be in hot water for the rest of his life. Worse, he knew that his higher-ups would never support him. But what about the fallen policeman and his family? Getting money from Councilor Albani in exchange for the dropping

of charges against the suspects was tantamount to betrayal of trust. The amount, though, would surely be of big help to PO3 Figueroa's family. Where does loyalty to his religion and brothers in faith end and where does loyalty to his mission as a public safety officer begin?

Eaten by the System

"I have had bad experiences with senior ranking police officers who make life difficult for junior officers like me. They want to appear clean before the powers-that-be, the politicians. After you do the dirty job for them, you become dispensable–you are assigned to an undesirable post, you are put on a floating status, your promotion is put on hold. The principles you promised to uphold while in the Academy become blurred. The discipline becomes a thing of the past. Your idealism loses its attraction and your enthusiasm wanes. You start to learn your 'lessons'. You bend your principles, you compromise your idealism. You learn to kowtow and sugarcoat your words . Sometimes, without your knowing it, you are eaten by the 'system'".

"Luluhod Ka Rin"

"Why does it have to be like this? I'm always at the mercy of those in position, and there is nothing you can do. In the matter of assignments, for example. *Kulang na lang luluhod ka sa politiko* so that you will be given the assignment of your choice. And if the politician gives you that favor, you now have *utang na loob* to him. You cannot say no to him in any case. And frankly, this is not honest-to-goodness service anymore."

Hostage Situation

There is a hostage situation. A special operations is being launched - a raid of a rice mill discovered to be also serving as a warehouse of illegal drugs. When the police force was about to enter the yard of the warehouse, the owner hostaged six rice traders who are legitimately transacting business at the time of the raid. Two of these traders are respected and well-liked community leaders.

Our Chief called on the head of the crisis management team and turned over the command of the operations.

You are the head of the crisis management team. What will you do?

"Ayaw ko pang mamatay..."

THE HEADLINES were screaming at him as he woke up one morning. "Bianca outwits Black Bayawak captors". The beautiful socialite who had been kidnapped a week ago managed to escape from her captors last night. She lived to tell the story of her kidnapping by the dreaded kidnap-for-ransom gang that had long been causing headaches to the police force. Somehow, the group always had always managed to evade the authorities.

The PNP top brass was adamant. The national government was losing face. The Philippines was fast becoming known as the kidnapping capital of Asia. With barely a year to go before the national elections, the President was getting fidgety over the whole thing. With this high-profile case, Police Senior Superintendent Jayme Rivera was expecting nothing short of a shoot-to-kill order for the members of the Black Bayawak Gang. And intelligence reports had it that their current hideout was within his jurisdiction, south of Manila.

Within minutes after picking up the newspaper, the phone rang. He knew instantly what the call was all about. The socialite's family was raising a ruckus. They wanted

the gang members caught. His conversation with the PNP Director General was brief. "Get them, Rivera. Dead or alive," he said firmly. He felt the rush of adrenaline in his body. He rushed off to work without taking his breakfast. Upon reaching the office, he quickly gathered his men to relay the orders of the top brass. "What do we do given this little information that we have?" he asked.

Within the next few days, information trickled in from intelligence agents. The gang was biding time before they planned to strike again. In the meantime, they were waiting for things to cool off. They knew that the entire police force was alerted to go after them.

The days that followed were filled with tension. The PNP hierarchy was breathing down his neck. The leads were few and confusing.

Friday morning, a few weeks after the bungled kidnapping of the socialite, a valuable tip from a reliable source comes up. A number of gang members are on their way to a beach resort in Batangas for a meeting with one of its financiers. They are aboard a white van with. SSupt Rivera immediately mobilizes his men. He sends one to confirm the identity of the owner of the white van. "Stolen plate," reports his junior officer. They sit down and plan their strategy. They have to think quickly, act fast and act precisely or…He did not want to think of the consequences of a bungled operation.

SSupt Rivera had worked hard to get this far in the police hierarchy. As a young boy, he had been fascinated with men in uniform. Back then, people had a high regard of policemen. They were seen as friend and protector, especially of ordinary people who depended on them for their safety. Such fascination motivated him to pursue a career in the police force. He wanted to be a policeman – a fine policeman. He steadily rose up the ranks as his superiors took notice of his perseverance and dedication. His family was very proud of him.

Now, as he prepares to lead this operation, he takes a quick glance at his family's picture encased in an ornate frame that proudly stands alongside his treasured plaques and trophies – mementos of a sterling service in the police force. He bids them goodbye as he always does everytime he leaves for an operation, knowing that one misstep could cause him his life.

He and his men board two unmarked cars to avoid being noticed. Somewhere near the Balintawak exit going northwards, his men spot the target white van. Seated at the back of the driver, Rivera whispers to him to take it easy and trail the van as unobtrusively as possible. The radio crackles as he keeps contact with his men aboard he headlines were screaming at him as he

woke up one morning. "Bianca outwits Black Bayawak captors". The beautiful socialite who had been kidnapped a week ago managed to escape from her captors last night. She lived to tell the story of her kidnapping by the dreaded kidnap-for-ransom gang that had long been causing headaches to the police force. Somehow, the group always had always managed to evade the authorities.

Things happen fast. The target van accelerates. The cars carrying the policemen have no choice but to speed up. SSupt. Rivera and his men have to act fast. Somebody from the white van fires at them, putting the lives of innocent motorists at risk. The succeeding scene unfolds like a climactic scene from an A-1 action movie. A car chase follows. One of the two police cars positions itself behind the van while the other rushes ahead of it amidst a rain of bullets from the van. Everything happens fast as the dreaded criminals come within inches of their would-be captors. When the smoke clears, two of SSupt Rivera's men lay dead and four of the five suspected gang members lay down the floor of the battered van, swimming in their own blood. When SSupt Rivera comes to inspect the van, he finds one suspect hiding under the back seat, his face white and trembling with fear. Blood is oozing from an arm wound. Upon seeing the police officer, he slowly gets out of his hiding place and kneels in front of him, pleading for his life.

"*Sir, maawa kayo sa akin. May pamilya rin akong kailangang buhayin. Maawa kayo, sir. Huwag ninyo akong patayin!* [Sir, have pity on me. I have a family to raise. Have pity on me, sir. Don't kill me!]" The man sobs as he pleads for mercy.

One of SSupt Rivera's men pokes a gun at the trembling man's head.

"*Bakit, naawa ba kayo sa mga kinidnap ninyo? Sa mga kasamahan naming namatay? May mga pamilya rin sila* [Why, did you have pity for your kidnap victims? Or our colleagues who were killed? They also have families]."

"*Huwag po* [Please, don't]," pleads the man again.

"*Sir, patay na sina Masbang at Santos. Tipokin na rin natin ito* [Sir, Masbang and Santos are dead. Let's finish this one]." says the angry policeman, the gun trembling in his hands.

SSupt Rivera turns to the pleading criminal in front of him.

"*May* shoot-to-kill order *kayo*," he says matter-of-factly.

"*Patayin na natin, Sir, para mabawasan ang problema natin* [Let's just finish him off, sir, so that we will have lesser problems]", says the angry policeman.

SSupt Rivera glances at the dead bodies of his men. In his mind, he can almost imagine their families wailing upon hearing of the news of their beloved's death. He shudders inside. As he takes a look at the crying criminal, he imagines

the man's family, waiting for him to come home. The trembling criminal bargains for his life. He promises to tell everything he knows of the gang's operations. Senior Supt Rivera looks at his men. They take no notice of the man's pleadings and promises. They surround him, aiming their weapons at him. There are no media persons in sight. SSupt Rivera hesitates. Would he allow his emotions to get the better of him?

Quid Pro Quo

"I was involved in a failed operation that went bad because my superior worked for the political interests of his patron. A known media man called me and directly threatened that he will come out with the story showing how I 'set-up' the accused. I had to talk to this media person to explain what happened and show my innocence. He agreed to kill the story on condition that I feed him inside information. I felt trapped at the time because I was in the midst of processing my promotion and so I agreed to do it but I would of course choose only 'safe information' because I really do not want to be a slave to him and also lose control over my career as a policeman."

See No Evil, Speak No Evil, Hear No Evil

"What did I get myself into? If that case is pursued in court, my career is ruined - I'll never get the chance to be promoted. And I'll never get help from the institution or my superiors - they will even treat me as an outcast. I've got to be very careful next time around.

"It's really hard to be a "good" policeman these days. I can't sacrifice my reputation and my ambition. For now, I'll just 'see no evil, speak no evil, hear no evil.'"

Katas ng Jueteng

"IF YOU KNOW how to play along, you will be as rich, perhaps even richer, than he is."

The words of the old man whom he jogged with regularly every morning kept playing over and over in his head. Police Superintendent Leoncio Garcia has just been appointed as Sta. Fe's newest Chief of Police. Many of his colleagues envied him.

"It's the juiciest assignment that anybody can get," said a colleague who had a knowing smile on his face.

"I know you will make a difference in that sleepy town. You just have to know where you stand," said his closest friend in the police force.

He just kept his fingers crossed. Sta. Fe was known as the *jueteng* capital of the Philippines. The town was run by a Mayor whose husband was Dodong, the famous Jueteng King. The couple was well known to be generous with their friends and allies but dangerous and unkind to their enemies and opponents.

When Supt Garcia first heard of his new assignment, he was half-elated and half-worried. Certainly, this new assignment would be a challenging one for him. Now, barely a month into the juicy position, he could see why. Every

morning, he and his newfound jogging buddies pass by a three-storey house that is surrounded by a high, concrete fence. Nobody could see inside except for some instances when a White Pajero or a Black Expedition would enter or leave through the open gate. Then, he could steal a quick glance at the landscaped garden.

"*Katas ng jueteng* [That's 'juice' from jueteng]," uttered the old man Jovencio. "He was the Chief of Police before. He is very rich now. Bata kasi ni Dodong [He was Dodong's man]. He has retired from the force and spends his time shuttling to and from Europe to transact business for Dodong," whispered the man. The he added, "If you know how to play along, you will be as rich, perhaps even richer, than he is."

Supt Garcia just smiled but Jovencio's words bothered him. He thought of his family in the far-flung town of General Malvar in the South. They lived in a simple, semi-concrete house in a compound that belongs to his wife's family. His three children who were all in elementary were studying at the nearby public school. His wife tried to augment his meager income selling cross-stitched wall decors. Like everybody else, they dreamed of good luck befalling them someday. So, Supt Garcia and his wife Gina never failed to cast their lot in every lotto draw. "Then, I could have an early retirement and we could live in the city and enroll the kids in a private school," he would tell Gina.

"Is this the opportunity that God has given me?" he asked himself.

His first few weeks in the office were uneventful. Sta. Fe was, indeed, a sleepy town and peace and order was not a major problem. Not long after, Bogart, Dodong's right-hand man visited him in the small house that he was renting. He was carrying with him a bulging brown envelope.

"This is for you. *Parte mo* [Your share]," he said. "A gift from Dodong." Bogart did not wait to see his reaction nor hear his comment after handing him the envelope. He left unceremoniously. Supt Garcia's hands trembled as he opened the envelope. Inside were bundles of cash, in P500 and P100 denomination. He took out wads and wads of bills. These could easily amount to a hundred thousand pesos, he told himself. These could buy a lot of things for my family, he thought.

Early the next day, Supt Garcia came to see the Mayor. She was not yet in. He waited along with the others who were waiting to ask for favors from her. He, on the other hand, was bringing with him the envelope-full of money. He was a little nervous as he waited for her.

Mayor Vina smiled at her as she saw him. Within minutes, he was ushered

by the Mayor's secretary into the receiving room. The Mayor took no time in asking him if there was any immediate problem. He smiled and shook his head. He thrust the brown envelope-full of money to the Mayor.

"Bogart came to my house and gave me this," he said. "What is this for, Ma'am? *Masyadong maaga yata ang* bonus *natin* [It's too early for my bonus]," he said.

The Mayor smiled widely. "Supt Garcia, that is really intended for friends like you. Take it," she said, "It is an early Christmas gift."

Supt Garcia hesitated. Then he remembered his family in the province. He blushed and scratched his head as the Mayor shoved back the envelope in his hand.

"Remember, Garcia, you are a most valued friend and partner. There will be more to come," she said graciously.

That night, Leoncio Garcia could not sleep. He kept rolling around on his bed. He was not sure if he did the right thing. But he knew the amount would be a big help to his family. But how would he return the money without insulting Dodong and his wife, the Mayor?

Not long after, a shooting incident happened in the town of San Fernando, three towns away from Sta. Fe. Dodong's bodyguards were tagged as the triggermen. The victim was the right-hand man of Dencio, a rival *jueteng* lord from that town. He died on-the-spot but his companion saw the killers and he knew their identity. The police chief of San Fernando contacted Supt Garcia. He was asking for a meeting. Police Chief Inspector Ed Ramos came with his junior officer. They wanted to coordinate with him for the resolution of the shooting incident. "Could you extend us some assistance?" they asked, "Dencio is very angry. He wants to take revenge. He wants the head of his buddy's killers. We need to invite them for questioning."

Supt Garcia did not know what to say. He felt his face turning red. "What do you want me to do?" he asked in an unsteady voice.

"Convince Dodong to produce his man and get him out of hiding."

"Then, what happens?" asked Garcia.

Supt Ramos looked straight at him with a meaningful stare. He shrugged his shoulders.

"Two hundred thousand pesos from Dencio. Is that enough?" asked the junior officer while Ramos continued staring at his face.

"All you have to do is to produce the killers, then we will do the rest," added the junior officer.

"Can't we talk this over, Pare?" he asked in return.

"Do you want more? We can tell Dencio to give you more," retorts the junior officer.

Supt Garcia looked at CInsp Ramos and his young companion. He could not believe what he was hearing. He only managed to shake his head. He remembered his family in the province. He remembered the certificates and citations hanging proudly on the walls in their small sala. He remembered the brown envelope that he got from Dodong. He imagined the wads of bills that he could lay his hands on if he gives in to these men's request.

What is a low-paid, overworked public servant like him to do in this situation?

Collateral Damage

You and your SWAT team just received an intelligence report that the bank of a big mall would be hit by a robbery-holdup gang. According to the information, the holdup would take place during the transfer of the moneybags from the bank to the armored van outside the mall. The information is very reliable and very detailed–the number of robbers/holduppers, the weapons they would be using, the time of the delivery of the moneybags, etc. The holdup would be timed during a "sale" when hundreds of people would be inside the mall.

You call for a coordinating conference among the different police units who would be involved in the operation. Your team discusses all possible options and tries to anticipate the consequences of each option. You agree, however, on one thing: to minimize, if not totally avoid, collateral damage. You do not want any shootout inside the mall. Your collective feeling is expressed by one team member who said, *"May tatlo akong maliliit na anak. Bilang tatay, hindi ako makapapayag na may mga inosenting madadamay."*

You call your superior officers to inform them of your team's decision–strong police visibility to deter the commission of the crime. But they do not agree. You are given a direct order. Your team will assault the holduppers as they move on the guards. You are warned, however, to avoid shooting civilians.

You are the team leader. What will you do?

PAKIKISAMA

POLICE SENIOR Inspector Abdul Pangilayan could sense his Chief's agitation as soon as he entered the Conference Room. The Chief's brows were knitted and he was not smiling, as he usually did when he had good news for everybody.

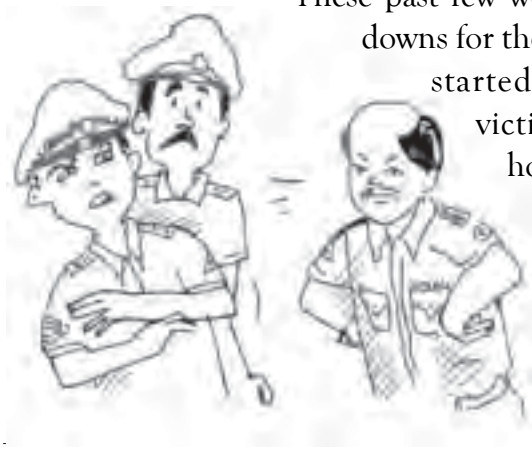
In a few minutes, the meeting among the Chief Inspector, SInsp Abdul and the other junior officers was called to order.

"We have a big problem, boys," said the Chief slowly, as if he wanted to put emphasis on every word he said.

"About what, Sir?" asked Abdul eagerly.

"Congressman Perfecto called. He is asking for a favor – a big favor."

Everyone sat listening intently.



These past few weeks have been a series of ups and downs for the police force of Marikina City. It all started when a gang of rapists started victimizing young women who came home from work in the wee hours of the morning. After getting raped, the women were brutally killed, then dumped in a vacant lot off the highway. The victims came one after the other. The whole of Metro

Manila, most especially the City of Marikina, grew more alarmed with each passing day. Nobody knew how and where it happened, who and why they did it.

No less than the President expressed her annoyance before national television of the unsolved crimes. That was until valuable information came in. Witnesses started talking, and the pieces of what seemed to be a huge jigsaw puzzle started falling in place. Abdul and his men took on the case with much eagerness. Their efforts paid off because they finally presented the witnesses to the Police Director General yesterday morning.

The newspapers that morning were carrying photographs of the suspects in handcuffs. They were denying everything, of course. But circumstantial evidence and the witnesses pointed to them as the perpetrators. Nobody could believe it because the suspects came from rich and influential families from an exclusive village in the Northern part of Metro Manila. One newspaper columnist even went to the extent of questioning the credibility and capability of the captors—Abdul and his men. Short of absolving the suspects, he wrote that it could be just a lapse of judgment on the part of the police and that it could just be another "*pulis patola*" resolution of a high profile case.

Abdul thought that this was the reason for the unscheduled conference that morning.

"The Congressman wants us to backtrack on our plans to bring our rape-murder suspects to justice. It seems that he is getting a lot of pressure from the suspects' families."

Abdul was adamant in his position.

"We can't yield to their whims, Sir. They have done so much injustice to the victims and their families. The law applies to all," he said firmly.

Abdul was a Muslim lawyer who graduated from the Notre Dame University in Mindanao. He could have pursued a more rewarding career in the legal service, but growing up in Mindanao during the island's years of turmoil, he opted to become a member of the police force to help promote peace and order in his country. So, he entered the police force as a lateral entrant against the advice and wishes of his family and friends.

It was not easy for him to make his entry. As a Muslim, all odds were against him even if he was qualified. Memories of his interview as a lateral entrant were still fresh in his mind.

The interviewing officer looked at him briefly. He smiled and offered his hand, then handed over his documents. The interviewing officer who looked bored rummaged through a sheaf of document on his desk.

"Hmm, Abdul Pangilayan, is it?" he said without looking at the man standing before him.

Abdul nodded.

"I see your documents are complete," the officer said drily.

"Yes, Sir," he replied nervously.

There was a brief silence as the officer examined his Notre Dame diploma.

"Are you a lawyer—or a real lawyer?" he asked.

Abdul was confused at the man's question.

"Huh? What do you mean, Sir?" he asked.

The officer repeated his question. "Are you a lawyer—or a real lawyer? You are a Muslim, are you not?"

All Abdul could do was nod. Thoughts were running around in his head. What do you mean? My diploma says that I am a lawyer. Why do you ask me if I am a real lawyer or not? I have the necessary documents. I am a certified lawyer.

The officer spoke again, breaking his thoughts. He felt blood rushing to his head.

"Well, I was just wondering if…never mind," said the officer as he dismissed Abdul with a wave of his hand.

There was a long silence as Abdul and the officer eyed each other. Abdul thought of his dreams of joining the police force. Were these crashing before him, even before he had the chance to start living them? He thought of his dreams of saving lives. Certainly, he would never ask people if they were Muslim or not before saving them.

From day one of his stint in the police force, he vowed that he would do his best in any task that awaited him. So far, he has strived and succeeded to honor his promise to himself.

"What do we do now, Abdul? I want to know your plans because you were the one who led the group in resolving the case."

The Police Chief's question broke his reverie.

"Sir, if you please, we have been given the responsibility to serve and to protect the people. We cannot compromise this in favor of the powerful and influential few. Nobody is above the law, Sir."

Abdul has never been afraid to speak his mind before his superior. There was mutual respect and admiration between them. And they always consulted each other in sensitive matters such as this. At times though, he resented the way his superior kowtowed to influential people around him.

"*Nakikisama lang* [Just trying to go along]," he would always reason out.

"Is this another case of *pakikisama*?" he asked himself.

"Keep in mind the consequences," the Chief told him. "You could lose your assignment, or be thrown out of the force if the families of these suspects exert more pressure on the government officials. It is the Congressman today. It could be a Senator tomorrow. Perhaps even the President. These people have friends in the highest places, you know."

"What are your plans, Sir?" asked Abdul.

"One possible way out is to produce another set of suspects."

"You mean, scapegoats, Sir?"

"Round up some petty criminals and make them confess to the rape-slay cases."

Abdul stood aghast at his Chief's suggestion. More so when he saw the others looking at each other and nodding their heads in approval.

"Let me correct myself, Abdul. This is not one possible way out. Right now, it is the *only* way out if we are all to keep our jobs. It's your call, Abdul. Remember our situation. "

Abdul was at a loss. Would he remain true to his commitment to serve and protect the people? Or would he seek to serve the influential and powerful few to protect his and his men's tenure and position?

Diskarte

"There is always the temptation to get money out of the blue. This means you have to make *diskarte*. For example, we get money from illegal logging. Or part of the drug money that is supposed to be shown as evidence, for instance in a buy-bust operation. What you do is recycle the documents to make it appear legal. Everybody plays blind, anyway. We have to do it because where else would we get money for our operations? For gasoline? What if a member of my team needs hospitalization or medicines because of he got injured in the line of duty?

We cannot use our personal money. *Kulang pa nga para sa pamilya,* e. And there are police officers who make *diskarte* for their own personal needs, like they want to buy the best firearm available in the market to match the hi-tech firearms of criminals. If you think about it, there are still policemen out there who have no firearms at all or, if they have, no money to buy bullets. So what you do is *mangupit na lang ng pera*. If you do not do it, how can you perform your tasks as a policeman?"

Undue Influence

Senior Inspector Bing Magadia was enjoying his afternoon snack of coffee and chicken empanada with his buddy, Inspector Marcelo, when his cellphone rang. There was a traffic altercation at Garcia Ave., he was told, and that gunshots were heard from the scene. Bing took a last big bite from his empanada and a quick gulp of his coffee before standing up.

"Mar, we have to go. There has been an accident at Garcia Ave. *May barilan pa raw yata* [Gunshots were heard]," he said. The two took off in their old and battered police car, siren blasting off. Arriving at the scene, they found a young man aboard a silver Honda Civic car, bleeding to death from a wound at the temple. Another vehicle, a black Ford Expedition van was rammed against the car's right side. The Expedition was empty. Bystanders were milling about, talking excitedly about the incident.

"Sir, *binaril yan nung isang lalaki tapos tumakbo papunta dun, o* [Sir, that guy was shot by a man who ran over there]," said a cigarette vendor who was looking on. Bing asked his buddy to radio for help for the dying victim and to gather information from witnesses. He, on the other hand, peered inside the Expedition to look for

any identification or evidence. He opened the door to the passenger's seat and looked in every corner of the vehicle for anything that might be of help. Soon enough, he found a gun, carelessly thrown onto the floor of the van's backseat. He took his handkerchief and picked up the gun. "This could be evidence," he told himself. He searched for other documents or things inside. He found the keys which the driver left in his hurried escape.

Soon an ambulance and some back-up elements arrived. Bing quickly instructed them to attend to the victim and to the witnesses before cleaning up the scene.

Bing was appointed as head of the Traffic Management Unit of Talisay City, a huge city south of Manila barely a month ago. It has been relatively smooth sailing for him although minor accidents happen everyday. He could use some challenge, he told himself then. He needed something that could bring out the best in him. Five years in the police force after graduating from the Philippine National Police Academy (PNPA) had not dampened his spirit nor killed his idealism. If anything, it made him more eager to make a difference in the police force. Patience, he told himself.

Back at the police station, Bing was waiting for the report which his buddy, Mar, was preparing with the help of a witness who was narrating the events to him. Bing was looking at the gun that he picked up from the van and which he placed in a plastic bag. It was an expensive gun, he thought. Whoever owns it, is surely moneyed and privileged. The phone rang and Bing stood to answer it.

"Hello, Talisay Police Headquarters. May I help you?" he politely uttered.

It was the Vice-Mayor.

"Yes Ma'am? Yes, this is Senior Inspector Magadia. We just arrived from Garcia Ave. to investigate a traffic altercation. It was a black Ford Expedition and a silver Honda Civic car, Ma'am. The driver of the silver Honda Civic was pronounced dead on arrival at the hospital."

As he hung up, Magadia was wondering why the Vice-Mayor was interested in the case. He had met the lady a couple of times in official functions. She seemed nice and kind although he has not had the chance to have a conversation with her.

The answer came a few days after as they established the identity of the driver of the black Expedition. The young man, twenty years of age, was a nephew of the Vice-Mayor. He was a resident of Manila and the son of the Vice-Mayor's sister. The gun that Bing found at the van's backseat gave positive results from the paraffin test. Worse, the gun was unlicensed and the young man has not been found.

Bing got another call from the Vice-Mayor. She wanted to know if a gun was found at the scene. If they did, would they tell her where it was and who was holding it?

Bing felt a surge of adrenaline in his body.

"We have established the identity of the suspect, Ma'am," he said firmly. "We had the gun tested and it yielded positive results."

The Vice-Mayor hung up.

Another call from her came a few hours after.

"Magadia, I am asking you to cooperate with me. Yes, the boy is my nephew and he accidentally killed the young man. But it was not intentional. He only came here for a visit. He is such a nice young man and he has a bright future ahead of him. Give me the gun, Magadia. I will help you get a good assignment, perhaps a promotion," said the lady Vice-Mayor sweetly, trying to sound convincing.

Bing Magadia could hardly speak. He could not believe that he was hearing this from a nice woman like the City's Vice-Mayor. When at last, he found the guts to speak, all he could say was, "Let me think about it, Ma'am."

In the next few days, Magadia worked hard to prepare the case against the Vice-Mayor's nephew. There was a strong case against him because of the gun and the testimony of the witness. "I wanted a challenge, now I have got one," Magadia told himself. He knew that the Vice-Mayor was after him. But he also wanted to stick to his ideals, to prove to himself and to everyone that not everybody in the police force was a scalawag.

The calls from the Vice-Mayor became frequent. She was demanding that the case be dropped and that the gun be surrendered to her. She promised him money and a juicy assignment. She threatened to have him thrown out of the city and out of the police force if he did not cooperate. Not long after, Bing got another call, this time from the Mayor. He was urging him to do as the Vice-Mayor ordered. He told him of the possible consequences.

Bing Magadia could not sleep that night. He was thinking of the money and the juicy assignment that the Vice-Mayor promised him. On the other hand, he remembered the victim's bloodied face, life ebbing quickly from a gunshot wound on his temple – all because of a traffic altercation. Would he hold on to his principles and ideals? If he did, how would he face the Vice-Mayor's wrath?

Hard Evidence

POLICE CHIEF SUPERINTENDENT Usman Sali had just been appointed Chief of the Narcotics Unit of a big city in Southern Mindanao. He knew that this was his chance to prove himself – that he could do as well as his Christian colleagues. His seven years in the service have been a series of highs and lows, beginning with his recruitment into the force where the personnel officer made it clear that he doubted Usman's abilities. Sensing this, the Muslim lawyer promised to himself that he would do his best in any task – be it directing traffic or handling a sensitive case, if only to prove his worth. "Nothing to be disappointed of, so far," Usman told himself. With this new assignment, he will have another chance to prove that being a Muslim does not make him any less of a police officer.

Not long after his appointment, his first case came. Intelligence reports had it that a Chinese druglord was operating somewhere in the vicinity. His hideout was a huge house in a highly secured village in the city. As the days went on, details of the man's operations came in. The initial information was confirmed. Furthermore, there was to be a huge transaction somewhere in a most unlikely

place – a dumpsite.

CSupt Usman lost no time in organizing his men for an entrapment operation. It was most important to catch the suspects red-handed, while the transaction was underway. With the carefully laid out plan, Usman and his men waited for the appointed day and time when they could carry-out the operations.

On that day, before leaving their office, Usman and his men met for a last minute briefing. A Christian officer led a pray-over of the whole group. Usman, being a Muslim, went inside his office for a short prayer to Allah, invoking Him for guidance and protection. He, too wanted to believe that God would be with them in this operation.

Boarding three private cars, the group set off to the dumpsite and waited patiently for the suspects. As planned, they took extra care in disguising themselves as ordinary citizens, scavenging for anything that could be recycled. Some hid from view behind mounds of garbage. They, however, kept themselves alert of the goings on in their surroundings. Soon enough, a black Toyota land cruiser came into view. Two other cars followed. The group took notice of everything that was transpiring before their very eyes. When at last, the time to move in came, Usman signaled for his men to close in on the group. A brief firefight ensued. Caught by surprise, the suspects managed to fire only a couple of shots before being overpowered. Still, two of Usman's men lay wounded at the scene.

One of Usman's men brought an attaché case that was recovered from the black Land Cruiser. Usman brought it with him to the police headquarters, intending to use it as evidence. He could almost guess what was inside – money, lots of money.

"Sir, Inspector Ramos and SPO1 Faisal are wounded," said one of his men.

"Grabe ba? Dalhin agad sa ospital [Are they seriously wounded? Bring them to the hospital],"he ordered.

"Er, Sir, what if they ask for deposit?" asked the man.

Usman thought for a minute. Then, he got his wallet and took five hundred pesos from it. He handed it to the policeman, who upon seeing the amount could only scratch his head.

Back at the headquarters, Usman opened the attaché case in front of his junior officers. As expected, it yielded wads and wads of bills – in one thousand and five hundred denominations. They gasped at the sight of so much money.

"Sir, that's a lot of money. What do we do with it?" one junior officer

asked him.

"Use it as evidence, of course," he answered matter-of-factly. "Let us have it accounted and kept so we would have something to use as evidence."

There was a brief silence. He could see the men exchanging glances. He wondered why.

"Sir, Ramos and Faisal are in the hospital. Joson is seriously wounded. They wouldn't be able to report for work in the coming weeks," said another of his men.

"Yes, I remember," he answered.

"Where will we get the money for their hospitalization?" the man asked.

Usman was silent as he pondered the question. He had included a request for operational funds to support his office's activities, but the head office said they had no budget for it. He knew that, sooner or later, something like this would happen.

One of the junior officers broke the silence. "Sir," he said, "I hope you won't be surprised by what I am about to suggest to you. But perhaps we could use some of that money for their hospitalization. They come from poor families, sir. And they were wounded in the line of duty."

"Nobody knows how much money there is in that attaché case, sir, but perhaps we can take some for our operations."

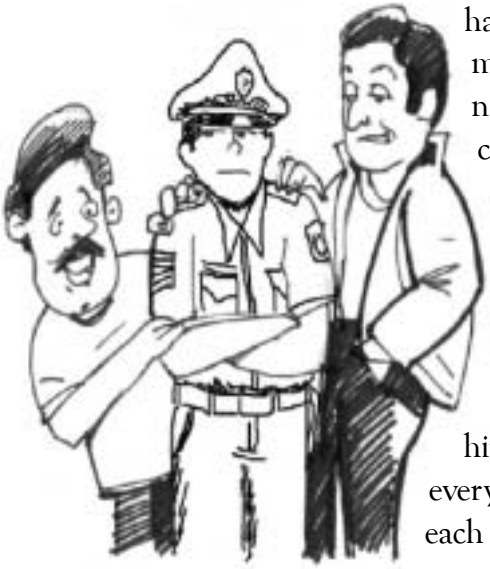
"That has been our usual practice, sir."

Usman could feel the acid flowing in his guts as he heard his men. "Here it goes," he said to himself. He also thought of his wounded men. Surely, there was something for them? But from where? Usman stared at the attaché case that was full of money. He looked at the junior officers surrounding him. He could see the expectant look in their eyes. But this was evidence—hard evidence. Disposing of evidence was not allowed under the law. Should he heed the advice of his men or follow the law that he promised to uphold and protect?

Kasama? O Kasabwat?

POLICE CHIEF INSPECTOR Ting Kadatuan was whistling as he was clearing his desk that Thursday afternoon. He promised his family that he would be home early so that they could be together for prayers and afterwards, a family meal. It has been a peaceful week in the small town somewhere in Sulu, with only minor incidents that he and his men have managed to handle efficiently. As he pulled his key from the drawer lock, a man walked in unannounced.

CInsp Kadatuan looked up to see a dignified-looking man who was wearing the traditional Muslim garb of a *hajj*. On his right hand, he was carrying a handsome-looking black attaché case. The man's face was lit with a bright, albeit nervous smile. Before CInsp Kadatuan could move, the man offered him his left hand.



"Chief Kadatuan," the man said," You seem to be in a hurry. May I disturb you for a few minutes?"

CInsp Kadatuan immediately recognized the handsome man before him. They worshipped in the same mosque every Friday. Often, they would bump into each other in the mosque and they, along with

other male co-members would engage in a tete-a-tete after worship. The Chief acknowledged the man's greeting warmly, shaking the hand that was offered to him.

"Sure, Brother," said the Chief, "What can I do for you?"

As Chief of Police, CInsp Kadatuan got frequent visits from influential Muslims in town. Whenever they had problems with peace and security, or with anything that needed police intervention, they would not hesitate to approach the amiable and fatherly Chief, who immediately and personally attended to their needs and requests. The Chief never hesitated to lend a helping hand.

As a devout Muslim, it was all he could do to make life easier for them. On the other hand, their *imams* never failed to admonish those of them who held positions of power to serve their brothers and sisters well. Hearing this every so often had instilled in the Chief a sense of belongingness and concern for the people of his faith. However, he had always tried to be fair with everyone, Muslim or not. He respected people with other faiths because he wanted respect from them as well, Muslim or not. He knew he had to be careful in his decisions, if he was to remain true to the Philippine National Police motto, "To serve and protect".

As he stood face-to-face with his visitor, he wondered if this was another of those petty cases usually brought to his attention by his brothers and sisters in faith. He silently prayed that this wouldn't take long.

The Chief graciously asked his visitor to have a seat. Could he offer him anything to drink, he asked.

His visitor, again, flashed his nervous smile.

"Brother, I need your help. I have this problem that needs to be addressed immediately," the visitor said.

Before the Chief could utter a word, his visitor went on to tell his concern.

"Surely you have heard of my family's piece of property that has been occupied by these nasty squatters. We have allowed them to stay there temporarily, on condition that whenever we need it, they would leave voluntarily. Well, the time has come for them to leave. We notified them last week and we've sent some men and heavy equipment to clear the place because we are putting up a mall on that piece of prime property."

There was silence as the excited man paused to catch his breath. The Chief listened intently to every word he said.

"Well, what do you know?" he continued, "They have refused to leave. Worse, they have threatened our men and threatened to burn the equipment,"

said the man angrily, slapping his white cap on an open palm.

The Chief thought for a while, his brows creased as he digested the man's story.

"Yes, I have heard of the demolition but I did not know that trouble has been brewing," he said quietly.

"Brother, I won't take much of your time. I came here to request for police assistance to frighten those militant squatters...immediately. Tonight, as soon as darkness falls, your men can move in and catch them by surprise. Look, I have something for you and the boys," said the man, as he opened the black attaché case. Inside it were bundles and bundles of money.

The Chief stared at the money. There must be a million pesos in that attaché case, he thought to himself. The amount would be a big help to him, his men, and their operations. Budget for their operations has been hard to come by these days.

Ting Kadatuan took a deep breath. "Brother, we can't do that hurriedly. We need to plan our strategy so as to avoid loss of lives. Surely, we want to protect your property but we also have to protect the people even if they are squatters," he said slowly, as if considering every word that came out of his mouth.

The man's face turned red. He looked so agitated, and his eyes bore into the Chief's.

"This is an emergency case! They have threatened to harm my men and destroy millions of pesos worth of equipment. Tonight is the right time to catch them by surprise. Besides, you won't be doing anything illegal. I have a court order for the demolition."

Sensing that the Chief has been weighing things out in his head, the visitor pushed the bagful of money towards him.

"Look, this is for you and your boys. I just want to frighten those squatters away. It's not much of a hard work, is it?"

The Chief remained deep in thought.

"Brother? If your men won't do it, I'll find others who will. For this amount of money, I am sure others would not hesitate to take action. You will have no control over the situation. There could be bloodshed," stated the man threateningly.

The Chief was at a loss for words. He wanted to help his well-to-do visitor but he also thought of the poor people who could get hurt during the operations. He and his men needed the money but would they compromise the people's safety? If he does not accept the man's offer and this desperate

man keeps his word about finding others who would do the operations, all hell could break loose. If he does not acquiesce to his visitor's request, he would risk alienation from the local Muslim community. How could he remain fair to everyone in this case?

Dimming Star

"The problem with being an area commander is that you have to deal with politicians. If the governor or town mayor has problems with the policemen in his area, he tries to influence you in such a way that would compromise your integrity. You would be put in a situation where you have to choose between two 'evils': follow the 'request' of the politician and relieve your policemen, or refuse him and you become a 'bad shot'. If you obey the politician in order to curry his favor, you lose credibility among your men. If you refuse his request, the 'star' on your shoulders becomes dimmer. Either way, you spend sleepless nights!"

A Cry of Pain

"It's been a journey to the dark side. When I graduated from the [Philippine National Police] Academy, I was full of principles and idealism. I was even excited to try out what I've learned in the Academy. But it's true what they say - the real world is different. I've had superiors who used their men for their dirty tactics just to look good before the powers-that-be. After that, you're nothing to them. The whole experience is so frustrating. Just to survive in this kind of work, I need to 'dance with the music' - that's what I've learned during my years in the police organization. And that's what makes it so painful."

Tradition, Right or Wrong

"The dilemma starts with the question of who will be appointed as station commander because the law says that the municipal mayor should select from among a set of recommendees. The tradition is that you pay your courtesy call to the mayor and introduce yourself. If you get his backing, then you are well on your way to your choice assignment. But the mayor will see it as a favor, and you have to return that favor in the future in whatever way. So what can we do? We complain, yes, but if you really want to rise in the ranks, you have to follow what has traditionally been done. You have to follow what the 'system' dictates, even if you know it is not right."

"Parte Mo, Pare"

THE ATMOSPHERE in Metro Manila and all over the country was euphoric. The People Power Revolution had succeeded. It was a shining moment for Filipinos. The military, the police, the civilians—all were united, with the spirit of nationalism burning deep in everyone's heart and mind. The dictator had been ousted from power. Suddenly, Filipinos could dream of a brighter future.

Police Senior Superintendent Abraham Villanueva was among the millions of Filipinos who were ecstatic over the prospects of a better life for everyone in this country. Like the others, he remained hopeful that Ninoy's widow could lead everyone to a fresh start towards peace and progress.

Not long after, the country's future began to take shape as the national leadership started to clean up what remained of the dictator's mess. Quezon City got a new Officer-in-Charge who was designated as Mayor. To prepare himself and his organization for the long haul, the OIC formed a committee to undertake the selection of key persons who would occupy sensitive posts in his local government. One of these was the Chief of Police.

SSupt Villanueva considered himself an unlikely candidate. Rumor had it that he had been disqualified because he was an Ilocano. In those days, it was common for Ilocanos to be branded as Marcos loyalists, and anything or anyone associated with the former President was met with disdain. Furthermore, he was the most junior and the youngest of the "probables".

As fate would have it, SSupt Villanueva was named as the new Chief of Police of Quezon City. During the turnover ceremonies, the new Chief expressed his commitment to the ideals of the new government. He vowed to work with the OIC and his men to promote peace, freedom and unity in the City and in the country. Chief Villanueva could never forget how the people applauded after his brief remarks.

The Chief's first few days in office were hectic—meetings, planning sessions, and briefings occupied most of his time. He made an agreement with the OIC that they would clean up the city of syndicated vices, especially now that there was a moral recovery program in the country.

"So far so good," he told himself one lazy morning. The crime rate was low, with only a few petty incidents reported. Nightspots featuring unwholesome shows had been shut down. "People power must have truly awakened the people's love for their country and their fellowmen," he thought to himself.

One day, Chief Villanueva was surprised by the unexpected arrival of an influential night club operator and gambling lord, with a famous media personality in tow. Though feeling a little uneasy over this little bit of surprise, the Chief entertained the two guests warmly.

The two visitors lost no time in discussing their business with the Chief.

"Chief, *parang sumusobra naman yata ang kampanya ninyo laban sa mga* nightclubs, *a*, [Chief, we think you are overdoing your act in your campaign against the nighclubs]," said the nightclub operator.

"Sir," replied the Chief, "*Ginagawa lang po namin ang aming tungkulin. Nangako po tayo sa mga tao* [We are just doing our jobs, sir. We promised that to the people]."

"Be careful with your words and actions, Chief. I am a media personality. I can make or break you," boasted the other man.

"*Ang sinasabi lang niya*, Chief, *hinay-hinay naman sa mga operasyon ninyo. Babagsak ang negosyo ko. Mahirap akong kalaban* [What he is saying, Chief, is that you should be careful in what you are doing. My business has been affectedly so badly. I am a difficult foe to contend with]," the nightclub operator said threateningly, a smirk visible on his face.

"*Bago ka pa lang dito, bata. Dapat matuto kang makisama* [You are new here, son. You should learn how to get along]," said the media man while looking the Chief straight in the eyes.

Chief Villanueva's face turned red. He knew he had done nothing wrong. How come these two influential persons were confronting him as if he was a criminal?

Seeing Chief Villanueva's expression, the nightclub operator cooled down and spoke to him in a low voice.

"Okay, I can let go of my nightclub operations *para naman hindi ka mapahiya. Kailangan mo ring magpakitang-gilas. May hihilingin lang ako sa iyo, Pare* [Okay, I can let go of my nightclub operations so that you will not lose face. I know that you have to prove yourself. But I have something else to ask you]."

There was silence as the Chief and the media man eyed each other warily while the nightclub operator cleared his throat.

"Uhhm, Chief, we are planning to operate a *montehan* [a gambling joint] somewhere in your area of jurisdiction. Since you have shut down our nightclub operations, I think it would be fair to let us find other means of earning. We would appreciate it if you gave us your blessing. Don't worry, I will give you a share," spoke the nightclub operator convincingly as he winked at the media man. Both men smiled.

Chief Villanueva could feel the anger rising in his chest. He took a deep breath. He took a handkerchief from his pocket and wiped off the sweat on his forehead.

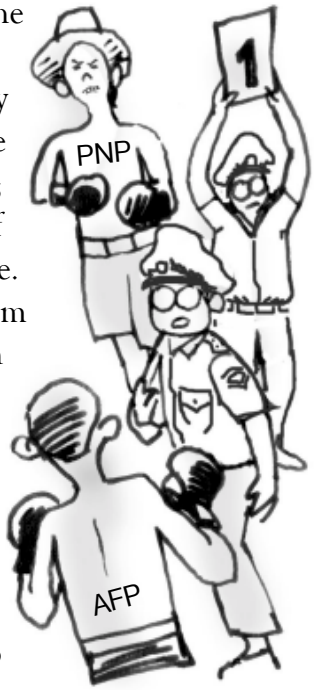
"The Mayor and I have an agreement to keep this place free from vices," he said uneasily, his voice quivering.

"If you refuse, I promise to give you bad publicity in my column," said the media man menacingly. "That will be the end of your career in the police force. *Simple lang naman ang hinihingi namin. Ayaw mo ba nu'n? May parte ka sa kita ng montehan.* [We are just making a simple request. You don't like it? You will have a share in the earnings]."

Chief Villanueva thought of his family who lived in a small apartment in a nearby province. This man's offer will be of great help to them. And what of this media man's threat? He knew how powerful the media has been—the media can make or break him. But what they were asking was, for him, too much. It meant compromising his principles and breaking his vow to the OIC-Mayor and the people. Would he remain true to his commitment or would he succumb to the threats of these persons of dubious character?

Away-Kapatid

POLICE DIRECTOR Jose Segovia, Director of the Northern Police District, had one good reason to celebrate that day. He and his wife were celebrating their Silver Wedding Anniversary. After all those years, they had remained committed to their marriage vows. The amiable Director had filed a one-day leave to spend the day with his beloved wife. An unforeseen event, though, forced Director Segovia to cancel all his plans for the day.



He woke up feeling guilty and irritated. Guilty because for the nth time, he had to break his promise to his wife for a whole day tryst on a special day; irritated because the irresponsibility and arrogance of two Philippine Army soldiers had caused all this trouble.

Last night, one of his junior officers informed him that two soldiers were arrested for creating trouble in one of the restaurants inside a mall in Cubao. The two were detained preparatory to the filing of charges. Since the two were drunk, they were resisting violently and even challenged the police to a fistfight. A few minutes after getting the information, Director Segovia got a call from a military officer, asking for the release of the two

soldiers. He politely refused the request but promised to look into the matter first thing in the morning. He heard an audible sigh from the other line before the phone went dead.

Now, while on his way to the station, his thoughts were still on the two wayward military men. It was not his first time to witness such an incident involving other military men from various branches of service. Always, after a Camp Crame investigation, an amicable settlement would be cooked up. Worse, the police would be blamed and burdened with the accusation of being at fault. It was his first time, though, as a District Director to be responsible for the steps and actions to be taken. "How do I handle this well?" he asked himself.

As he neared the station, he noticed a military vehicle parked directly in front of the entrance to the station. It was full of combat-ready soldiers. He could see one of them gesturing wildly to one of the police junior officers on duty. Alighting from his car, Director Segovia heard the two debating heatedly.

"*Hindi naman grabe ang kaso nila. Wala naman silang nasaktang tao o nasirang anuman. Bakit ninyo sila ikinulong? Alam n'yo namang* military *sila* [What they did was not serious. They did not hurt anybody or damage any properties. Why should you put them in jail? You know that they are military soldiers]," asserted the military man.

The junior officer's face looked pale. He heaved a sigh of relief as he saw Director Segovia approaching. "*Ayan, si* Sir *ang kausapin ninyo* [There, talk to our commanding officer]," he said.

Turning to Director Segovia, the military man said in a loud voice, "I bid you to let my men go if you do not want any trouble here."

On closer look, Director Segovia saw that he was talking to a Lt. Col. Ferrer. The man had an arrogant stance. Behind him stood his men who alighted from the military vehicle as soon as they saw Chief Director Segovia arrive.

The District Director mustered all his patience to avoid hitting the arrogant man who was demanding the release of the two persons who had caused disturbance in a public place.

"I talked to your superior last night and I promised him that I would look into the matter and take the necessary action first thing today. So, here I am. I have to investigate your men and find out what really happened," explained the District Director.

"We can't wait much longer. Once the media and the people get wind of this, *patay tayong lahat* [we are all deadmeat]. So you have to release them now. Or else, we will have to get them forcibly. That will not look good at all," said the colonel with a smirk on his face as he turned towards his men. This was the

signal the soldiers were waiting for. They took position and aimed their firearms at the police substation.

Director Segovia froze as images of a battle between two armed groups—sworn to serve and protect the Filipino people—flashed in his mind. If he decided to free the suspects, they could be emboldened further and do worse things next time. On the other hand, if he stood his ground and this military officer made true his word to assault the police station, it would be demeaning for all of them, making them unworthy of their uniforms and of the people's trust and respect.

Director Segovia thought hard of his options and the consequence of each. What action could he take to best solve this dilemma?

Like the Bamboo

"I entered the police force to serve my country. When I joined the police, I wanted to be the best policeman around. But there is a different reality that operates within the organization. So, as a new officer, you start learning the rules of the game. If you want to rise in the ranks, you should do what your superior officers do. If you don't follow the rules of the game, you lose. If you slug it out, you are outnumbered. In the end, you have to sacrifice something. If you dream to become a general someday, you have to bend, because if you do not, you will be left behind."

Modern Pilates

"The aim of every police officer when he enters the service is to be effective and efficient. But the present system makes it difficult for you to be so.

"Take, for example, the problem of credit-grabbing. Even a simple matter as applying for an arrest or search warrant gets delayed because there are high-ranking officers and politicians who intervene. They order you to postpone the operation because they want to be seen where the action is. They bring with them the media and talk about the case as if they were the ones who planned and implemented the operation. But because they don't have all the facts, the case gets distorted. What they say in front of the media is totally different from the evidence that we present in court. So our credibility—and that of the police force as a whole—is always put on the line when they open their mouths. And when something goes wrong? They put the blame on you and wash their hands."

"My Men are Innocent..."

TWO STUDENTS from an exclusive university—children of rich families—had been kidnapped. The couple, Coco and Roxie, was abducted by armed men while having snacks in an eatery in Quezon City. Police Chief Superintendent Ricardo de Guzman, Chief of Police of Quezon City, immediately organized a task force to investigate the sensational case.

In the following weeks, the task force followed various leads. As if their efforts were not enough, other investigative bodies soon joined in the search for the missing couple, whose families and friends exerted pressure on the government to help find them.

With so many organizations and people involved, the case dragged on. The couple's loved ones began losing hope of ever finding them alive. Not a single word had been received from the abductors. If this was a case of kidnap-for-ransom, surely the kidnappers would have contacted the victims' families a long time ago.

One day, CSupt de Guzman got a call

from one of the investigating bodies involved. Its Director had called a press conference, tagging members of the Quezon City police as suspects in the kidnapping case, based on eyewitness accounts. The Chief was aghast at the accusation. He knew his men well. They worked hard to fulfill every mission given them. He was sure that they did not have the motive to kidnap two students. In fact, they were following a hot lead that pointed to members of the police force from a big province north of Manila as the masterminds of the abduction. How come the tables were being turned against them?

The next day, the Quezon City Police was ordered to desist from involving any further in the investigation. Four of Police Director de Guzman's men were charged and detained, along with other suspects who were tagged as their cohorts. The Chief was fuming mad over this development. Whoever insinuated the Quezon City Police Force's involvement in such a heinous crime surely wanted to destroy its image and credibility. CSupt de Guzman knew that he and his men have made a lot of enemies in the past because of their tough campaign against syndicated vices. Could it be that one of them was behind all this grand scheme of lies and deception?

Several days passed. CSupt de Guzman was called to the NAPOLCOM (National Police Commission) office. There, one of the NAPOLCOM commissioners warned him against showing or stating any support for his men, especially now that all the major dailies in the country had begun running stories of the possible involvement of the Quezon City Police in the kidnapping case.

"Everybody would take you for a coddler of scalawags in uniform if you show any support for them. You should call a press conference immediately to denounce the acts of these suspected criminals," barked the NAPOLCOM commissioner.

"With due respect, Sir, I believe that my men are innocent. Unless I have hard evidence against them, I will continue denouncing the act but not my men. In fact, Sir, they were following a hot lead that could lead us to the real masterminds just before they were thrown into prison," CSupt de Guzman answered firmly.

Enraged by the Chief's reply, the commissioner lost no time in threatening him with immediate relief as Chief of Police.

"If you do not follow my orders, then take this as the end of your career in the police force. Think about it, your career or your blind loyalty and concern for your men," muttered the angry commissioner under his breath.

There was a long silence as the two men stood facing each other, one

waiting for the other's next move. The commissioner left the room unceremoniously, leaving the Chief to ponder on what option to consider. He could do as the NAPOLCOM commissioner ordered and keep his position as Chief of Police of Quezon City. His men, innocent though they may be, would languish in prison and their families would go hungry. If he refused to obey the Chairman's orders, he would surely lose his position, get bad publicity, but his men would forever be thankful for his unwavering support to them. "If only somebody, somewhere, could lead us to the real masterminds behind this crime..." he silently wished.

CSupt de Guzman closed his eyes and uttered a short prayer for guidance in solving his dilemma.

Just a Request

That's another call from the mayor. She's very persistent on her request to relieve SP04 Wilbert Cruz. It was really a small misunderstanding on the demolition of squatters but the Mayor wants him out of the town. I know my men - they are loyal to their duties as police officers, notwithstanding lapses in judgment. But even though I tried hard to explain and even apologize to the Mayor, she wants to hear none of it. It's true that the Mayor is always there whenever we need assistance for our operations. But is this reason enough to let a good cop down?

Summary Killings

I was then the Chief of the Criminal Investigation of the Northern Police District when I ordered the investigation of a barangay captain for alleged summary killings. The barangay captain was a protégé of a military supplier who was well-connected with Malacanang.

A top military official sent by a Malacanang functionary ordered me to stop the investigation, but I refused him outright. I told him that it was not the right thing to do. In addition, I said that my men would lose their respect for me - something that I worked so hard to get - if I stopped the investigation. If they forced me to, I would have to tell the media about it.

So we continued investigating until we recovered eight bodies inside the manholes of a bus station. The barangay captain was charged for eight counts of murder. The threats continued, but my Chief of Police assured me of his support.