

UNCLASSIFIED

SUMMARY

Survey of
**PHILIPPINE
LAW ENFORCEMENT**

Reviewed and Downgraded by Lauren
J. Goin, Director, OPS, Jan. 1975

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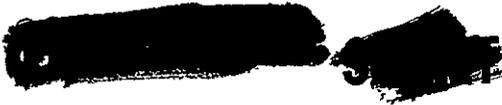
Date: 8.15.90

James L. Harper

Director
XA/PI
U.S.A.I.D.

OFFICE OF PUBLIC SAFETY
Agency for International Development
Department of State
Washington, D.C. 20523

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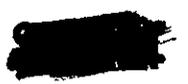
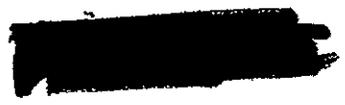
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SURVEY
PHILIPPINE LAW ENFORCEMENT

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CATHY NELSON, SECRETARY

15 DECEMBER 1966

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DEPARTMENT OF STATE
AGENCY FOR INTERNATIONAL DEVELOPMENT
WASHINGTON, D.C. 20523

January 13, 1967

Mr. Wesley Haraldson
Director, U. S. AID Mission
to the Republic of the Philippines
c/o American Embassy
Manila, Philippines

Dear Mr. Haraldson:

Submitted herewith is the Summary portion of the Survey of Philippine Law Enforcement, which you asked the Washington Office of Public Safety to make after a formal request to you and the Ambassador by His Excellency, President Fernando Marcos.

In order to assemble the best possible talent for this Survey, Public Safety technicians were brought to the Philippines from Ethiopia, Brazil and Ecuador, as well as from the Washington Office of Public Safety Headquarters; and the Team included representatives of the U. S. Bureau of Customs and the U. S. Department of Defense.

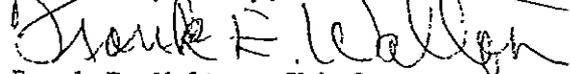
The recommendations contained in this report would, if carried out, greatly improve the effectiveness of law enforcement in the Philippines. Responsibility for implementation, of course, rests with the Government of the Philippines.

During the course of our short (three months) stay in the Philippines, members of the Team have visited 35 of the 57 Provinces, 32 of the 47 Chartered Cities and some 75 Municipalities; the National Headquarters, all four Zone Headquarters, 35 Provincial Headquarters and a considerable number of Company and Detachment establishments of the Philippine Constabulary; the National Headquarters, all ten Regional Headquarters and a number of Sub-Regional Headquarters of the NBI; the National Headquarters and 16 of the 22 Regional Customs Offices. It is believed that the Team was able to identify many of the major peace and order problems in the Philippines and that the recommendations proposed are sound.

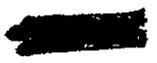
We are deeply appreciative of the full cooperation extended to the Team by the AID Mission.

Our stay in the Philippines has been pleasant -- we trust that it will also prove to have been productive.

Yours very truly,



Frank E. Walton, Chief
Law Enforcement Survey Team


TABLE OF CONTENTS

	<u>Page</u>
ACKNOWLEDGEMENTS	ix
SUMMARY OF GENERAL FINDINGS	1
INTRODUCTION	3
SUMMARY OF MAJOR RECOMMENDATIONS	5
Chapter I - Background	13
Chapter II - Peace and Order Situation in the Philippines	17
Chapter III - Local Government in the Philippines	21
Chapter IV - Sociological Aspects of Criminality	25
Chapter V - Subversion	29
Chapter VI - Political Development in the Philippines	33
Chapter VII - Law Enforcement Administration	35
Chapter VIII - National Bureau of Investigation	49
Chapter IX - Philippine Constabulary	53
Chapter X - Local Police	59
Chapter XI - Training	65
Chapter XII - Criminal Investigation	73
Chapter XIII - Criminalistics	77
Chapter XIV - Telecommunications	83
Chapter XV - Logistics and Budget	87
Chapter XVI - Traffic Management	93
Chapter XVII - Records and Identification	97
Chapter XVIII - Customs Enforcement	105
Chapter XIX - U.S. Assistance to Philippine Law Enforcement Agencies	119



ACKNOWLEDGMENTS

Many persons and organizations assisted in and contributed to this study by providing information and data. Although it is customary to acknowledge by name the contributions of such individuals, in this case the list would easily exceed a thousand and is simply too long for such specific acknowledgment.

The Team's approach was to gather facts, exchange views, solicit ideas, and then distill this information with our own professional background and thus attempt to present practical, meaningful and achievable recommendations.

Almost without exception, the Team was accorded fullest, whole-hearted and open cooperation. For this cooperation the Team is exceedingly grateful.

[REDACTED]

SUMMARY OF GENERAL FINDINGS

Peace and order in the Philippines is deteriorating at a serious rate.

In all law enforcement agencies, Philippine Constabulary, National Bureau of Investigation, the Customs Enforcement Service and the Local Police, performance is sub-standard, training is inadequate, political interference is common; facilities, budgets and logistical support are deficient; inspection procedures are nonexistent or unsatisfactory, morale is low. Despite such defects, these agencies have numbers of dedicated, capable and highly motivated personnel who are conscientiously endeavoring to improve national and local law enforcement in the face of formidable obstacles.

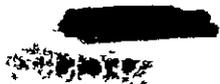
An overview of national efforts in law enforcement is characterized by the lack of totality of commitment and the continuing tendency to meet exigencies by shoring up or layering over already ineffective practices. Nowhere was this more evident than in the practical impossibility of securing a comprehensive view of national criminality due to the lack of accurate statistical data. Here can be found all the defects of inter-agency enmity, inadequate communications, confusion in reporting requirements and lack of validity in results.

Since WW II, with few exceptions, existing agencies have not been afforded the public and government support required to reach sustained effective performance. These agencies can successfully combat rising criminality, but only if supported to the degree necessary to reach designed effective performance levels.

A gloomy view of law enforcement in the Philippines is amply justified. The most competent of law enforcement agencies is foredoomed to failure if venality and corruption impede the government structures, the judicial processes are unresponsive and the economy cannot sustain essential support.

Philippine law enforcement agencies generally need:

- Major improvement in interagency coordination
- Freedom from political interference at all levels
- Resolute redirection of effort and leadership
- Improved training at all levels
- Increased technical and material assistance
- Improved and adequate facilities and equipment



INTRODUCTION

The request for this survey of Law Enforcement in the Philippines came from newly elected President Marcos shortly after he took office. The high priority he gave to it is indicative of the concern with which he viewed the rising tide of criminality in the Philippines.

The Philippines has a history of steadily rising violence, disorder and disturbances, commencing with the cessation of hostilities in 1946. Responsible government officials have declared that lawlessness had grown to such an extent that it was impeding social and economic development.

Over a period of years, the internal security situation has been the subject of considerable concern, both in Washington and at the Country Team level in the Philippines. As a result of this concern, AID/W sent a team to Manila in October, 1964 to survey the Manila Police Department. That survey listed 170 recommendations for improvement of the MPD. After a slow start, some 50 of these 170 recommendations have been implemented.

Since 1964, several agencies have expressed concern over the continuing deteriorating law and order situation: CINCPAC; the AID Senior Evaluation Team in June 65; the Hoopes appraisal of the MAP Program. All express varying degrees of concern over the Law and order situation, with the AID Evaluation Team stating that the serious internal security problem threatened to develop into a "state of anarchy" if not effectively countered.

A joint interagency review and follow-up of the Hoopes Report agreed that an across-the-board survey of law enforcement in the Philippines was in order.

In April 1966 the Director, Office of Public Safety, accompanied by the Ambassador and the Director, USAID, Philippines, called on President Marcos and reviewed for him the scope of an in-depth law enforcement survey. The President said that he had been "searching for three months" for some place to start on a general police and law enforcement improvement effort and that such a study in depth would be an ideal way to begin.

After an exchange of messages, a Survey Team was dispatched to the Philippines in July, 1966. A total of 10 team members from several countries, for example, Ethiopia, Ecuador and Brazil, conducted the survey which was completed by the middle of October, 1966.

There are those who contend that the situation in the Philippines has gone beyond the point of no return, that the state of corruption, hoodlumism and gangsterism is such that it has infested every element of the Philippine social, political and economic structure to the point that effective remedies are impossible. To those individuals we can point out that this situation is not unique. Many U. S. cities have been rocked by scandals, graft-ridden and filled with corruption and they have risen to new, improved standards of performance.

The most noteworthy example of this type is that of the City of Chicago Police Department. Notorious during the 1920's as the headquarters of gangsterism, Chicago has been responsible for the development of a host of phrases, techniques, and reputations based on gangster activities. During the 15 year period, 1921 to 1935, a total of 733 gang murders were committed in the city of Chicago area with the peak being reached in 1926 when 76 persons were "rubbed out" gangland-style.

By 1960 a major police scandal triggered a formal, full scale, joint effort on the part of the Chicago city administration and the citizens, as represented by the Chicago Crime Commission, to correct the many ills still existing in the Chicago Police Department. A new Superintendent was brought in from outside the Department; a top to bottom reorganization was initiated; new disciplinary procedures were established; new techniques inaugurated.

With the support of the top administration, each year has shown considerable improvement. Total crimes for 1965 after 6 years' major effort have been reduced some 20% over the 1960 figures, these in the face of a nationwide rise of 20% in crime for the same period.

The tremendous progress made in recent years in strengthening law enforcement in the Chicago community dramatizes what can be accomplished by a joint effort on the part of highly motivated officials, given competent technical assistance, along with the full support of the community and of the top political and governmental leaders. There is no reason to believe that, given this same kind of assistance and support, similar achievements cannot be made in improving the serious peace and order situation in the Philippines.

This report is intended to provide guidelines for action in such improvement.

Frank E. Walton,
Washington, D. C.
15 December 1966



SUMMARY OF MAJOR RECOMMENDATIONS

Law Enforcement Organization and Administration

1. Provide a professional team to survey thoroughly and in depth the administration of justice from arrest through sentencing.
2. Provide a professional team to survey thoroughly and in depth the treatment of offenders in the Philippine detention system.
3. Require judges to sit five full days weekly, where warranted by workload, instead of only part time.
4. Enable the police and the NBI to compete on the personnel market by offering adequate salaries.
5. Establish a close liaison between the Police Commission and the Peace and Order Council.
6. Establish a public relations office within the Police Commission to assist the NBI, PC and the local police in this field.
7. Establish a squad of "untouchables" under the Office of the President or Police Commission to gather evidence and prosecute successfully the hitherto immune big time criminals and hoodlums, eliminating the need for special investigative agencies outside the principal law enforcement agencies.
8. Revise the present system of instituting and effecting PC control over local police departments.
9. Establish an Inspection and Internal Affairs Division within the Police Commission in order to set the tone of Police Commission posture.
10. Establish a clear, prompt delineation of law enforcement responsibilities and jurisdiction through the Police Commission.
11. Establish guidelines for minimum facilities necessary for law enforcement functions in municipalities.
12. Devise a standard basic police training course, and individual courses for specialists, supervisors, and commanders.
13. Implement an aggressive effort to locate, identify and check all registered firearms and to seize the thousands of loose unregistered and unlicensed firearms in existence throughout the country.

National Bureau of Investigation (NBI)

14. Provide sufficient budgetary support to enable the NBI to carry out its mission.
15. Appoint a permanent Director forthwith.
16. Create the post of Deputy Director.
17. Create an Internal Affairs and Inspection Unit.
18. Complete the NBI Headquarters Building in Manila.
19. Eliminate the K-9 Corps.
20. Eliminate the Marine Section of the NBI.
21. Transfer the Narcotics Rehabilitation Activity to a more suitable agency.

Philippine Constabulary (PC)

22. Emphasize the police aspects of the PC in development of its organizational plans. Rely on the Philippine Army (PA) for purely combat support such as heavy artillery.
23. Abandon (as discussed by the Survey Team) the plans to activate an artillery battalion and a paratroop battalion in the PC.
24. Develop an organized joint, coordinated program of pacification and civic action for Jolo Island.
25. Stabilize personnel assignments, particularly of Provincial Commanders, to those for fixed, stated periods and remove personnel only for clearly stated cause.
26. Stop indiscriminate transfer of PA officers and enlisted law enforcement personnel to the PC and vice versa.
27. Minimize political influence in all PC activities.
28. Administratively eliminate PC personnel in a law enforcement status who are not receptive to training because of educational limitations or who for other reasons are unacceptable for law enforcement duty.
29. Provide the PC Provincial Commanders with funds adequate to maintain buildings and equipment.
30. Prohibit public "scrounging," strictly enforce such prohibition and provide adequate logistics support to obviate its further need.

Local Police

31. Discontinue the practice of assigning police personnel to bodyguard and escort duty except in the case of proper government officials.

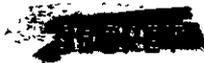
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32. Institute a joint NBI-PC-Police Commission Committee for the purpose of revising present procedures for inspecting local police.
 33. Urge the Police Commission to devise a method of compelling municipal governments to conform to recommendations resulting from inspections. This should include the withholding of national subsidy payments from those who refuse to conform.

Training

34. Make a major effort to return U.S. -trained law enforcement personnel to the agencies to which they were assigned when selected for training.
35. Develop a three months basic law enforcement program of instruction.
36. Complete construction of NBI Police Academy at Tagaytay.
37. Expand facilities of PC school at Camp Panopio.
38. Establish regional law enforcement training centers in six to eight strategic locations.
39. Utilize the 120 U.S. -trained law enforcement officers to the maximum in the training program under the direction of the Police Commission. Establish, on a continuing basis, executive police seminars for joint training of senior representatives of all law enforcement agencies. Utilize the facilities of the Security Training Center for these seminars.
40. Expedite site selection and construction of Regional Training Centers.
41. Make every possible effort to program PC and police personnel in joint law enforcement training classes.
42. Consider law enforcement "Command Training" a completely separate requirement with its own personnel, staff and training techniques.

Criminal Investigation

43. Clarify NBI investigative responsibility by assigning specific jurisdiction to each of the three law enforcement agencies; local police, NBI, PC.
44. Require NBI investigative personnel to forward progress reports on a scheduled basis.
45. Centralize the presently fragmented research and statistic units of the NBI.
46. Discharge civilian regular agents currently employed by the PC.
47. Elevate the Chief of the PC CIS to a position where he is responsible to the Chief PC for all PC criminal investigations.
48. Require non-complying PC provincial commands to submit the necessary investigative reports to HPC.

- 
49. Appoint high level liaison officers within the NBI and PC to bridge the gap that now exists between these two agencies.
 50. Require all law enforcement agencies to provide monthly crime statistics to the NBI.
 51. Select detectives (secret service investigators) from uniformed personnel ranks.
 52. Investigate crimes thoroughly by probing events leading to the crime, commission of the crime, and actions subsequent to it.
 53. Require overall use of the "Report of Investigation" form as required by "Police Rules and Regulations."
 54. Designate the NBI as the responsible agency for organizing and maintaining records of a nationwide program for the apprehension of fugitives from justice.
 55. Provide at least one copy of all fingerprints now in PC and local police files to the NBI.
 56. Require all agencies to complete and file a booking and identification form on every person arrested for a criminal violation.
 57. Require arresting agency to fingerprint every arrestee on NBI cards. Retain one copy if desired and forward the other to NBI headquarters.
 58. Purge warrant files on a monthly schedule.
 59. Control the gathering of evidence at crime scenes by designating specific personnel or agencies for this purpose.
 60. Provide a clean, secure, dry evidence locker or room in every police department, PC post and NBI office.

Criminalistics (Crime Laboratories)

61. Reduce crime laboratory overstaffing by weeding out unqualified personnel and needless supervisors.
62. Provide qualified scientists to command the laboratories.
63. Discontinue PC laboratory activities in Manila; relocate the proposed new PC laboratory to Cebu to service all agencies in the southern Philippines. Utilize the NBI laboratory in Manila to service all agencies (except MPD) in the North.

Telecommunications

64. Establish a single integrated countrywide Law Enforcement Communications System (LECS) linking the NBI, PC, Customs and Local Police.
65. Transfer specified equipment in the hands of member law enforcement organizations to the LECS.

- 
66. Combine budgetary support from all LECS members until the LECS receives its own centralized budget.
 67. Locate LECS equipment in existing law enforcement facilities with adequate space and security.
 68. Adopt immediately all formats, instructions and procedures applicable to the LECS in all GOP law enforcement organizations.
 69. Employ only personnel with appropriate NBI and PC security clearance in LECS.
 70. Relocate the NBI Communications Center in an area offering adequate space, ventilation and security.
 71. Develop an efficient records and message handling capability in conjunction with proposed LECS radio teletype circuits.
 72. Procure telecommunications equipment in concert with the PC, Customs and other users of the LECS.
 73. Implement a telecommunications management course for NBI, PC, and other law enforcement agency personnel.
 74. Develop a more appropriate message format for transmission of law enforcement information.
 75. Conduct LECS management and operations training for law enforcement personnel.

Logistics

76. Establish guidelines providing municipal governments with minimum requirements for local police facilities and their organization.
77. Provide the necessary journal books, police blotters, and blank forms to the local police and to the PC.
78. Distribute reparations vehicles to municipal police forces on the basis of need.
79. Allocate sufficient budgetary support to the NBI, PC and local police to enable them to meet essential needs in construction, mission support and maintenance.
80. Require NBI field offices to submit periodic reports of vehicle conditions.
81. Dispose of all residual "junk" in the NBI supply system.
82. Segregate, inventory and properly store NBI usable on-hand items.
83. Provide a proper NBI supply warehouse and outside storage area.
84. Provide regional reloading equipment available to all local police forces for training ammunition.

85. Support the PC with adequate, basic, police-type equipment, on a continuing basis.

Traffic Management

86. Increase the annual maintenance rate for roads and streets.

87. Establish cyclical maintenance schedules by area according to types of surface, use, terrain, climatic conditions, etc.

88. Prohibit encroachments on the public right of way.

89. Consider construction of toll roads to amortize construction costs.

90. Provide for signing, channelization, signalization and adequate police coverage of present and future roadway nets.

91. Require the Land Transportation Commission (LTC) to maintain accurate and complete records of all motor vehicle registrations.

92. Require the LTC to make complete license registration, suspension and revocation information easily available to law enforcement officers.

93. Maintain a central LTC office to provide registration and operators' license information on a 24 hours, seven day week basis.

94. Adopt a uniform traffic accident report form, color coded for proper distribution to LTC and Bureau of Public Highways (BPH).

95. Require all PC units and personnel to enforce traffic laws and provide the necessary training to accomplish this.

96. Eliminate or minimize PC VIP escorts.

97. Return to traffic supervisory or training functions all US traffic-trained PC officers.

Records and Identification

98. Use one log with only an initial and a final entry in the processing of applications in the PC Firearms and Explosives office.

99. Centralize all PC CIS records by adoption of a central complaint follow-up and case numbering system.

100. Return to Criminal Identification Records and Statistics Division (CIRSD) all personnel currently assigned to other divisions within the NBI.

101. Eliminate the present NBI Complaint and Processing Unit (CAPU) and establish a truly central unit to process all incoming complaints.

- 
102. Take effective measures to insure standardization of collection of national crime statistics in accordance with NBI developed procedures.
 103. Turn over PC, Bureau of Prisons, and Bureau of Immigration fingerprint card collections to the NBI.
 104. Discontinue any publication of national crime statistics by the PC, with this function becoming a responsibility of the NBI.
 105. Assign sole responsibility for administration of all records of ownership and possession of firearms, as well as the retention of test bullets, to the PC.
 106. Eliminate present PC identification forms and substitute the revised NBI forms.

Customs Enforcement

107. Establish an Office of Investigation and Enforcement within the Bureau of Customs.
108. Transfer authority for jurisdiction over enforcement and investigative personnel from collectors to a separate Office of Investigations and Enforcement.
109. Create five regions for enforcement and investigation, these to correspond with the PC zones; the fifth for the Manila Customs area.
110. Establish the Port of Cebu as a "Pilot Region" for the implementation of regional Offices of Investigation and Enforcement.
111. Photograph and fingerprint all arrestees on NBI forms and forward the photos and prints to the NBI.
112. Return to the Customs those functions recently transferred to the Navy.
113. Require all customs personnel holding positions of trust to submit financial statements.
114. Establish as soon as possible a special panel to handle the backlog of personnel dereliction cases in the customs bureau.
115. Issue and enforce firm orders concerning the acceptance of gifts and gratuities from subordinates, including customs house brokers and importers.
116. Provide U.S. training for Customs investigators.
117. Provide two U.S. Customs agents to assist in organizing an Office of Enforcement and Investigations.
118. Assign undercover personnel to check the Customs Mail Division for anomalies.
119. Provide PC and Customs with light, fast vessels equipped with appropriate firearms, spotlights, sirens and radios for patrols.



- 120. Assign Customs Liaison Teams from Manila to "spotcheck" officers periodically for compliance with Customs policies and regulations.
- 121. Require the PC and other government agencies to report all seizures to Customs.
- 122. Initiate prompt action to clear the Iloilo port area of all seized and abandoned vessels in the vicinity of the Customs House.

U.S. Assistance to Philippine Law Enforcement Agencies

- 123. Provide an expanded level of technical and material assistance to Philippine law enforcement agencies.

Summary of recommended support levels for NBI/Police (Figures in \$000's; () = number of persons):

	<u>FY 67</u>	<u>FY 68</u>
U.S. advisory personnel	400 (22)	600 (28)
Participant Training	136.5 (65)	136.5 (65)
Commodities	1,000	1,000
	<hr/>	<hr/>
	1,536.5	1,736.5
Local Currency Requirements in P 000's	3,600	3,600

Summary of recommended support levels for PC:

	<u>FY 67</u>	<u>FY 68</u>
U.S. advisory personnel	(6)	(6)
Police Administration and Management Training	(35-50)	(35-50)

Continued U.S. consumables support.

Assurance through JUSMAGPHIL/AFP that PC is in fact receiving MAP logistical assistance at levels programed for its use.

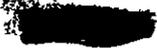
Replacement of training aids and other equipment destroyed in the 1964 PC school fire.

Provision of watercraft for close-in patrolling and inter-island short haul transportation.

Additional funding of approximately \$200,000 for basic police-type equipment.

Funding to provide for expansion of PC school facilities.





Chapter I

BACKGROUND

The Philippines is a tropical island republic of some 32 million people, falling into 43 ethnological groups and speaking some 70 languages. However, 90% of them speak one or more of only nine languages. The 7,000 islands stretch from north to south for 1,150 miles just below the Equator off the southeast coast of the Asian mainland. Eleven islands make up 96% of the total land area of 116,220 square miles (about the same as Italy, somewhat larger than the British Isles, about equal to the combined size of New York, New Hampshire, New Jersey, Pennsylvania and Delaware; somewhat smaller than California).

Physical characteristics. The Philippines is described as "the most favored group of tropical islands in the world. The latent possibilities of agriculture, forestry and mining are unsurpassed."

The Philippines are virtually covered with heavily forested mountains, lush valleys and plains. Mount Apo in Mindanao is the highest peak (9,600 feet). The Philippines are dotted with volcanos (ten active ones), the most famous being Mount Mayon in the Alban Region, Luzon, with its near-perfect cone. Taal Volcano, 45 miles from Manila, recently erupted (28 September 1965), causing considerable damage to the nearby areas. The climate of the Philippines is entirely within the tropical zone; however, temperature varies from the heat and humidity of the lowlands to the cooler highlands climate. In Manila, the average mean temperature is 80°F. Generally, the rainfall throughout the islands is heavy. In some regions it amounts to 250 inches annually.

The People. The population is now estimated at 32 million and is increasing at a rate of 3.4% annually. The dominant racial stock is Malaysian, but pre-Christian era immigration from India, Indo-China and other areas of Southeast Asia are mingled with the original settlers.

Language. The principal and official language is Filipino, which is Tagalog with some input from other dialects. However, a total of 87 basic dialects of the Malayo-Polynesian family are in use. The influence of all the cultural groups who have lived in the Philippines can be detected in the vocabulary of the national language. There is some Arabic influence that can be traced to the more than one million Moslems who live in the southern islands, principally Mindanao. English is widely spoken and used throughout the country. The general impression is that Spanish is one of the principal languages, but this is no longer true. Only some two percent of the population can speak Spanish. Its use is generally confined to the older generations.

Government. The government of the Philippines is republican in form. It is founded on democratic principles operating under a constitution which contains a

comprehensive bill of rights, adheres to the principle of separation of powers and recognizes that all government authority emanates from the people in whom sovereignty resides.

The Executive. The executive power is vested in the President of the Philippines. He is elected by the voters of the country, holds office for a term of four years and is eligible for only one re-election. Fernando Marcos, the incumbent, was elected in the fall of 1965 and took office in January 1966. For purposes of administrative control, the Philippines is divided into four main political subdivisions: provinces, municipalities, municipal districts and chartered cities. These entities are organized as public cooperations. To these subdivisions may be added barrios, which by legal designation are quasi-municipal corporations.

The Legislative. The legislative power is vested in a bicameral congress, composed of a Senate and a House of Representatives. The House of Representatives has 120 seats apportioned among the provinces according to population. The Senate is composed of 24 Senators elected at large for a period of six years.

The Judiciary. The Supreme Court and the lower courts exercise judicial powers in the Philippines. The Supreme Court, the highest tribunal in the country, is composed of a Chief Justice and ten Associate Justices appointed by the President with the consent of the Commission on Appointments. There is a Court of Appeal, to which decisions of the lower courts are appealed for reconsideration. The Court of Appeal consists of a Presiding Justice and 16 Associate Justices. The composition of the Commission on Appointments is based on a proportional representation of the two leading political parties.

Religion. About 80% of the Philippine people are Roman Catholic, with another 8% belonging to the Filipino Independent Catholic Church. Of the remainder, 4% are Mohammendan and 2% are Protestants. Of particular significance is the Iglesia Ni Kristo, which originated in 1914; entirely Filipino in origin. Although its membership is small percentage-wise, it has considerable appeal to Filipino nationalists. It is the fastest growing denomination in the islands. Already a factor in local politics, it is expected to wield increasing influence as its membership enlarges.

Education. The curricula in the Philippine schools are basically similar to those in the U.S. Instruction in English begins in the third grade. Besides the state-owned University of the Philippines, 14 private universities have recognized standing. The University of Santo Tomas, founded in 1611, is 25 years older than Harvard. In 1948, the literacy rate was some 60%. Today it is rated at about 80% as a national average, ranging from 91% in Manila to something less than 65% in the southern islands.

Health. Health hazards are high. Tuberculosis, bronchial ailments, beri-beri and diarrhea and enteritis are the reported leading causes of death. Reportedly, only 50% of the babies survive past the first year.

Health problems are further aggravated by poor dietary habits, waste disposal practices and housing facilities. Much of the Philippines luxurious tropical vegetation harbors insects, reptiles and animals harmful to man. Forty species of poisonous snakes are found throughout the islands, including cobras, kraits, coral snakes, sea snakes and vipers.

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Agriculture. Agriculture is the backbone of the Philippine economy with farms, field and forest products making up the bulk of the nation's exports.

Trend. In the Philippines, as in other developing nations, the trend is for movement of the population from rural to urban areas. More than 16% of the population are in the 47 chartered cities, and this figure is steadily increasing. The cities are not geared to handle this tremendous influx.

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Chapter II

PEACE AND ORDER SITUATION IN THE PHILIPPINES

The Public Safety Team which conducted the 1964 survey of the Manila Police Department found, at that time, extreme concern in the Philippines with the extent of lawlessness which had swept over the country.

Corruption, graft, crime and venality appeared to have developed not only in the law enforcement agencies throughout the country (policemen and members of the Philippine Constabulary were charged with murder, rape, robbery, smuggling and assault) but in the other agencies of government as well.

In the general crime field during 1964, murder and gangsterism appeared, on the basis of available scanty records, to have reached new heights. Convicted murderers were moving freely throughout the streets without action by the police. A backlog of 9,000 unserved warrants was found with reasons advanced for their non-service varying from lack of manpower and the "archaic system" to collusion between the police and the wanted criminals.

The spotlight of attention was focused on the tremendous volume of smuggling which was causing losses of millions of pesos in government revenue.

The 1966 Survey Team found that the same conditions obtained; in all aspects they had become amplified. The newspapers were reporting frauds and anomalies in one government agency after another. Senators and congressmen were involved in accusations and counter-accusations of smuggling connections. A detailed listing of the public manifestations of corruption and inefficiency would absorb more than this volume and would be unnecessarily repetitive. Prominent individuals have long and eloquently decried the lack of public and private integrity; the Chief Justice of the Supreme Court has mourned the postponement of justice through delayed court actions and the use of the court system for other than the purposes of justice.

Few agencies are untouched by increases in criminality and the attendant ineffectiveness in law enforcement. Smuggling is more widespread and profitable than ever with losses of millions of pesos of government income, yet no major smuggler has ever been convicted in the courts. Several hundred local policemen and PC have been charged with every variety of criminal offense during 1966. Seven police and 46 AFP officers were fired for anomalies; the PC was charged with fraternization with wealthy hoodlums; a "link" between the AFP and the Huks was discovered.

Violent crimes continued to surge to new highs throughout the country. The NBI report for calendar year 1965 shows a total of 194,706 offenses in the Philippines for the year;

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a 10.4% rise over 1964. On the basis of the limited available statistics, it appeared that homicides would total 10,000 in 1966, a 50% rise in two years. The actual number of murders committed by the 32 million people in the Philippines is about as high as that for the 190 million people in the U.S. while the Philippine murder rate per 100,000 persons for 1965 was more than 5 times that of the U.S.

Law enforcement agencies and the Government in some areas of the country were confronted with an extreme state of disorder. In Sulu, eleven PC companies were barely enough to establish an "armed accommodation" with the residents of the area. The public was accused of being indifferent and apathetic to the problem although violent crimes reached new highs throughout the nation. Although the presence of excessive firearms is tantamount to encouraging crime, new weapons permits are issued daily. Many are worn as public status symbols during social occasions and newspapers freely advertise the availability of weapons of almost every type. The PC reports that of 301,589 licensed firearms, 185,288 had not been verified in 1966.

In the judicial field a quarter of a million court cases are reportedly backlogged. Several thousand unserved warrants gather dust while over 20,000 wanted persons roam the country, reasonably free from apprehension. Process servers have little incentive to pursue their task with any aggressiveness without authoritative direction or travel funds.

Assessments of localized law enforcement situations in areas accommodating U.S. installations reveal pronounced increases in crime and little that is favorable in law enforcement. U.S. agencies associated in law enforcement activities with indigenous agencies (NBI, PC and local police) near Clark Air Force Base, Sangley NAS and Subic Bay hold a low opinion of Philippine law enforcement efforts. Crime and corruption are excessive in these locales and largely condoned by the local government.

Although the crime and corruption situation had not improved since the Survey of 1964, a major difference was newly elected President Marcos. He gave every indication of firm determination to move promptly and vigorously against the problems whenever he was given assurances that the move was warranted.

Few facets in law enforcement defects throughout the nation are not well known to many Filipinos, both in and out of the government. The discouraging difficulty is the marshalling of public and private support for sustained and comprehensive programs of improvements in the public interest. Such programs cut across many lines of authority and into many spheres of jealously guarded special interests. Too many improvement programs rapidly dissolve into ineffectiveness upon contacts with these special interests and culminate in high-sounding statements of purpose devoid of any substance.

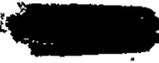
At this point no simple schemes can be recommended for easily solving the existing law enforcement dilemma. What is required is resolute adherence to established principles of sound law enforcement management and firm insistence on productive law enforcement administration at every level.

It has been stated that politics is the national disease of the Philippines. In law enforcement this disease has infected the selection of personnel, law enforcement performance, prosecution efforts and the judiciary. Corrupt and ineffective law enforcement is an inescapable by-product of corruption and ineffectiveness in government engendered by the over-application of political influences to serve other than the public interest.

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In the final analysis, no real progress will be made in law enforcement until the public and the national leadership insist on impartiality in application of the law. Obviously, law without enforcement is not in fact the law of the land. If law enforcement agencies were to achieve reasonable efficiency, they would still be burdened by the triple problems of budgetary limitations, political influence and an unresponsive judiciary. Without suitable actions in these three significant areas, enforcement improvements will achieve little that is substantive in serving the Philippine public.

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Chapter III

LOCAL GOVERNMENT IN THE PHILIPPINES

When the United States acquired the Philippine Islands a little more than half a century ago, it did so without an established or enduring colonial policy, and certainly without experience in colonial rule. Its policy developed as it went along, ultimately shaped around the principle that the Filipinos should be given control of their own affairs as rapidly as experience and training would allow.

The four major units of local government, the barrio, the municipality, the province and the chartered city are discussed in this light.

The Barrio. The political institution of the barrio is a phenomenon unique in the Philippines. Its history pre-dates the Spanish back to the Malay immigrants who settled in the Islands. Over a period of time, the term, which came from the word "balangay", assumed a new meaning, signifying the settlements built by the occupants of the boats bearing the immigrants. Thus, each balangay was actually an enlarged family.

In order to facilitate rule, the first move of the Spanish was to consolidate the balangays into towns (pueblos). However, they then divided the towns into barangays, each consisting of 100 to 150 families. This was more of an artificial unit, based on geography. These towns became known as barrios. The Spanish placed a head man in charge of each, who became known as a barrio lieutenant (today he is called the barrio captain). In the more remote areas, he performs the majority of what little services are available to the barrio inhabitant. He is the mayor, the city attorney, the policeman and judge combined.

Municipal Government. The Philippine municipality, or town, finds its origin in the pueblos established by the Spanish after their arrival in the Islands. Perhaps the most significant contribution to municipal government by the Spanish came with the promulgation of the Maura Law in 1893. This decree provided for municipal councils in towns.

The Councils were composed of five members elected by a group of twelve residents chosen by lot from the town principals. One was designated as Captain, and the other four, the Chief Lieutenant, the Lieutenant of Police, the Lieutenant of Livestock and the Lieutenant of the Fields, respectively. From the Maura Law came the basic organization of Philippine municipal government. The captain is a direct ancestor of the mayor, the council of today's council, and the lieutenants have their counterparts in other municipal officials.

Administrative control over the municipal police is exercised by the President of the Republic through the Philippine Constabulary. Regulations outlining general conduct, duties, uniforms and weapons are issued by the Constabulary. The Constabulary

is supposed to make periodic inspections of the municipal police and to report on these inspections to the mayor, provincial governor and the President of the Republic.

Because of limited manpower and equipment, some police forces are regularly able to patrol only in the poblacion (the central or main populated area of the municipality). Normal police functions outside this area are the responsibility of the barrio captain or lieutenant or the rural police. In many cases, municipalities must depend on the service of the PC or of the NBI for law enforcement assistance in remote areas.

Protective functions are the major service the municipality is responsible for rendering to its citizens. It is inevitable that as the people get a larger and more organized voice in the conduct of their affairs, they will demand better and better protection and service from their law enforcement agencies. The continuing greater urbanization will require more sophisticated, better trained, better equipped, better organized and better directed law enforcement services.

Provincial Government. The province, a primary unit of Philippine local government, is comparatively recent in origin. It dates back to the Spanish times and owes its existence to the fact that this particular type of institution was common to the Spanish political heritage. Today's Governor does not have the broad powers enjoyed by his Spanish predecessor. At present there are 57 provinces. The province, unlike the American state, has no existence other than that granted by the national legislature. A province may be created, abolished, combined with another, divided or have its boundaries altered by legislative fiat. The province may best be described as an administrative subdivision of the insular government, performing such functions as are conferred upon it by the central authority.

No separation of powers is found in provincial governments similar to that which exists at the national level. The provincial governor acts not only as chief executive, but also as a member and chairman of the Provincial Board. The provincial governor is elected every four years by the electors of the province. Responsible to the people who elected him, he is also responsible to the President, who has general authority over local government. The governor is generally responsible for maintaining law and order, seeing that the laws are faithfully executed and providing for the general well-being of the people.

The legal position of the governor is actually so circumscribed by the law that he has little real power. He does not have the authority to appoint his department heads; many of his actions are appealable to some national agency. Any conflict between the governor and a provincial official can be settled only by a decision in Manila. The President may suspend or remove a provincial governor for a variety of causes. Consequently, the governor finds his major importance as a local political leader, and this activity consumes most of his time.

The provinces depend for revenue on the allotments given them by the national and municipal governments. Although classified as a provincial official, the provincial treasurer is actually the local agent for the Department of Finance appointed by and subject to the control of the Secretary of Finance. The provincial fiscal is the chief legal officer of the province. Function-wise he resembles a U.S. district attorney. It is his job to investigate, prepare, file and prosecute cases in the Court of First Instance on behalf of the provincial government. The fiscal, like any other national official, may be transferred by his Manila office. Shortly before and after elections a rather extensive shuffling about of fiscals takes place.

The province is caught directly between two cross-currents in Philippine political life. On the one hand is the desire to democratize and to grant autonomy to the local unit. This concept received emphasis under the American occupation when local units were gradually given freedom in their operations. Opposed to this is a tradition of centralism which is not only a heritage of the Spanish regime but also derived strength during the pre-WWII Commonwealth period. The end result is a system where neither local autonomy nor centralization is present. The virtue of provincial government lies in two areas: the province is an ideal unit around which to construct the local institutions responsible for the resolution of local problems; on the other hand, the province is an ideal unit around which to group regional national offices in order to bring services to the people.

Chartered Cities. During the more than three centuries of Spanish rule in the Philippines, six cities were founded in the Islands. The Spanish cities in the Philippines shared certain common characteristics. First, Filipinos were not entrusted with control of their local government or placed in responsible positions. The Spanish cities also were centers of religious activity. They were generally located and founded on sites readily accessible by water. Furthermore, they were looked on not only as governmental and religious centers, but also commercial and economic key points.

Chartered Cities are municipal corporations possessing the power to sue and be sued, to raise money by taxation and to exercise the right of eminent domain. Each city has a fundamental law, or charter, which defines the city's powers, outlines the organs of government, determines the methods of choosing its officials, enumerates the duties and at the same time determines to a degree the relations of these officials to one another. While municipalities derive their authority in a general scheme from a general municipal law, chartered cities are independent of the provinces and derive their form of government for their charters, the provisions of which differ in few respects from city to city.

A charter does not emanate directly from the citizens of a city but from the national Congress. A city's charter may be created, revoked, altered or entirely revised by the Congress, even when such action is directly opposed to the wishes of city officials and citizens. A primary weakness of Filipino local government is the lack of coordination in administration of local functions. No one local official has the authority to coordinate programs in a particular area.

Similarly, a primary difficulty in law enforcement is administration. The continuing tendency to multiply the number of chartered cities serves to compound the administrative law enforcement problem. With each new city new jurisdictional problems arise and new conflicts with adjacent municipalities, provinces and law enforcement agencies develop. Many new chartered cities are economically straited and administratively understaffed. This combination can only serve to aggravate law enforcement difficulties.

Chapter IV

SOCIOLOGICAL ASPECTS OF CRIMINALITY

Law enforcement organizations do not develop in a vacuum, but are an integral part and reflective of the society in which they exist. Crime, which law enforcement organizations are designed to prevent, detect and counter, reflects disorganization within society.

Philippine society was produced by a series of domestic and foreign influences which are discernible in its present pattern. The pre-Spanish Filipinos had their own alphabet and wrote with pointed sticks on iron, bark of trees and polished bamboo. The ancient Filipinos had both oral and written laws. These laws covered many subjects found in modern jurisprudence.

In the modern-day Philippine Republic, family relationships dominate social, political and economic life. This strong feeling of family was an important factor in the failure of any form of centralized government to develop during the pre-colonial years. The importance of family ties among the ancient Filipinos was reinforced by certain Spanish institutions, which were readily adopted. The Filipino family is bi-lateral, including equally all of the relatives of both the husband and wife. Introduction by the Spanish of the social institution of "compadrazgo" or ritual co-parenthood and its acceptance by the Filipinos extended the concept of kinship beyond the family into the community.

An individual finds his principal emotional security within this extended group. Generally, the family system emphasizes stability, loyalty and kinship obligations. Custom provides for mutual support among members of the family. Extended into law enforcement and criminal activities, this kinship obligation lends itself to political protection of criminals and maladministration of justice. In the field of police administration, the kinship principle results in appointment and promotion of incompetent and, at best, less qualified personnel. In interviews throughout the country, law enforcement officials told of appointments to their organizations of unqualified personnel who were "compadre" of public officials or politicians to whom the officials were obligated.

In spite of the growth of the government structure in the Philippines, it appears that the ethical rules which place consideration for family and close friends above all else still prevail. Legal rules demand that the government official and private citizen must be impersonal in their relationship. Ethical rules require that personal considerations receive first importance. The legal rules are directed at the general welfare of the whole community, while the ethical rules stress the interests and advantages of small social groupings such as the family.

Minority groups are a factor in Philippine society which affect law enforcement. For example, the Moslem Filipinos, commonly referred to as Moros; constitute a definite law and order problem in the southern islands. Moslem social customs have

remained fairly stable through the centuries. Differences between Christian and Moslem Filipinos were intensified by Spanish incursions to the south.

Philippine society remains essentially a two-class society, with the upper class numbering only approximately 5% of the total population. Class position is determined mainly on land ownership and family prestige. Although land ownership is an important factor in determining class position, the upper class families do not spend much time on their land holdings but prefer to live in the cities.

An additional factor pertinent to law enforcement is the Filipino deep-seated, intense love of personal freedom. The Filipino press enjoys freedom even beyond that of the U.S. press. It is considered significant that the top song on the Filipino "hit parade" is not a Beatle number, nor is it a rock and roll or a go-go selection. It is "Born Free."

Economics are frequently mentioned as a cause of criminality. A 1965 survey reported a total of more than 700,000 people out of work: 216,000 married men and 484,000 single persons. Even those with college degrees have difficulty finding jobs. Intensifying this already critical problem is the increased participation of women in the labor force, thus filling jobs which usually would have been held by men. The prospect for future years is not encouraging.

When college graduates are unable to find work, and the volume of unemployment reaches today's astronomical proportions, the streets tend to become filled with hungry, disgruntled "adult youths," who are ripe for violence. For the first time since the Japanese occupation, women and children are seen scavenging garbage cans in public places.

The Filipinos have a term they use for graft by government officials: "lagay." Lagay is the Philippine version of the Chinese "tong" or "squeeze." As used in the Philippines, it specifically means "grease money." Anything that requires government action can be expedited by a little lagay. For example, an individual wants to get his driver's license renewed. The lines are long and the waiting seems endless. He slips a few pesos to the proper individual and gets his renewal promptly. An individual is importing goods at the airport or at the dock. He requires a long list of clearances and official stamps before he can get his proper "chop." By strategically dropping a few peso notes along the way his clearances come easily.

Normally, lagay is paid for expediting legitimate papers. For illegitimate activity the cost mounts. One Customs official was said to be a millionaire in 1964. Investigators were detailed to look into his wealth. However, he fixed the investigators with lagay. As a result, he was found blameless. Under such a system, respect for authority vanishes, crime flourishes, and public service breaks down.

Dean Carlos of the University of the Philippines Graduate School of Public Administration says three causes of the lagay system are: Lack of leadership, too much politics, laxity in law enforcement. He says the lagay system originated with the Spaniards, but the Filipinos have added their own "refinements."

Politicians spend huge sums of money to get elected or to stay in office. Once in, they try to regain their expense outlay through graft. The government employee does not realize that his new duty as a public servant binds him to serve the nation, that he falls or rises with the nation, that the nation cannot be hurt without also damaging himself.

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Political scientist Quirino Carpio of the University of the Philippines has another view on the lagay system. He claims that economic difficulties have given birth to graft and corruption. The people are hungry, and they resort to lagay to make both ends meet.

The aura of corruption and the misuse of influence have developed a coloration of acceptance, if not respectability, for many actions normally regarded as criminal. In this atmosphere, criminal elements appear to have succeeded in raising their professional capabilities to a high level of perfection, particularly in the field of smuggling. Graft and venality are not accepted as social virtues but have been carefully refined to take advantage of the weaknesses of the existing social, economic and political environment.

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Chapter V

SUBVERSION

General

The Communist Party of the Philippines (PKP) is the only organized group which has posed a significant threat to the Republic of the Philippines since the nation became independent in July 1946. Persistent social and economic problems, accompanied by a gradual shift of the Philippines away from U.S. influence and toward closer relations with its Asian neighbors, provide the Communists with new opportunities for growth.

The PKP established in Manila in 1930, provided much of the organization that had previously been lacking in the leftist movement. During World War II, the Communists widened their base by support to the leadership of the anti-Japanese guerrilla army, the Hukbalahap, more commonly called the Huks.

After the war, the Communists unsuccessfully attempted to obtain legal recognition. In 1948, they reverted to a policy of armed struggle. Previously named the anti-Japanese guerrilla army, they renamed themselves the People's Liberation Army, HMB, and continued their activities. Communist fortunes took a sharp turn for the worse in the latter part of 1950, primarily due to the strong leadership and popularity of Ramon Magsaysay.

The government reorganized and improved its military units, suppressed Communist Front organizations and reduced grievances by the establishment of more orderly administration and improved social conditions. By 1957, the principal Communist and HMB leaders were in prison and the HMB itself was almost completely disbanded. However, with the death of President Magsaysay, the ascension to office of President Garcia and the resurgence of corruption under his leadership, the Huks were given a new lease on life.

The elements of Philippine society which impede social and economic advancement and which bear a potential threat to democratic government include: the breakdown in social values during and since World War II, widespread rural poverty as a result of an outmoded agrarian system, the deep social and economic cleavage between the upper and lower classes, extensive unemployment and underemployment as a result of failure of industrialization and modernization to keep pace with the expanding population, and widespread graft and corruption in government and business.

In spite of these devious elements in Philippine society, there have been counter stabilizing elements. These include the Catholic Church, the military and security forces, the existence of a strongly cohesive family system, particularly in the rural areas, and finally the close relation with the United States.

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Active armed HMB members in Central Luzon are estimated by the Philippine Armed Forces at 150, with a mass base of 2,000. Since 1963, the HMB has been increasingly active, although the scope of this activity has been somewhat exaggerated in the press. The mayors of several towns, a number of anti-HMB informers and other individuals have been assassinated. Villagers have at times been coerced to supply food and other assistance. The armed forces have had about 1,200 men based in the area to maintain order. Overall Communist strength is almost impossible to estimate, but there are probably less than 1,000 hard-core active Communists in the movement as compared to 10,000 in 1950. Membership is composed primarily of young men from Manila in the Central Luzon area, and has been characterized as of low quality.

Philippine intelligence places the number of Chinese Communists in the Philippines as high as 1,500 to 2,000, and the number of sympathizers among the Chinese community at 200,000 or more. These figures appear grossly inflated on the basis of the fragmentary information available. The number of Communists among the Philippine Chinese may not actually exceed several hundred. It appears that most of the Chinese in the Philippines remain uncommitted either to the Communists or to the Nationalists. Residing principally in the cities and enjoying a higher level of living than their Filipino neighbors, the Chinese are subject to government squeeze and numerous other forms of discrimination, however, and are therefore a potential source of disaffection.

In the thinking of the Filipino Communist intellectual, one of the causes for the failure of his previous insurgency was the lack of a unified class feeling among the lower class. He did not think and act as a group. Hence it is that they feel a necessity of creating class identity through the use of legal forms or fronts. The LN or Labor Party, which is the PKP workers' principal front, was formed in 1963 as an amalgamation of labor unions. Those unions which remain in the LN provide a loose membership of approximately 200,000 members. This is a deceptive figure, however, in that not all of these union members could reliably be counted as LN members.

The PK Front in the intellectual field is probably the KTNB, or the Voice of the Nation Association. This group represents a revival of the use of the HUK underground newspaper in World War II, called Voice of the Nation. While not exclusively an intellectual mechanism, it has tended to center on Agit-prop and indoctrination activities utilizing another left-wing group called ACTION, Allied Committee to Improve Our Nation. While the KTNB and ACTION have participated in street demonstrations, the KTNB has drawn less attention than groups such as the KM and the MASAKA (Free Farmer's Association).

The Youth Student Department's principal front activity is the KM, or Patriotic Youth. The KM's stated objectives have found an audience primarily on the campus of the University of the Philippines.

The last of the major front organizations, the MASAKA, the Free Farmer's Association, is a genuine peasant organization, which has made some progress in the provinces and reportedly wants to organize a 4,000-man membership in each province. In some respects, it is potentially the most dangerous of the fronts, despite the fact that it only came into being in November 1964, because it strikes at the root of the rural social problem, land reform. Probably the most serious complaints of the Filipino today revolve around the following issues: low minimum wage, land reform, and corruption.

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The most flagrant example of the working agreement between the HMB and the criminal element has come from Angeles City, Pampanga Province area. From the information available, there is no doubt that there is a mutual co-existence pact with assuring of illegal revenue between the criminal element and the HMB. Collection of revenue (tong) is from every conceivable source, ranging from the poorest market stall and jeepney driver of the entire area to the city administration. It would be difficult, if not impossible, to separate the purely criminal from the political since this would require value judgments into the motivations of each individual involved. It would be safe to say that the criminal element would continue to collect tong in their own name or the name of the HMB, whether the HMB existed or not. It would also be safe to say that the criminal element of Angeles City would be in deep trouble if at some future date they decided to no longer share the revenue with the HMB, since they themselves would become the target of HMB liquidation squads.

Central Luzon, which has served as a hot-bed of PKP activities since the thirties, continues to be the geographic center of HMB activity.

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Chapter VI

POLITICAL DEVELOPMENT IN THE PHILIPPINES

An analysis of political development in the Philippines suggests that the key long-term variable in the process of political development in that country is the change in the population and the relationship of this changing population to an agricultural land base. Population growth has been unprecedentedly rapid since the turn of the century. Current projections indicate that there will be 60 million Filipinos by the 1980s, a population level that will make the Philippines one of the ten largest nations in the world. This population growth will make rapid industrialization and increasing urbanization both a necessary and inevitable alternative to economic and social anarchy.

Increase in the size of population causes, of course, an increased number of individuals aspiring for participation in the decision-making processes. This leads to a growing importance of nationalism.

This process of modern political development in the Philippines is taking place largely without the active participation of a rural peasantry. The opportunity for a peasant group to perpetuate itself socially and economically within its local environment is usually sufficient to preclude large-scale political involvement. However, the growing inability of more and more rural Filipinos to exist and persist within a peasant culture, and their movement into what can be termed a proto-urban environment is now becoming a critical factor in the political development equation.

The necessity and inevitability of industrialization and urbanization in the Philippines have thus caused the increasing erosion of the traditional social system for the great majority of Filipinos. Insofar as the Philippine polity rejects extensive foreign control over its growing industrial complex, it must promote a drastically reordered Filipino society for industrial development or it must shift towards increasing government organization support and control of industry.

It appears that political power in the Philippines is shifting from the segment of the population whose wealth and income flow are tied to agriculture to a new group of Filipinos emerging in the fields of industry, banking and commerce. The power, then, of the agricultural landlord group which had much to maintain and little to lose by close identity with the United States will progressively diminish as the nation industrializes. Two new groups are emerging as more important determinants of Filipino political development: the growing corps of professional Filipino managers and technicians.

The shift in the pattern of communication within the Filipino society is also highly relevant to the problem of political development. One important aspect of the emerging situation is the ability to reach larger and larger audiences in shorter periods of time by mass media. In addition to mass media, control over educational institutions and educational policies is becoming increasingly important.



The military establishment in the Philippines has neither elite status nor a class base nor does it have sufficient unity to challenge the established political order. Also germane to its restricted potential is its lack of effective monopoly over means of violence. Not only is there widespread ownership of or access to small arms throughout the entire Philippine population but numerous, well-organized groups are always available to challenge anything other than an all out operation by an Army. It is therefore highly unlikely that it will play an important role in the political development of the country unless a major threat to internal or external peace develops.

Embassy Airgram A-263 of October 7, 1966 from the Philippines pointed out some additional aspects of the political situation in that country. Recognizing that salvation of the Philippines, if it is to come at all, must come from within, the message indicated that, primarily, the elected officials in the Congress and throughout the country are responsible for the present situation. They should set an example; however, their venality and hypocrisy are a travesty of their stewardship. Other contributors are the economic robber barons, who are essentially committed to the maintenance of the status quo, and who have no interest beyond their self preservation in positions of power.

We could do more if Washington in its terms of economic assistance makes a major policy decision to give the Philippines higher priority. However, increased aid should be primarily directed at the provincial and municipal level because aid to the central government gets bogged down in graft, corruption and inefficiency.

Embassy Airgram A-1017 of 21 June 1966 reviewed some elements of U.S. policy toward the Philippines in its annual politico-economic assessment. The message pointed out that the survival of democracy in the Philippines is crucial, not only for the Philippines but for all of Asia as well, and points out that one of the salient features of U.S. policy addressed specifically toward the improvement of the political system includes "perhaps most important of all, a restoration of satisfactory law and order conditions through programs to improve the national and local police forces and through a re-fashioning of the military forces to play a greater role in the preservation of internal security."

The message goes on to point out that among President-Elect Marcos' objectives are: substantially reduce smuggling; enforce a high standard of integrity among public officials; improve the capability of the police; and reverse the decline in law and order.

Chapter VII

LAW ENFORCEMENT ADMINISTRATION

In its survey of law enforcement agencies throughout the Philippines, the Survey Team was exposed to many contacts with the judicial system, prosecutors and penal officials. These contacts developed certain inescapable conclusions regarding law enforcement procedures. Probably the most discouraging aspect of the Administration of Justice was the lack of a clear commitment to the principle of government by law rather than by men which has been so clearly enunciated by the President and other government leaders. At the working level - prosecutors, courts, attorneys and enforcement agencies - the law too often appears to be an obstacle to be circumvented or manipulated and its weaknesses exploited rather than an instrument of service to the people.

For example, an estimated 85,000 cases, criminal and civil, were backed up in the Philippine courts as of June 1965. A major reason for this backlog is excessive postponements. These continued postponements also discourage the appearance of witnesses, who have to travel long distances, frequently without funds, in order to make their required appearances. Over a period of time, these witnesses begin to become more reluctant so that eventually none show up, at which time the case is frequently dismissed. The practice of "amicable settlements" of criminal cases is common. In such cases the accused, through intermediaries, makes a payment to the accuser, and ultimately the victim signs a statement indicating no longer a desire to prosecute. Even grave crimes, including homicide and murder, are dealt with in this fashion. Should the court insist on a trial, even after seeing the signed statement from the aggrieved that he does not desire to prosecute (for example, in murder cases, a statement from the widow of the victim), the judge may order that the subpoenas be served on the witnesses. However, the defense attorney then makes "arrangements" through the police or the PC, who are responsible for service of the warrants, and obtains from them signed statements to the effect that the witnesses cannot be located. Thus, even if the court desires to go to trial, its hands are tied.

Delays in pending cases sometimes extend as long as five years. Defendants are sometimes detained this entire time.

So long as amicable settlements are used for criminal cases, prolonged detention prior to trial permitted, and multiple, repeated postponements granted, little room exists for optimism in achieving an equitable and factual execution of the rule of law.

Detailed examination of these other aspects of the law enforcement process were beyond the scope of the Survey Team; however, they should be examined in depth. It is therefore recommended that a professional team survey in detail the administration of justice from arrest through sentencing; that another team make the same kind of examination of the treatment of offenders from first detention to parole and final release.

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The basic administration of law enforcement in the Philippines is in the hands of the Philippine Constabulary, the NBI and the local police forces. In cases of serious public disorder the Army, Navy and Air Force are subject to call. The Navy is expressly charged with the duty of assisting in law enforcement pertaining to navigation, immigration, customs revenue, fishing, etc., in the territorial waters of the nation. The Customs Bureau is charged with control of 22 ports of entry. In the interest of brevity, the balance of this section will be confined to the PC, the NBI and the local police.

The largest single national enforcement agency is the PC with its 16,000 members, founded specifically as a national police force for "the preservation of peace, law and order." For the purposes of administration in law enforcement the Chief, PC is endowed by statute with Bureau status which permits direct access to the Chief Executive. The military connections of the PC are served through the GHQ of the AFP.

On the provincial level, PC administration of law enforcement is accomplished through a designated PC Provincial Commander who works in cooperation with the provincial governor, and the mayors of chartered cities and municipalities. At the working level, there is direct access between PC supervisory personnel and local police chiefs.

Under the supervision of the Department of Justice, the NBI has nationwide responsibilities and its own charter directs it to "investigate and detect violations of the law on its own initiative or upon proper request, assist and train local law enforcement agencies, maintain a central crime laboratory and a central criminal identification records and statistics file for the use of all law enforcement agencies." Its designed purpose is generally similar to a small-scale FBI. Outside its technical facilities and expertise, the heart of the NBI is in its highly trained corps of 200 agents of its total force of about 1,000.

The largest element of law enforcement administration is represented in 31,000 local police officers in the 47 chartered cities and 1,378 municipalities. The minimum size of these forces is now determined by the local councils in accordance with a ratio established by the Police Act of 1966.

Local police forces have law enforcement jurisdiction over all the terrain of the Philippines through its division into chartered city and municipal segments. However, in many instances, local police forces are unable to police extensively beyond the immediate limits of urban areas with any great frequency. In many remote areas the law is represented by the PC. In the rural barrios the law is represented usually by unpaid barrio captains. The captain often deputizes barrio citizens as rural policemen, who also serve without pay.

The prosecution of the law is similar to that in the United States, with a few exceptions, primarily in terminology. A prosecuting attorney, or fiscal, is designated to serve each province. He may investigate alleged crimes prior to placing the case before the courts. He is charged with assisting municipal police in preparing the cases for prosecution. The municipalities have no government fiscal and the chief of police performs the prosecution function. Since the chief is seldom an attorney, he sometimes has difficulty in preparing his cases.

The Judiciary Act of 1948 sets forth the hierarchy of the courts. The judicial system descends from the Supreme Court to the Courts of Appeals to the Courts of First Instance, or district courts. Municipal and Justice of the Peace courts represent the local judicial structure.

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Most of the law enforcement organizations are handicapped by defective organization, ineffective administration, inadequate equipment, inadequate records, inadequate training and poorly paid personnel. These shortcomings, which are present in varying degrees in all law enforcement agencies in the Philippines, with some notable exceptions, are most prevalent in the municipalities. Personnel are often untrained, sometimes even illiterate, and poorly paid (as low as 15 pesos per month in one municipality). Chartered cities, while in a considerably better position both as to education and training than the municipalities, are still far short of the ideal.

The law enforcement agency in the Philippines with the highest standards of education and training for its personnel is the National Bureau of Investigation. This agency was patterned after the U.S. FBI. All agents must hold law or accounting degrees; selection is highly competitive and extremely rigid. The NBI, however, along with the other law enforcement agencies, suffers from insufficient budget and lack of logistic support.

If the people of the Philippines are to receive the high quality of law enforcement which they indicate they desire and which they should have, they must commence by providing law enforcement agencies with the quality of personnel, the quality of facilities and the quality of equipment which make this level of service a possibility. Under present levels of support, such quality service is impossible. Basic to this are the salaries paid to law enforcement personnel. A comparison of the relative salaries paid to law enforcement officers in the Philippines with those in the U.S. reveals the low regard in which Philippine law enforcement officers are held. In the United States the Director of the Federal Bureau of Investigation is one of the highest paid law enforcement officers in the U.S. He is followed closely by the Chiefs of Police of Los Angeles, Chicago and New York. These officials all receive higher salaries than do full generals in the U.S. military. An Inspector in the Los Angeles Police Department and an FBI Division Supervisor both are higher paid than is a Brigadier General in the U.S. military. A Los Angeles police Lieutenant is paid about the same as a Lieutenant Colonel in the U.S. military, while an FBI agent and a Los Angeles police patrolman are paid comparable salaries, both of them considerably higher than a First Lieutenant in the U.S. military.

Comparing these relative salaries to Philippine salaries, the Philippine Brigadier General is paid about the same in pesos as an American Brigadier General receives in dollars. However, this figure is considerably higher than either the Chief of the Manila Police Department or the Director of the NBI. Even a PC Lieutenant Colonel receives a higher salary than does the Director of the NBI. It is obvious that law enforcement salaries have lagged considerably behind those of the military in the Philippines.

Jurisdiction-Coordination. Lack of coordination and overlapping and duplication of jurisdiction and activities are major problems among law enforcement agencies. The local police, the PC and the NBI have original jurisdiction over any crime occurring in a municipality. Frequently, all three agencies conduct investigations of the same crime (often independent investigations without exchange of views or information). The NBI is often called upon to serve warrants for wanted persons who "could not be located" by the local police or by the PC, yet those persons were walking about the community in plain view. Cases which have been marked "closed, no suspects" by the local police and by the PC are sometimes reinvestigated by the NBI upon complaint of the victim, and the guilty party is identified, apprehended, prosecuted and convicted.

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Another example of the lack of coordination may be seen in the field of criminal records, identification, and statistical information. The NBI is charged by law with responsibility for assembling and maintaining these records and for making various agencies submit the statistical data. Little or no coordination appears to have been developed between the NBI and the PC in this field. For example, the PC recently issued a crime report directive to all municipalities without any discussion with the NBI. The NBI, on the other hand, developed and distributed a new uniform crime report form without discussion with the PC. Both agencies request reports from the local police. The formats for these reports have not been jointly developed into a single report which would meet the requirements of both agencies.

The NBI is attempting to develop a national file of fingerprints and has requested all agencies to take and to submit prints. However, most of the PC units do not even take prints and out of those who did, not one was found which submitted prints to the NBI. It is imperative that close coordination among law enforcement agencies be developed as a prerequisite to an effective attack on the peace and order situation. The Police Commission, administering the new Police Act which was recently passed, has among its powers and duties the responsibility to study, prepare and recommend to Congress appropriate legislation in defining questions of jurisdiction. With the director of the NBI and the Commanding General of the PC sitting as ex officio members of the Commission, it is believed that this agency is in the best position to effect this necessary coordination.

Because of these various difficulties, the Government Survey and Reorganization Commission in 1955 proposed the creation of a National Police Force, under the Department of the Interior. The Commission proposed the transfer of both the NBI and the PC to the Department of the Interior and their consolidation into a National Police Force.

This suggestion got little further than the proposal stage in spite of the fact that it had some good features about it and that it recognized some of the very serious organizational and jurisdictional problems with which the various law enforcement agencies must struggle.

In a 1955 survey of law enforcement in the Philippines, a police consultant from the Institute of Public Administration in the U.S. addressed this problem of duplicating and overlapping of jurisdiction and effort amongst the various law enforcement agencies. After reviewing various proposals, he recommended the separation of the PC from the Army, that it and the NBI be combined and placed under either a reactivated Secretary of Interior or the Secretary of National Defense. No action was taken.

In order to attack the problem of duplicatory and overlapping jurisdiction amongst the various law enforcement agencies, the Survey Team solicited the views of the various law enforcement and other government officials whom they interviewed. Without exception, all officials were of the strong belief that there should be a clarification and a delineation of authority and responsibility for law enforcement among the agencies.

It was tempting for the Survey Team to propose a sweeping reorganization to obviate jurisdictional problems and ensure coordination and cooperation at the national level. However, given existing conditions of private and public corruption, there is no assurance that any major reassignment of law enforcement agencies in the near future would prove any more effective than the present arrangement.

The existing law enforcement structure has not performed effectively since independence was achieved in 1946. Central to this issue is the national attitude toward

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enforcement of the laws. Any new organization would be immediately confronted with existing public indifference plus the apparently insurmountable roadblock of legal corruption and judicial ineptitude. It is considered the wisest course at this point to attempt to generate a suitable level of law enforcement from within the existing structure. This can best be accomplished through aggressive and competent actions of the National Police Commission by initiating necessary changes, reforms and attendant legislation.

The newly established Police Commission is charged to study the feasibility of organizing a National Police Agency which "shall be non-military and civilian in character." Considering major changes of this nature at this point could only serve to disrupt existing organizations. A period of trial under the aegis of the Police Commission is considered mandatory before major alterations are attempted.

External Problems. Public officials, particularly in law enforcement agencies, are constantly in close touch with the general public and with the multiplicity of pressure groups. Depending upon the climate in which they operate, and their own efficiency and sense of security, their actions are influenced to a greater or lesser degree by this close, frequent contact. Police efficiency is strengthened or weakened by public approval or disapproval, and the resulting support or lack of it in terms of personnel, equipment, operating funds, and in terms of public willingness to participate in the process of law enforcement. This cooperation of the people is indispensable to any successful police activity. This fact has been proven in the prohibition campaign in the U.S., the anti-terrorist campaign in Malaysia, the anti-Huk campaign in the Philippines and present operations in Vietnam.

In order to obtain this police support, it must be earned. Public support is earned by demonstration of first-class performance on the part of the law enforcement officers. In order to provide this performance, the policeman, the PC constable or the NBI agent must be carefully selected and properly trained, both in professional techniques and in the understanding of his role as a servant of the people. He must be provided the tools with which to work in terms of equipment and supplies. He must be given organizational, administrative and command support, supervision and direction. And, perhaps most importantly, he must be protected from political interference. Given these conditions, the law enforcement agency then has a valid product to sell to the public.

Informing the public is in the nature of management reporting to the stockholders. The goals should include: public understanding, public confidence, and public support. In order to achieve these goals, the public relations program must have at least two major emphases: one involving the personal contact between the law enforcement officer and the citizen; the other involving the flow of information between the law enforcement organization and the public. The first involves human relationship; the second involves communication. The first seeks a satisfied individual citizen; the second an informed citizenry.

The public relations program involves internal and external phases. The former involves a continual stressing of human relations in every contact with the public. It includes a thorough exploration of the subject, its reasons and its implications at the basic training school and at every other school as well as in regulations and in discussions.

A law enforcement agency has many "publics." Specific programs should be designed with specific targets in mind; for example, the rural public, the city public, the

municipality public, the driving public, businessmen, parents, school children, automobile owners. These all represent different "publics" for the law enforcement officer.

Public relations, like charity, begins at home. It is essential that the policemen, the PC constables and the NBI agents themselves understand, respect and believe in their department and its work. If they don't outsiders won't. If the morale of a department is low, then its contacts with the public will reflect this condition. The personal attitude of the individual law enforcement officer is the greatest single influence on department public relations.

A recurring theme throughout this examination of Philippine law enforcement, in all agencies and at all levels and stages of criminal cases, was that of political interference. Individuals with money or political connections were seldom arrested. Although their offenses were flagrant. When they were arrested, they were often released without prosecution. Those prosecuted managed to obtain continuance after continuance on the flimsiest of excuses until witnesses eventually failed to appear because they had been bought off or terrorized. Those aggrieved parties who persisted were cajoled, threatened and offered increasing emoluments until they, too, often capitulated and signed statements indicating a desire not to prosecute.

By this time, the number of criminal cases has been considerably reduced. However, only few convictions result. Some persons with sufficient funds, appeal. These appeals may drag the case on for as long as ten years or more, each year causing memories to fade and witnesses and victims to become more and more susceptible to "negotiation."

Finally, the infinitely small percentage of the original offenders who are sentenced, serve extremely easy terms. The press frequently reports incidents of disturbances at local night clubs, involving prisoners who are supposed to be serving time in prison.

In its survey of law enforcement agencies throughout the Philippines, the Survey Team was exposed to many contacts with other elements of the administration of justice: the judicial system; prosecutors; penal officials. These contacts developed one inescapable conclusion. The lack of a clear commitment to the principle of government by law rather than by men, which has been so clearly enunciated by the President and other government leadership.

The administration of justice in the Philippines requires a thorough examination. In the meantime, it is imperative that the law enforcement agencies themselves develop a higher degree of professional integrity. This can only be done if they are freed of the corruptive and corrosive influence of political interference.

As a first step, it is recommended that this problem of apparent immunity from prosecution because of money or political influence be attacked by the formation of a squad of "untouchables" under the Office of the President. This squad's primary mission will be to make it clear that no one is above the law. The squad should be selected on the basis of both professional competence and capability of resistance to bribery attempts and to political interference.

Because of the high standards used in NBI agent selection, and because of their special competence and their relative freedom from corruption, most members of the squad would no doubt come from that agency. However, membership should be drawn from suitably qualified personnel or from any government agency.

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The mission of this squad should be to gather evidence and to prosecute successfully some of the hitherto immune, big time hoodlums, smugglers, gangsters or other offenders to make it clear that no one in the Philippines is above the law. The first of these should be established in the Manila area; others probably should be set up in Cebu, Cotabato, Iloilo, Cavite, Angeles City, and any other stronghold of corruption. These squads should be provided with full support and given full protection from political interference, including attempts to transfer them to other assignment. Their charter should be to gather evidence, carefully build cases, prosecute, and follow through, until the hoodlums or gangsters are successfully prosecuted, convicted and committed.

The PC is charged with a requirement to inspect the local police forces monthly. These inspections are carried out with a wide variety of attentiveness and detail. In some cases they were not being carried out with sufficient regularity or completeness to meet any minimum requirements. The content of inspection reports varied from excessively detailed, to excessively general, statements. Many inspection reports were stereotyped or simple up-dating of previous reports. The HPC files of such reports were drastically incomplete and contained no indication of any follow-up actions. In short, the inspection procedures, the inspections themselves, and their recommendations were serving little useful purpose. Central to this ineffectiveness was a total lack of PC authority to insure that its recommendations were implemented. The authority to inspect without the authority to enforce correction has resulted in a deteriorating inspection system of little value.

A clear need exists for administrative improvement in the field of training, both in the PC and the local police forces. The team observed some PC officers in the field who were ignorant of the purposes of fingerprint files, the need for accurate and standardized crime reporting and the requirement to maintain definitive and complete files of all police-type activity. These problems were amplified in the local police forces and in combination reflect a considerable need for increased training actions in the field of law enforcement administration.

As previously indicated, the scope and pervading nature of law enforcement problems make it a fruitful starting point for actions by the National Police Commission. The following segment of this report includes a review of the Police Commission's Charter and recommendations considered suitable in its deliberations. The recommendations duplicate, in some measure, those included elsewhere, but are maintained intact to insure continuity and completeness.

POLICE ACT OF 1966

Activities of the Survey Team included observation of efforts (since 1955) to alleviate law enforcement difficulties by means of police reform legislation. These efforts culminated on 8 September 1966 in Republic Act 4864, commonly referred to as "The Police Act of 1966."

The Police Act includes provision for formation of a National Police Commission. The staffing, direction and support of this Commission is the key element in any successful attempt to arrest the adverse course of peace and order in the Philippines. The Police Commission provides an excellent opportunity to realign the responsibilities for law enforcement discipline and to generate a responsive public attitude toward supporting police agencies.

The provisions of the Police Act in relation to its purposes were studied in detail with specific reference to their impact on the deterioration of peace and order. However, without developing a high level of public confidence and trust in both law enforcement and the efficacy of the law, only a partial solution to the peace and order problem can be anticipated.

The purpose of the Police Act is "to achieve and attain a higher degree of efficiency in the organization, administration and operation of local police agencies with the end in view that peace and order may be maintained more effectively and the laws enforced with more impartiality. It is also the object of this Act to place the local police service on a professional level."

a. Enforcement: Section 23 of the Act states:

"Penal Clause - Any person who, in violation of Act and/or Civil Service rules and regulations, unduly interferes in the performance of the legitimate functions of law enforcement or that of the Board of Investigators, shall be punished with imprisonment . . . "

This section predictably will be difficult to enforce since the terminology "unduly interferes" provides considerable latitude for interference before it is necessarily interpreted as "undue."

Although section 4 of the act authorizes the Commission to "examine and audit on a continuing basis the performance, activities and facilities of all local police agencies" it is assumed that the day-to-day or periodic inspections of local police forces will continue to be conducted by the PC and suitable reporting made to the Police Commission of their condition and efficiency. The geographic distribution of the PC and its past association and knowledge of local police forces will represent a considerable asset to the Commission. Similarly, the NBI can provide other data on local police agency functions useful in enforcement actions. Over and above these agencies, the Commission will require an enforcement arm for prompt and extensive inspection action to evaluate, substantiate and assess reported conditions with a view to implementing a stringent system of enforcement and/or correction.

RECOMMENDATION

That the Police Commission consider among its initial efforts the formation of an Inspection and Internal Affairs Division largely constituted from personnel experienced in law enforcement and who have received suitable formal training in Police Administration. This Division will serve to establish the tone of Police Commission supervision and should also serve to ensure the reliability of personnel assigned to the Commission staff.

That the Police Commission study the necessity for the PC to inspect police forces of the larger municipalities or chartered cities with suitable peace and order conditions prevailing. The Survey Team could discern little value in PC inspections of larger police forces; e. g., in the 150-man and over range.

That the Police Commission organize special inspection enforcement units to inspect these larger police forces and ensure compliance with Police Commission recommendations for corrective actions.

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b. Jurisdiction: An apparent conflict in jurisdiction over local police exists in the implementation of Section 4(b), wherein the Commission is empowered to "examine and audit, on a continuing basis, the performance, activities and facilities of all local police agencies throughout the country." The current mission statement of the PC includes, "Supervision and control over the local police bodies." Additionally, the Commission is empowered to recommend to the President the placing of any local police agency under PC control. This authority is also held by the PC. A further conflict exists in the field of training. Section 4(i) states that the Commission has the duty to "... organize and develop police training programs and to operate police academies." On June 24, 1966, a memorandum from the President indicated that the NBI would "take charge of the training of all local police forces." However, Section 25 of the Police Act specifically repeals RA 557 and "executive orders, rules and regulations" inconsistent with the Act.

RECOMMENDATION

That the Police Commission form a clear functional delineation of law enforcement responsibilities and jurisdiction over local police. This would obviate confusion within local police agencies and the public and preclude potentially serious conflicts concerning the existence and application of overlapping supervisory authority in several legally constituted bodies.

c. Minimum Standard Equipment and Facilities: Section 4(n) empowers the Commission to "prescribe minimum standard arms equipment, police uniforms..." Basic to municipal law enforcement is the capability of local police to respond quickly to reported criminal actions. The Survey Team encountered many instances wherein local police response to reported crimes was delayed for hours and even days due to the necessity to travel considerable distances on foot. This lack of transportation in rural areas distinctly disadvantages local police and permits criminal elements an unnecessary freedom of action. Many local police forces have no conception, or at best a poor one, of what facilities should be built or how these should be organized or equipped.

RECOMMENDATION

That the Commission establish minimum standards of transportation equipment as an order of business under Section 4(n).

That the Commission make appropriate representation to secure a suitable portion of reparation funds. This funding to be used to provide minimum transportation to municipal police forces without involvement of political considerations.

That the Commission assist in the establishment of model or ideal local police forces in municipalities and chartered cities with available funds and properly oriented local governments, e.g., Makati, Bacolod, Itogon, Lipa City. These to be as numerous as possible, preferably one in each province, and include uniforms, weapons, publications, directives, basic investigative equipment, organization administration, technical procedures, facilities layout, budget, planning, education, training, and personnel management.

d. Police Chief Duties: Municipal chiefs of police are currently required to perform the functions of a municipal prosecutor since municipal fiscals are not provided for this function. In chartered cities with similar law enforcement problems a City Fiscal is provided to perform the duties of prosecutor. In addition to placing the municipal chief of police at a disadvantage, there is a basic incompatibility in this official performing manifold functions in the fields of crime prevention, crime detection, apprehension, investigation and prosecution. This concept does not serve the public interest even in the best governed municipalities, since law enforcement by nature is a full-time, professional task.

RECOMMENDATION

That the Police Commission study the feasibility of separating the prosecution function from the duties of the municipal chief of police by legislative action to create the office of municipal fiscal or more liberal assignment of special counsels for prosecution in municipalities.

e. Law Enforcement Indoctrination: The Survey Team encountered several instances of arbitrary and capricious control of police force activities in some cities and municipalities, particularly by mayors. Many mayors possess little or no knowledge of law enforcement and even less knowledge of the training and aptitude required to properly constitute a useful law enforcement agency. In more than one local police force this ignorance of law enforcement resulted in an apparent feud between the chief of police, who was civil service eligible, and the mayor. In similar situations local political interference resulted in the appointment of incompetents and "protege's" of little value in law enforcement.

RECOMMENDATION

That the Police Commission sponsor a series of regional or provincial seminars or short educational courses for municipal and city mayors and other government supervisory personnel on the functions and purpose of law enforcement agencies, the need for adequate financial support and the essential training required.

f. Qualifications for Appointment: Section 9 of the Act indicates that:

"Persons who at the time of the approval of this Act have rendered at least five years of satisfactory service in a provincial, city or municipal police agency, although they have not qualified in an appropriate civil service examination, are considered as civil service eligible for the purpose of this Act."

This is considered a potential weakness in the Police Act and one which will serve to perpetuate existing police weaknesses. Some action is necessary by the Commission to qualify the provision of the Act to ensure that undesirable personnel are not given undeserved protection of tenure and thereby become long-term burdens to local police supervisors.

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RECOMMENDATION

That Section 9 of the Police Act pertaining to retention of police with five years satisfactory service be interpreted to include:

A suitable background clearance from the PC, NBI and local agencies for fitness to continue duties as a peace officer.

Five years' continuous service immediately preceding the date of the Police Act.

Capability of absorbing a suitable level of training and physical fitness to continue a career as peace officer.

g. Police Manual: Section 4(c) of the Act empowers the Commission to:

"prepare a police manual prescribing rules and regulations for the efficient organization, administration and operation of the local police."

A basic for such a manual exists in the "Police Rules and Regulations" manual published on March 25, 1964, under the joint guidance and participation of the Civil Service Commission and PC. Several police agencies have adopted, wholly or in part, the provisions of the referenced document.

RECOMMENDATION

That the existing "Police Rules and Regulations" prepared by the Civil Service Commission and Philippine Constabulary be used as an interim police manual.

That the manual revision include a suitable maximum ratio of detectives to patrolmen and the evolution of these detectives from experienced patrolmen.

That the manual revision permit greater flexibility in uniforms; include a requirement that police uniforms bear no marked resemblance to PC or other AFP uniforms; and that uniforms of special protection forces shall bear no marked resemblance to PC, AFP or police uniforms.

h. Police Commission Staffing: Section 5 of the Police Act empowers the Commission to call upon "qualified law enforcement experts in the government service to help in carrying out its functions and responsibilities." Previous versions of this bill would have empowered the Commission to draft such personnel from government agencies. It is mandatory that specific measures be taken to prevent the Commission staff becoming a haven for those personnel rejected by other government agencies, those psychologically unfit for sensitive and far-reaching responsibilities and those with detrimental commercial or political affiliations.

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RECOMMENDATION

That the Police Commission establish a quality control or reliability program within its Inspection and Internal Affairs Division to ensure that its personnel are in fact professionally qualified and otherwise suited to meet the rigid demands of Police Commission assignment.

i. Philippine Constabulary Control: Section 4(f) of the Police Act authorizes the Police Commission after due investigation to recommend to the President the placing of any local police agency under PC control and to "investigate and make the necessary recommendations" when an Agency has been placed under PC control.

The implementation of PC control properly requires Presidential approval; however, as presently constituted, the control itself is frequently not control in fact, e. g., the police force of Iloilo, with 383 personnel, is "controlled" by one PC officer and four enlisted men. A phased system of implementing corrective actions should be considered, along with changes in terminology, to provide flexibility and an adequate response period by the local police agency and the local government involved. In view of reaction to PC control in many instances, whether summarily imposed or otherwise, control should be avoided if other courses of action could be applied to achieve the same ends and terminated as rapidly as possible. Prolongation of such control serves to build antagonism toward controlling personnel, is sometimes destructive in terms of morale to the police agency involved, and serves as an effective anti-administration political issue where such control is not requested by the local government.

RECOMMENDATION

That the Police Commission establish a phased system of implementing local police control, utilizing the following sequence of actions or similar procedures:

Where examination of local police agencies reveals inefficiency, corruption or other correctible influences affecting the status of peace and order in a local police agency, the local PC commander should so advise the Police Commission and the mayor involved, recommending a suitable course of corrective actions within a specified time frame, dependent on the nature of the deficiencies.

If within the specified time frame, no amicable reaction is forthcoming, Police Commission would authorize the local PC commander to notify the local government involved that PC super-
vision would be imposed at the end of an additional 30-day period.

The mayor to be notified that the purpose of this action is to place appropriate numbers of qualified PC personnel in supervisory positions throughout the local police agency in an attempt to secure adherence to existing laws and accepted practices by observation, direction and instruction.

If PC supervision does not achieve the desired results in a specified time period, the local government involved should be notified by the Police Commission that PC control would be recommended.

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This control to be control in fact with a complete removal of the police force for training purposes where feasible. PC control and/or supervision is to be terminated as rapidly as possible. To be effective this procedure will require Presidential approval prior to implementation of the first phase.

j. Training: Section 4(i) empowers the Police Commission to "organize and develop police training programs and to operate police academies."

At present no national agency is involved in supervising the overall police training. The Survey Team feels that neither the NBI nor the PC can separately perform the overall police training function. The NBI, although well qualified to instruct in technical, administrative, investigative, judicial and legal areas, is limited both in manpower and facilities and not fitted by its nature to instruct police in individual local police functions. The PC, which is considered to be capable of instructing local police in suitable local constabulary type police actions, is in general not so highly qualified to impart technical knowledge. Jointly, however, these two agencies, under the guidance and direction of the Police Commission, are capable of greatly increasing local police proficiency in prevention, apprehension, investigation, repression and prosecution.

Since there are some 31,000 local police, and possibly more forthcoming, the training load presents a formidable undertaking. Delays awaiting construction of facilities should not be countenanced.

RECOMMENDATION

That the Police Commission consider a training program along the following guidelines:

Devise a standard basic police training curriculum to insure uniformity of law enforcement training.

Establish individual courses for specialists, supervisors, and commanders in addition to a standard basic curriculum.

Establish the nationwide student load and regional distribution of prospective students.

Survey existing government agencies and police forces to determine the availability of suitable faculty members for the national training program.

Survey existing government, educational and other facilities with a view toward determining the availability of regional training facilities to meet a dispersed student load.

Establish a quota system of trainees so that all agencies may participate in the training program.

Secure a commitment of travel and subsistence funds to support training actions.

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k. The problems of law enforcement jurisdiction, training authority and other nationwide law enforcement involvements make it readily apparent that the Police Commission will develop an increasing involvement with the national legislative bodies.

RECOMMENDATION

That the Police Commission establish an Office of Legislative Liaison.

1. The peace and order problems in the Philippines are many and a normal tendency has developed to take individual and localized corrective actions which have failed to generate a national cohesion in law enforcement and which have proven to be ineffective in the long run. Such actions tend to diffuse the concentration of effort. In gathering resources and achieving recognition, it will possess growing, but limited capability in terms of skilled manpower and funds. If these are expended too rapidly in combating surface rather than root causes, it may founder in its beginnings and make little or no progress.

RECOMMENDATION

That the Police Commission be organized, manned, funded, guided and programmed without undue haste in its initial functions to enable the development of a soundly-conceived, concerted and comprehensive attack on the root causes of adverse peace and order.

m. Throughout the Philippines, but particularly in large urban areas, members of the Survey Team were impressed by the large numbers of persons in civilian clothing carrying weapons while engaged in routine social or commercial activities in public places. The existence of superfluous and unnecessary weapons in an environment of weak law enforcement, a high incidence of crime and a marked tendency to take the law into individual hands, hazards the safety of the general public.

RECOMMENDATION

That the Police Commission support legislation forbidding the carrying, without permit, of firearms by all persons other than members of the police, armed forces and regulated security agencies performing security functions. That the entire program of the issuance of firearms permits be thoroughly examined and aired with the end of substantially reducing their number.

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Chapter VIII

NATIONAL BUREAU OF INVESTIGATION

The National Bureau of Investigation has a history dating back thirty years. In November 1936, Commonwealth Act Number 181 created the Division of Investigation (DI) of the Department of Justice. The DI was actually organized in 1936 as a "crime busting" agency. Emphasis was placed on the organization of its investigation section. In recruiting personnel for the new agency, emphasis was placed on quality, which has been retained through the years. Prospective agents were expected to have top quality physical, mental and moral attributes. Only those with law degrees could apply.

Three thousand applicants filed for the 48 original positions. After academic screening, personal interviews and physical and medical tests were completed, only 150 remained. Those 150 took the written examination, a three-hour test of the candidate's knowledge of law, criminal investigation and other subjects.

The successful applicants were appointed Probationary Agents at an entrance salary of 100 pesos a month.

In 1947, the increase in criminality throughout the country gave support for an expansion of the DI into a full-fledged Bureau. The result was Republic Act 157, forming the National Bureau of Investigation. Its functions include:

"to undertake investigation of crime and other offenses against the laws of the Philippines on its own initiative and as the public interest may require, to render assistance whenever properly requested in the investigation or detection of crimes and other offenses, to act as a national clearing house of criminal and other information for the benefit and use of all prosecuting and law enforcement entities of the Philippines, to give technical aid to all prosecuting and law enforcement officers and entities of the government, as well as the courts that may request its service, to extend its services whenever properly requested in the investigation of cases of administrative or civil nature in which the government is interested, to undertake the instruction and training of a representative number of city and municipal police officers at the request of their respective superiors along effective methods of crime investigation and detection, to establish and maintain an up-to-date scientific crime laboratory and to conduct research in furtherance of scientific knowledge in criminal investigation, to perform such other functions as the Secretary of Justice may assign."

Since that time, the NBI has expanded to a more than 1,000-man agency, of whom 200 are agents, spread through ten regional and 14 sub-offices throughout the country.

Current organization is such that the officer-in-charge has some 26 different department heads reporting directly to him. His span of control is considered excessive.

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In January, 1966 the Executive Secretary of the President issued an instruction to all departments to recommend reorganization of their respective bureaus and offices.

The NBI officer in charge proposed the establishment of four Deputy Directors, 1 for Technical Services, 1 for General Investigative Services, 1 for Special Investigative Services, and 1 for General Administrative Services. This, then was an increase in the number of existing Deputy Directors from 2 to 4. A major change was the proposed moving of the Central Records Identification and Statistics Division from Technical services to the Administrative Services activity.

Neither the current nor the proposed organization call for an Inspection Unit. This is considered perhaps the major shortcoming of the NBI. It is considered imperative that the Director have available an Inspection Staff which will keep him constantly informed as to the state of his command. With such a far flung operation with NBI agents scattered in 32 offices and sub-offices all over the country, this will require a substantial Inspection Staff and constant review of activities both in headquarters and in the field.

The NBI is basically an investigative agency. The dissipation of its efforts into other channels is not only unprofessional, it is an obvious waste of high quality talent. The NBI has presently become involved in a number of activities which should not be a part of their operation. These include such activities as the K-9 Corps. K-9 Corps at Tagaytay and found the nine dogs there in need of medical attention; no veterinary was in residence. Nine NBI personnel are detailed to handle the dogs, including three from the Criminal Records and Identification Section.

Another incompletely thought out and planned NBI activity is the Narcotics Rehabilitation Center, also housed on the NBI Academy grounds at Tagaytay. This institution was started about a year ago without adequate planning and budget support. The Survey Team visited this center. Here in extremely unsanitary and completely inadequate conditions were housed some 40 to 50 individuals purported to be narcotics addicts. Included were several juveniles and two women. The group was housed in two quonset huts. The cots on which they slept were crowded together, the mattresses were dirty; no doctor was in attendance. The treatment of narcotics addicts requires the closest of medical attention. Such medical service is not available at the Tagaytay Center. While the Philippine Government should certainly be engaged in a narcotics rehabilitation program, such a program should not be under the auspices of the NBI. The Social Welfare Administration, the Department of Health or the Department of Prisons appear to be more suitable agencies for such an activity.

The team found a general tendency in the NBI as in all law enforcement organizations to start new activities or new programs with a flurry without adequate development of plans, then after they were started having them fade.

In spite of their fragmented organization, and in spite of their preoccupation with minor and extraneous activities, the NBI record of accomplishment over the years is good. Their FY 66 report indicates a total of more than 4,300 general investigative cases terminated, along with some 5,000 cases handled by the Criminalistic Unit, 96,000 fingerprints processed, 93,000 name checks made.

However, an examination of the work in detail reveals a number of needed changes in the NBI organizational structure.

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First, a permanent Director should be appointed as soon as possible. The current Director is designated "Officer-in-Charge." The post of Deputy Director, who will act as Director in the event of the Director's absence to insure continuity, should be established.

The Bureau should be divided into three major general sections: Services, Operations and Administration, with an Assistant Director in charge of each. Other recommended changes involve the restructuring of the Investigative Section and the Special Investigative Section adjusted to the volume of work they are actually assigned.

One of the basic functions of the NBI under Republic Act 157 is to conduct research to further scientific knowledge in criminal investigation. In furtherance of this important function, the NBI is presently involved in 36 research projects in various stages of progress ranging from those not yet commenced due to non-availability of photographic equipment, to others 95% complete. Some of these studies will be extremely valuable to all Philippine law enforcement agencies when they are completed. Others, no doubt will be of interest to criminalistics experts in other parts of the world.

With only 200 agents, the 4,320 investigative cases which were concluded during the year, represent good progress. However, 19,963 cases were "pending" at year's end and these give cause for concern. It may be noted that this figure rose by nearly 3,000 during the year. The recommended reorganization of the NBI will assist in controlling this backlog. However, additional agent personnel undoubtedly will be mandatory.

The increase in NBI activity over the past six years has been tremendous. Investigations have risen from 3,988 in 1961 to 4,320 in 1966, a 10% rise; however, the backlog of uncompleted cases has risen by something over 200%, an indication of the need for additional NBI agents. In the Criminalistics field, Medico-Legal, Forensic Chemistry, Questioned Documents and the like, the activity has increased up to 100%.

In view of this sustained increase in demands for service and the rising backlog of unclosed investigative cases, every effort should be made to avoid burdening the NBI with work which should better be done by the local police or by the PC.

The amount of money budgeted for supplies and equipment for the NBI has been inadequate to meet the requirements of this organization. The travel expense allocation has been so low that many investigations are placed in the suspected category simply because no travel funds are available to provide for transportation of the investigating agents to the scene. Compounding this already serious problem even further is the fact that the NBI is not authorized to expend even the minimal funds allotted.

It is considered imperative that the NBI be provided with sufficient budgetary support to insure adequate facilities, maintenance and supplies. This includes support of the National Records and Identification and Statistics Center and the assistance the NBI is required by law to provide other agencies. Two specific requirements are the completion of the NBI Headquarters in Manila and of the NBI Police Academy at Tagaytay.

Despite its nucleus of well-trained agents and relative freedom from corruption, it is obvious that the NBI is burdened with poor administrative and personnel practices, inadequate logistics, inferior planning and programming and the ever-present weight of political influences. Its former direction was highly personalized and it now suffers from indecision and indirection at the top. Its greatest strength is its reputation and

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the individual motivation of many of its agents. However, if the NBI does not receive the logistical support and direction it requires, it too can be predicted to become less effective and a victim of the current public apathy and government neglect.

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Chapter IX

PHILIPPINE CONSTABULARY

The Philippine Constabulary (PC) was constituted a national police force by Commonwealth Act No. 343, dated June 23, 1938, and as a major service of the Armed Forces of the Philippines (AFP) by Section 9, Executive Order Number 389, dated December 23, 1950. Primary mission of the PC is the preservation of peace, law and order in the Philippines. This includes full control and direction of all operations against dissidents and lawless elements. The secondary mission of the PC is participation in national defense by exercising home defense responsibilities in rear areas. (Section 825, Revised Administrative Code (RAC) and Section 11 (c), Executive Order 389, S-50).

Since its inception, the service of the PC has alternated among a variety of military, police and civil functions. It is termed "paramilitary" since it is basically organized in companies which have little conventional tactical military capability. Its dispersion throughout the island chain make it the natural government agency to enforce national laws and enforce the peace, particularly in the remote areas, where local police forces are weak or non-existent. In its present constitution and strength of approximately 16,000, the PC represents the basic internal security force of the Philippines.

An enduring difficulty for the PC has been its ties with the Philippine Army (PA). A distinctive provision of Commonwealth Act 343 maintained the status of PC officer and enlisted men as members of the PA. This permitted transfers between the services and a single promotion list for officers. Among other difficulties, this arrangement hampered the development of PC professionalism. Most of the PC commanders since WWII have been from the PA, creating an obvious problem in the development of supervisory professionalism at the top. Fortunately, a recent Republic Act will minimize transfers of officers by July of 1967.

A lack of PC identity has been maintained in the Joint US Military Advisory Group, Philippines (JUSMAGPHIL) since its inception. PC support is not programmed separately, but is grouped with actions for the PA, largely due to the commonality of items. This is carried over into the AFP, where it is manifestly difficult to discern what support is being provided the PC through AFP channels. Carried further, this lack of clarity becomes evident in the regional logistics support at Military Area Supply Points (MASP), which are at present controlled by the PA.

While this arrangement may be based on logically considered military and economic factors, today's acute peace and order problems in the Philippines make such a diffusion of the PC mission and identity no longer practical. The PC has a pressing need to achieve a professional elite status in controlling adverse peace and order conditions. It is also mandatory that it present a public image warranting the fullest confidence and trust of the Philippine public. PC material requirements are not large but their availability to the working level has not been sufficiently reliable to produce continuity of effort and reasonable progress.

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Organization, Command and Control:

As one of the four major services of the AFP, the PC is under the command and control of GHQ of the AFP. This command is exercised through the PC commander in Camp Crame, near Manila, and four PC Zone commanders located in the four Military Areas. In law enforcement actions the Chief, PC, has bureau status and a direct channel to the President. Major PC units are the reserve 51st Battalion, the Presidential Guard Battalion and 146 companies dispersed throughout the 57 provinces of the country. Below the zone level, command and control are normally exercised through PC Provincial Commanders who may have one or more PC company commanders. The companies themselves are usually sub-divided into headquarters and detachment elements, dependent on the local terrain and peace and order conditions.

A further reorganization of the Constabulary was directed by PC General Order 12, in July of 1966. It was apparent to the members of the Survey Team that the implementation of this directive was unclear at many echelons of the PC. In general, this order calls for the organization of companies into battalions, the formation of an artillery battalion and the inclusion of mortar and anti-tank elements. The formation of battalions appeared to possess merit in providing a more standardized organization and improved logistical support. It will also provide a reduced span of control by the zones and reduce company-level administrative actions. However, the artillery, mortar and anti-tank elements were considered applicable only to the secondary mission of the PC and detracted from its primary peace and order efforts. This reorganization was discussed with the Assistant Secretary of Defense for Munitions. He indicated conformity with the Survey Teams's views and that action would be taken to modify the PC approach to reorganization.

Operations and Functions:

In general terms, the PC performs law enforcement functions which cannot be handled by local police forces of municipalities or chartered cities. It is also charged with the primary responsibility for suppression of dissident and lawless elements. This combination results in operations ranging from two-man foot patrols and road blocks to battalion efforts against dissidents.

A basic operational difficulty is law enforcement jurisdiction. The PC, the NBI and the local police have similar jurisdictions in applying national laws. A case in point is the national law pertaining to gambling and prostitution. All agencies are equally responsible for its application, but in practice, force strength, existing political leverages and the influence of local governments, make application of the law a complex local problem which is not yet solved.

The effectiveness of local police has a direct bearing on the operations of the PC. Where the local police are effective and apparently satisfy public policing needs, the PC has little involvement in urban areas and confines itself largely to rural districts. When the reverse is true, the PC can become involved in urban areas at the behest of local governments or by direction of the President.

Outside routine provincial activities the PC is involved in several special operations:

- a. As of 1 August 1966, the police forces of 101 municipalities and chartered cities were indicated as being under PC control.

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- b. Task Force Barracuda. This title has been discontinued, but the operation against criminal elements in Cotabato Province continues with two PC and two PA companies.
- c. Task Force Falcon. A company effort to control the dissidence within the City of Angeles, Pampanga Province. This is directed against subversive as well as criminal elements.
- d. Task Force Tamaraw. This title has been discontinued, but the operation is in force with two battalions of the PA under the control and direction of the PC in anti-dissident actions in Central Luzon.
- e. The national anti-smuggling campaign. The PC is involved in this activity throughout the island chain with in-place provincial personnel. In addition, the 51st Battalion conducts a major effort in the province of Cavite.
- f. Jolo Island. Nine companies of the PC are engaged in a long-term effort to pacify and control a high rate of banditry and other criminality.

The participation of the PC in these special operations, plus a multitude of local involvements in inspection activities, have limited its resources for basic patrol actions. Continuous, regular patrolling is recognized to be the heart of preventive action. The PC commits a major share of its manhours to this task. This is the traditional and most productive role for the PC. Logistical constraints, other necessary operational involvements and personnel deficiencies have acted to limit PC preventive actions. PC activity observed throughout the country was too often in response to reported criminal activity and other after-the-fact actions.

Personnel:

Fortunately for the PC, military service in the Philippines is sought after and volunteers are plentiful. Unfortunate for the PC is the lack of sufficient budgetary support, and enlightened practices in personnel handling. Perhaps the major morale depressant in the PC is the uncertainty of assignment, or tenure.

A wholesale transfer of PC provincial commanders was affected in early 1966. Since that time all but half a dozen of the 56 PC Province Commanders have been again transferred; some of them several times. This no doubt achieved a desired separation of many officers from possible sources of adverse influences. However, there were indications evident that the unsettling effects of this maneuver may have made it largely counterproductive. Certain provincial commanders were able to return to the province of original assignment; in other instances, the Survey Team was advised that the maneuver resulted in certain officers being placed near their old, familiar and successful connections. Overall, the residual effect was emphasis on the temporary nature of PC assignments. This comment was almost universally volunteered to the team members.

The transfer of PC commanders for reasons other than discipline or operational requirements should be seriously questioned. More than one PC commander indicated to the team that he was moved because he was not personally acceptable to a provincial governor, a congressman or some other government official. Others were equally obvious in indicating a close rapport and sympathy for the desires of local political figures. This factor was particularly evident in the province of Ilocos Sur. Here the PC commander is identified with incumbent political figures as is his company commander.

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Security conditions in that province are poor, particularly in the urban areas, and can be predicted to grow worse as the political orientations of PC officers become more narrowly defined and allied with local figures.

A study made by the Survey Team of the service profiles of all officers in the PC reveals that the average PC officer has 16 years total service, of which 10 years have been spent in the Army and six years in the PC. Thus, the PC has no effective PC career service. The PC has an "aging" force; however, many officers and men are approaching mandatory or optional retirement and recruitment actions should remedy this situation. Inter-service transfer of officers will be halted by July of 1967, but the transfer of enlisted men will, unfortunately, still be permitted.

Communications:

The dispersed nature of PC operations places a heavy premium on reliable and effective communications. Existing communications represent a major limitation, particularly in rural areas involving detachment and patrol functions. The organic communications of the PC are tactical in nature and do not adequately serve the overall requirements of detailed enforcement activity. This factor is particularly evident when the national lack of telephone and telecommunications service is considered. These difficulties are compounded by the general absence of radio equipment in most municipal police forces and the inability of the PC to conduct any ship-to-shore or ground-to air communications. In combination, these factors pose severe limitations and permit at best a hit-or-miss surveillance effort in many areas with attendant haphazard operational response.

Administration and Records:

From the standpoint of law enforcement usefulness, PC records and reports are seriously inadequate. Basic data concerning fingerprints, arrests, prosecutions, convictions, wanted persons and similar information are either not available, drastically incomplete or inaccurate. The most cursory of inspections by the Survey Team revealed numerous instances of non-compliance with existing directives and/or ignorance of such requirements. A wide variation existed between units reporting similar information and with the data in other law enforcement agencies. Little attempt to resolve these differences or assure any correlation had been made. Most significantly, there was little evidence of inspection or command follow-up of these deficiencies.

Inspection:

The PC has real problems in many units concerning relations with the citizenry, the local police forces, local and provincial governments, commercial interests, other government agencies and other law enforcement agencies. The existing internal inspection system largely ignores these matters until they have reached the proportions of a complaint or public charge. Most segments of the inspection structure within the PC are so burdened with investigations that preventive actions are almost impossible. The 2nd PC Zone inspector reported no routine inspections in one year, while accomplishing 14 investigations. The 1st PC Zone inspector indicated no routine inspections in 1964 or 1965. The records of the HPC indicate that during FY 1965-66, PC personnel were involved in 318 cases ranging from abuse of authority to immorality, smuggling and similar actions.

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In this environment, the functions of PC inspectors are so circumscribed that they are emasculated and no longer serve to apprise the associated commanders of likely trouble areas. It was clear to the Survey Team that PC inspection personnel were inadequate in numbers, poorly supported in terms of travel services and in many cases not fully qualified for their task in terms of training or previous experience. In all fairness, it must be stated that some PC inspectors have shown a remarkable capacity to take advantage of every transportation opportunity and managed to inspect all assigned units by dint of hard effort and ingenuity.

Political Impact:

The most pervasive comments recorded by the Survey Team throughout all provinces and PC units visited were those concerning the existence and undesirability of political influence on PC enforcement and personnel actions. No unit was without such comments. Unfailingly, PC personnel addressed the necessity for excluding such influence, at any level, from the conduct of legitimate peace and order functions. This attitude was repeatedly substantiated by numerous judges, fiscals and other officials.

One of the most readily visible political maneuvers was the passage of Republic Act 4705, an act reclassifying the positions and standardizing the salaries of incumbent regular agents of the Criminal Investigation Service, HPC. This legislation was originated without the concurrence of the PC or AFP, and was reportedly written by the civilian incumbents of the CIS to solidify their status and pay scales. The civilian element of the CIS is, in large measure, an unnecessary duplication of the investigation service available in the NBI. Many of the "investigators" are political protegés who represent a thorn in the side of CIS attempts to professionalize its service.

PC Control of Local Police Forces: (Discussed in detail in Chapter VII).

Perhaps one of the most onerous, difficult and costly aspects of Constabulary functions is the presidentially directed control of local police forces. This control is subjected to wide interpretation by its nature and is sometimes unevenly applied. In some instances only one officer and a few enlisted men are placed in "control" of a relatively large urban police force; in one instance most of a PC company was used for this purpose. Routine controlling duties absorb the full time efforts of at least 488 constables and the supervisory efforts of several officers. With 101 cities and municipalities under PC control; an average of four to five enlisted men is assigned to each.

There is no question that PC control is mandatory and desirable in some cases, but the control itself and its method of implementation engender strong and adverse local government and police reactions. The basic authority for PC control exists in Republic Acts 835 and 838. Such action is usually based upon the recommendations of the PC or a local government, although the Survey Team found a number of instances where control had been arbitrarily imposed without recommendation or warning. Unsolicited and routine PC control has certain inherent and undesirable characteristics, e. g., it can endure for years and is resented by local agencies as a intrusion into the civil sector by an armed, uniformed force of the central government. The newly passed Police Act places responsibility on the Police Commission for investigation and recommendation regarding the placing of any local police agency under PC control.

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The system of PC control requires overhauling and stringent application through the auspices of the newly formed Police Commission. As presently constituted it largely represents a political tool in law enforcement.

PC Image:

A basic problem for the PC is the public attitude toward the Constabulary. There was clear evidence that its morale had suffered heavily, along with the AFP in general, due to public charges of "coddling" Huks, smuggling, political activities, and general poor conduct. Throughout the survey, Team members encountered an oft expressed desire that the PC recover its pre-WW II image of efficiency, incorruptibility and public service. From a view of the press, there is little doubt that the PC image has been publicly tarnished. That corruption exists in the PC is clear from the investigations underway outside the organization and those processed through the PC inspection system. It is equally clear that such activities survive through plentiful opportunities and the willing cooperation of many unscrupulous individuals in the government and commercial sectors.

To consider the deficiencies of the PC in isolation is basically erroneous in view of the corruption and abuses evident elsewhere. Conditions in the PC are symptomatic of the deterioration in the national attitude concerning honesty and efficiency. Without improved technical competence and professionalism, it is unlikely that any permanent improvement in PC conduct will be developed without a concurrent improvement in the national standards of private and public conduct.

Within the PC, actions to improve its public image could be favorably affected by: rejuvenation of the PC inspection system, overhauling the CIS, elimination of public "scrounging," provision of adequate and responsive logistics support, improved press relations by an adequately staffed Public Relations office, administration of a suitable code of ethical conduct and rejection of adverse political influences.

Despite a generally negative public attitude, the Survey Team was frequently impressed with the efforts of some PC personnel, particularly at the working level. It can be stated that the Constabulary, like the NBI and the police, has a number of dedicated and enlightened officers and men who are imbued with a high degree of professionalism and dedication to their duties.

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Chapter X

LOCAL POLICE

The 31,244 local police in the Philippines are located in 47 Chartered Cities and 1,378 municipalities. These forces range in size from nearly 3,000 in the Manila Police Department (MPD) down to the one man police "departments" of Uyugan and Ivana, Batanes. Effectiveness of the local police departments presents as great a spread as their size. Some departments are adequate; others leave considerable to be desired. The rest are at various levels between these two.

The public image of the local police, however, is considerably tarnished. Emile Jurado, in the Herald said "There is a dangerous tendency on the part of certain government officers and officials, particularly the PC, and police forces, to treat known criminals and suspected 'gang lords' as responsible citizens."

Several municipalities took steps to try to alleviate the problem, ranging from increased efforts to discipline their police forces to providing them with more powerful weapons. One suggested the formation of a K-9 Corps. Former Secretary of Defense Alejo Santos urged cooperation among PC and police saying that no law enforcement campaign would succeed if those assigned would not coordinate their efforts.

In some parts of Manila, local citizens banded together in vigilante groups for self protection to preserve peace and order in their own areas. Gangs were running rampant in Manila, on occasion even challenging the police. It was common and simple to blame the local police for the crime situation. Allegations were frequent; that they were illiterate, that they were incompetent, that in every election a complete 100% turnover took place in all the municipalities.

In order to determine some of the facts in this matter, and hopefully to point out some solutions, in April 1965 Civil Service Commissioner Abelardo Subido initiated a survey of municipal police forces. The results of this nine month survey were published in March 1966 under the title "Special Annual Report on Local Police Personnel." Highlights of the survey included: police laws scattered, conflicting, confusing and antiquated; national governmental entity has given full attention and guidance to the professional growth of the local police service; only some 30% of the municipal police are civil service eligible; the average policeman is too old for aggressive field leadership; no stable fiscal policy for police training exists; police buildings and jails are in such decrepit structures that they pose a hazard to health and safety.

The Civil Service survey recommended a National Police Academy to be established under the NBI or the Police Commission; in-service training of the entire police force from patrolman to chief as a basic requirement; that the government bear half the cost of the training expenses of local police who are trained at the established Police Academy; increased training aid under the USOM Public Safety program. The report reviewed the training programs of instruction of the PC and the NBI and said that the "training policies

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and standards of the two national police agencies vary in course content. The stamp of each specialty, the one as a national military police and the other as a national investigating agency, are indelibly marked on the subject of training. As a result, police policies and procedures still suffer from an appreciable degree of lack of uniformity." The Civil Service Study reviewed city and municipal police salaries, and found salaries of chiefs of police of cities ranged from ₱1,330 a month, high to ₱275 a month, low, while salaries of chiefs of police in municipalities ranged from ₱425, high to ₱50, low. Salaries for patrolmen ranged from ₱300 a month in the highest level in cities to ₱45 a month, the lowest level in municipalities.

The NBI reports that 9% of the local police are college graduates, 32% have taken some college training and 66% are high school graduates or better. The figures represent a 1%, 5%, and 6% improvement, respectively over the 1964 figures.

Organizations of the various local police departments varied as might be expected from the complex establishment of the huge Manila Police Department down to the most simple one and two-man municipal departments. Other than being generally overweighted with plainclothes personnel, the local police departments appear to be reasonably well organized to carry out their functions. From the standpoint of administration, supervision and technical operations, however, most of the departments leave much to be desired.

Facilities generally were generally sub-standard, and with very few exceptions, maintenance was non-existent. Facilities were extremely dirty, most of them not even swept out. It would appear that even with a minimum maintenance budget the floors could be kept clean the windows washed and tables and desks kept cleared of piled debris. Most departments have little or no concept of the maintenance of adequate departmental and reports records. Blotters were incomplete and uninformative, sometimes inaccurate; reports were so incomplete as to be almost worthless. Generally speaking the personnel were not current as to the situation in their communities. The chartered cities appear to be approaching the Civil Service ideal of basic qualifications. The Zamboanga Police Department, for example, showed 68% civil service eligibles and more than 30% with some college training. The Davao City Police Department though "squatting" in a completely inadequate building was composed of 401 men, 89% of them high school graduates, 51% with some college training. Eleven percent of the department are college graduates. This department was attempting to police the nearly 1/2 million people living in what was reported to be the largest city in the world in area (Los Angeles and Chicago together would fit within its boundaries). It includes far-flung "unexplored" areas with only a limited number of vehicles and no communications system.

Frequent discrepancies exist in the statistics reported on general crimes by the municipalities and cities as compared with those for the same areas reported by the Philippine Constabulary. This matter is discussed at length in Chapter XVII of this report. However, it may be pointed out here that the 4th PC Zone crime report of "all crimes" showed a total of only 2,255 crimes of all types in the entire 4th PC Zone. When the team questioned these figures they were assured that the figures were complete and represented all crimes that had occurred in the cities and municipalities. However, the city of Zamboanga report showed a total of 1,901 crimes in that city alone for that period. Similarly the city of Cagayan De Oro reported a total of 146 crimes for the year while the 4th PC Zone report showed only 67 for that entire province.

The Survey Team did find a number of bright spots in the municipalities and cities, however. These were the result of either the energetic support of the Mayor or the

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aggressive activity of a Chief of Police who had been trained under NEC-AID auspices, or both. The 25 man Florida Blanca Police Department was subjected to a surprise visit by the Survey Team which arrived with only 10 minutes advance notice to the Department. The Team found the entire Department on duty, some of them having been out all night on a case. The Chief of Police is a 14 year veteran of the Department; 17 members have been on the Department more than five years; 11 are Civil Service eligibles; 15 of them received formal training, some in as many as three courses of instruction. Three members of the Department, including the Chief, are NBI Academy graduates.

A similar situation was found by the Survey Team in the municipality of Mandaue, Cebu Province, where an energetic Mayor and highly capable Chief of Police were running a first-class 36 man police force. The pay was the highest in the province, according to the Mayor; 27 percent of the municipal budget was being allocated to the police force. The Mayor had made available office space in the municipal building for the headquarters of an inter-area police group called the "Interpol." The group, composed of law enforcement personnel of the area, met regularly and exchanged professional views.

The City Hall was spotless, by far the best maintained public building that the Survey Team saw during hundreds of calls made all over the Philippines. The Chief of Police, a lawyer, was fully aware of his law enforcement situation, his problems and his approach to them. He was well organized and well prepared.

The Municipality of Santa Barbara, Iloilo, was another example of what can be accomplished with enthusiastic support of the Mayor. This small police department was operating two radio patrol jeeps on a 24 hour basis, the Mayor had radio or telephone communication to all his barrios, all policemen were equipped with revolvers and were provided with ammunition with which to qualify regularly. The Mayor had purchased a number of surplus radios and telephone equipment, had them cannibalized in order to get enough good ones to provide one of the best police communication networks of any municipality in the country.

As a contrast, the Municipality of Talipao in Jolo was said by the local PC to be the worst police department in the country. PC inspection reports stated that all of the 14 man police department were illiterate, that they manned the office only two days a week, Wednesday and Saturday (market days), that they had no operations, no records, no reports, no training. With an armored car and jeep escort, the Team visited Talipao, some 26 kilometers out of the town of Jolo. The Chief of Police received ₱ 70 a month, his policemen ₱40 a month each. They have only seven weapons among them, a conglomeration of carbines, rifles and pistols. No arrests had been made by the police department for the past two years; however one murder had been recently committed. The murderer was known but the police chief said they did not have enough power to make an arrest. They were advised by the PC Commander that the PC did not have enough "muscle" to make the arrest in that area without stirring up a major reaction from the populace.

Although the chartered cities are in need of professional, technical, police advisory services, they are generally in better shape than are the municipalities. The city of Cebu, for example, has an 861 man force. Sixty-two percent have had some college training; 26% of the force are college graduates. The entire force has been trained in basic police techniques; the department operates its own training academy. Four members of the department have been trained in the U.S. under NEC-AID auspices. With changes in political supremacy however, the Chief of Police changes, thus making the

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Cebu police department a political football. Were it not for these conflicts, this department would be a real going concern. It has its own police academy with a 12 week basic training course; seven in-service training programs have been planned for FY 67; an Interpol composed of law enforcement officers in the area has been formed; and the department has a cooperative credit union operation with 562 members.

The continual changing of the Chief of Police tends to have a demoralizing effect on a law enforcement organization. Furthermore, it does not permit the professional development of a plan of action. This is one of the problems with the Manila Police Department which now has its tenth police chief since 1946. The only chief who had any real tenure was Telesforo Tenorio, an FBI Academy graduate who studied police techniques in both the U.S. and Europe. Col. Tenorio served as Chief of Police from January 1954 to May 1962. Other than Tenorio, and Quintos who served a total of 8 years in two different stretches, the remaining seven chiefs have averaged about seven months in office. Current press releases report continuing conflict between Mayor Villegas of Manila and Police Chief Papa. Villegas is disgruntled because Papa was appointed by the President. As a result the Mayor, already in constant conflict with his Vice Mayor and his City Council, is carrying on a newspaper brawl with Papa. Political conflicts appear to affect a number of communities; particularly the chartered cities.

A summary of local problems was prepared by one Municipality's Chief of Police who reported, "Following are the problems and handicaps of the police force and the reasons why the force cannot effectively enforce laws and ordinances as they are expected to: inadequate facilities, transportation, training, uniforms, firearms, firetrucks, salaries, personnel." The Chief's review of his problems went on to say that the patrolman was receiving only ₱120 a month, approximately \$30, and with the high prices of commodities "this is not enough for the daily subsistence of a man with three members in his family." No uniforms had been issued to the policemen for six years. No travel expenses were ever appropriated, so that there is great difficulty in solving cases. No transportation facilities are available, therefore the police cannot respond to emergency calls.

The problems in law enforcement throughout the Philippines are the same across the board as reported here; varying only in degree.

Obviously top on the list of law enforcement problems in the Philippines is political interference in all agencies in varying degrees. This problem appears to be most general, most common, and most inhibitive in the local police. A common complaint is shortage of personnel; however, it is obvious that existing personnel in the PC, the NBI and the local police presently are not being effectively utilized. The practice of excessive detail of personnel to headquarters assignments, as bodyguards and escorts and other non-protective assignments is common in all agencies. Shortage of equipment is another common complaint. At a large gathering of police, PC, fiscals and judges, the Survey Team was told that "the only difference between the U.S. and the Philippines is equipment." The Team pointed out that there were considerably more differences than merely equipment, giving a number of examples by which Philippine law enforcement and effectiveness could be improved without additional equipment, such as consolidation of the three separate unsatisfactory law enforcement communications networks presently being utilized into a single law enforcement network to provide improved nationwide service to all agencies. The present failure of the law enforcement agencies to go forward with the build-up of the national criminal identification file at NBI headquarters was another example. Better coordination and calling on NBI investigational expertise were other examples of presently available improvements at no cost.

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A recognized major local law enforcement equipment requirement is a means of communication from the local community to the PC provincial headquarters. This need is particularly urgent in those municipalities along the coasts which are subject to smuggling and pirate raids. Effective communications is perhaps the most pressing need, after basic training and elimination of political interference in the municipalities. This is covered in detail in the Communications Section (Chapter XIV) of this report.

The lack of logistical support which plagues all law enforcement agencies is again most serious in the municipalities. The section on logistic covers this. The citizens of the community have a right to expect services and protection in the field of law enforcement. They have a right to expect a certain professional level of competence. On the other hand, the citizens must be expected to pay this professional level of competence.

The obstacles to effective local police operations in the Philippines are those common in other developing nations, with major emphasis on inadequacies in logistical support, improper local government concept of law enforcement requirements and political interference in the conduct of police functions. The local police in the Philippines do not enjoy a high public status and are not held in any great esteem by the average citizen. Low police salaries encourage the development of corruption and police abuses which further deteriorate the police public image. Added to this, the inability to obtain rapid prosecution through the courts greatly nullifies the effects of law enforcement activities. Conditions in the local police are representative of the overall national attitudes towards honesty and efficiency. Without the support of the public, without the wholehearted support of the local government, and without the enlightened support of the courts, the local police forces exemplify the effects of neglect, misdirection and inattention.

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Chapter XI

TRAINING

Some 150 years ago in a campaign to reorganize the London Metropolitan Police Sir Robert Peel laid great stress upon the necessity for police training. The need for training is clearly recognized and understood. Just exactly what its dimensions should be and more important, exactly how to meet this need, are not so universally clear.

In the larger police departments in the United States, police training schools are maintained where the police recruit is given basic training. Smaller departments take advantage of the training provided by the larger departments and of that provided in zone training classes by the colleges and universities. In addition, the FBI conducts regular residence and zone training classes for selected local police.

Regardless of the location, however, it is now recognized that the police officer, like a doctor, a lawyer, or any other professional, requires repeated training. This includes entrance level training which will provide him with the basic tools of his profession: the history of law enforcement, the laws which he must enforce, the rights of the citizen, the techniques of patrol and observation, utilization of his basic equipment (his radio, his notebook, his baton, his weapons); the techniques of interrogation, report writing, of dealing with and of handling people; basic investigation, and he must, most of all, clearly understand the philosophy of service and the ethics of the law enforcement profession. This basic training, properly organized and presented by competent instructors will fit him for his beginning law enforcement assignment.

However, he can by no means be considered a fully competent, professional law enforcement officer until he has received additional training layered with considerable experience. Additional training will include advanced classes which will assist him in developing his basic knowledge more broadly and deeply and specialized training, which is specifically geared to give him much more complete knowledge of specific phases of the profession. This latter includes criminal investigation, scientific investigation, fingerprinting, narcotics or homicide investigation, traffic or vice control, handling of juvenile delinquency.

In order to get quick information on specific subjects to an entire agency without taking the men from the field the Roll-Call Training procedure, a technique developed by the Los Angeles Police Department in 1948, is now used extensively throughout the U.S. In 1963 the AID Public Safety advisory staff assisted the police of Vietnam to institute this program. Under this procedure, a 15 minute lesson is taught at the assembly period before the policemen goes on patrol.

A frequently neglected requirement is that for supervisory training. The first line supervisor in the police department, usually a Sergeant, is often called the "backbone" of the department. Usually selected from the ranks, he soon finds that the basic and advanced and specialized techniques he learned as a policeman, while valuable to him,

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have not specifically fitted him to be a supervisor. Therefore it is imperative that the techniques of supervision be taught to him, both formally and in on-the-job situations.

Finally, we have the Commander. He too must be trained for his position. Just as one does not learn efficiently to be a basic policeman or a supervisor by osmosis, neither does one learn to be a commander in that fashion. It is the responsibility of an organization to see to it that its commanders are provided with the training they require to permit them to carry out their positions efficiently and effectively.

Police training courses in the Philippines are extremely limited. When the NBI was created in 1947 it was expressly stated that one of its functions was the training of selected members of local police in investigative techniques. To gather the first NBI training classes, all Mayors and Provincial Governors were notified by circular letter that the course hoped to fill the long felt need of professionalizing and standardizing the police career by providing supervised, enlightened police training that would be uniform throughout the country. The first session of the Academy was graduated in December 1948 with trainees from 10 cities and 15 provinces as well as four from the Customs Service. By January 1966 a total of 15,478 individuals had been trained in the more than 20 different types of law enforcement courses offered by the NBI Academy, in spite of the limited budgetary and logistical support provided to it.

The 13th NBI General Session was graduated in August 1963. That class, which brought to 1,037 the total number of General Session graduates, included six PC, two Army, four Air Force and two Marines of the Philippine Armed Forces, as well as some 15 other Government officials of various types along with 24 City and Municipal Police. Ranks included PFC to 1st Lt., military and patrolman to Chief, police. Unfortunately, that class proved to be an unlucky one because it was the last General Session. The NBI Academy facility was destroyed by fire shortly thereafter.

A search had been on for some time prior to this for a new location since the NBI Academy personnel were "squatters" in a borrowed building. In 1963 Tagaytay City had donated a four hectare plot to the NBI to be used as a National Police Academy. The NBI commenced a drive to raise funds to prepare the land and erect the facility.

The destruction of the NBI Academy caused even greater emphasis to be placed on the NBI Ambulatory Police Training Course which had been concurrently underway. Recognizing that many local municipalities did not have the capacity to meet their training requirements and that they could not afford to send trainees to a course which would require travel and per diem expense, the NBI, with the assistance of the National Economic Council (NEC) and the AID Public Safety Division, developed an Ambulatory Training Course for the purpose of providing basic police instruction to these forces. This course, two weeks in length, provides 88 hours of instruction in basic law enforcement and techniques such as police organization, records, crowd control, police patrol, police ethics, criminal investigation, interrogation, criminal law, scientific aids, firearms and unarmed defense. As of 30 June 1966, 4,660 local law enforcement officers had participated in the 94 sessions of this well-structured, though short course which had been given in 34 provinces.

Other major courses offered by the NBI Academy include police management for chiefs of police and other command and supervisory officers, crowd control, fingerprint identification, records management, as well as miscellaneous special and technical

SECRET

courses such as questioned documents examination, traffic supervision, polygraphy, crime photography, and forensic ballistics, among others.

Philippine Constabulary Training

The first Philippine Constabulary School was established in 1905, but was converted to the Philippine Military Academy in 1936. It was not until after World War II that the PC School was again established in the Manila area to train members of the Constabulary and selected representatives of other agencies in basic, advanced, and specialized law enforcement courses.

The PC School was destroyed by fire in 1964, the present facility was not completed until August 1965. The limited capacity of the physical plant makes the school inadequate for the training requirements of the PC and other non-PC personnel. The number of students graduated from the PC School since 1905 is not available, but a total of 1,575 students have been graduated from the several courses conducted since 1961. Approximately 15% of these were from other government agencies, local police or other categories according to PC School personnel.

A total of 101 PC Officers have graduated from the Basic Course in the last three years and 67 from the Advanced Course. For a force the size of the PC, 75 officers a year should be programmed for each training course. Such programming would provide training at the PC School for all officers every ten years in basic, advanced, or refresher training.

Section 837 of the Revised Administration Code states among other things that, "It shall be the duty of the Provincial Inspector to see that the police thus placed in his charge are properly uniformed, drilled and disciplined"

To discharge this responsibility, the PC has conducted basic police training as well as in various specialties for a number of local police. Figures are not available. When centralized training efforts experienced limited success, due primarily to fiscal reasons, the PC organized Mobile Training Teams to travel to the municipalities and take police training to the students in the form of a 30-day course of instruction.

The effectiveness of the NBI Ambulatory Training Teams and the PC Mobile Training Teams has been limited somewhat by the lack of budgetary support by the national government and the refusal of some municipalities to release their patrolmen from routine duties to attend, or support the training in any way.

Local Police Training

Training in the local police departments varies from the reasonably adequate basic courses given by the Manila, Cebu and other larger police departments to those municipalities which not only provide no training of any kind for their personnel, but also do not allow their personnel to participate in the training made available by the NBI or the PC. The Cebu Police Department also programs part-time advanced and refresher training programs for all personnel and specialized training programs such as traffic management and vehicle operation for traffic personnel and for drivers, respectively.

The 1965 Civil Service Commission Report indicated that 69% of the local police have not been provided recruit training. On 24 June 1966, in a memo to the Director of the

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NBI and the Chief of the Constabulary, the President "reiterated" that it was the NBI responsibility to take charge of the training of all local police forces. Priority is to be given to the training of the police forces of the four cities of Manila, Quezon, Pasay and Caloocan and the suburban towns of Rizal Province. This directive from the President was an expansion of the NBI role in police training because, under the law creating the NBI, that Agency was to "undertake the instruction and training of a representative number of the city and municipal police officers at the request of their superiors along effective methods of crime investigation and detection." This Section of Republic Act 157 has been interpreted rather loosely; primarily because of the tremendous requirement by most agencies for across-the-board police training. Under the newly passed Police Act, the Police Commission has responsibility for police training; this probably will supersede the Presidential directive.

University and College Training

At least four colleges in the Philippines offer courses of instruction leading to a degree in criminology. These are the University of Visayas, Abad Santos College of Criminology, Philippine College of Criminology, and the University of Manila. While it appears that these courses are well organized and presented by competent instructors, they can make only a fractional contribution to the tremendous volume of law enforcement training which the law enforcement personnel in the Philippines require.

Training Under the U.S. Assistance Program

Both USAID and JUSMAG have provided training in the U.S. for law enforcement personnel; USAID for the NBI and the local police, and JUSMAG for the PC. Officers and enlisted personnel of the PC have been programmed for training under the U.S. Military Assistance Training Program at least since 1946. Training has been programmed in the continental U.S. (MATP), in Hawaii or at other U.S. installations or facilities in the Pacific area.

The PC, as the largest service in the AFP, does not appear to be receiving a proportionate share of school quotas when compared with the number of quotas filled by the second largest service, the Philippine Army. For the FY period 1962-1966, 136 PC officers and enlisted men received training of all types under MAP as opposed to 878 for the Philippine Army, or about 12.5%.

Police training has not been emphasized in programming PC officers and enlisted men through the MATP. A cursory evaluation of the type of training received under MAP sponsorship would indicate that only 25 courses or training programs related to police activities in the five year period. However, it is recognized that the national scope of the Constabulary coupled with the multiple duties it performs dictates training requirements in administrative, logistical and management fields. The training received at the John F. Kennedy School for Special Warfare in counterinsurgency and psychological warfare operations better qualifies the participants to perform their peace and order mission in the Philippines. The intelligence training develops the basic knowledge and techniques used to improve police intelligence efforts. Of course, the Command and General Staff College broadens the PC officer's ability to manage the large-scale personnel and material resources of a national organization.

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Training programs arranged by USAID Public Safety Division have been specifically geared to the Law Enforcement function.

To date, a total of 141 personnel have received U.S. law enforcement training: 59 NBI, 40 local police and 42 PC, the latter MAP funded.

A major problem exists, particularly with PC personnel, in attrition and transfer of trained personnel out of law enforcement positions. An analysis of available information reveals that 17.2% of PC personnel trained through MATP are no longer with the PC. The 17.2% fall-out compares with only 6.7% and 5% in the NBI and local police, respectively. If full information for the PC were available, the percentage of all-outs would no doubt be even higher. In any case, every effort should be made to retain or regain in law enforcement assignments those personnel sent to the U.S. for law enforcement training.

An urgent requirement exists to develop a broad base of law enforcement personnel trained in police administration techniques in order to improve greatly the overall daily police activities. Therefore, a considerably increased number of Philippine law enforcement personnel should be programmed for U.S. training. U.S. training for the PC should not be limited to the courses outlined in the Army Schools Catalogue but should be broadened to include college-level training. Purely military training should be provided by AFP schools.

Survey Team members discussed the problem of basic law enforcement training with the Chief of the PC and he was in accord with the Survey Team position that both the PC officers and enlisted men were basically law enforcement personnel and as such require an improved course of basic police training. Such military or paramilitary training as they required, he agreed, was a separate matter.

It would appear that certain police training courses could be developed which would be suitable for both the PC and the local police. Certain areas of law enforcement knowledge required by the PC and by the local police are so similar that such courses could be developed without too much difficulty. These should be a combination of those presently given by the NBI, the PC and by some of the larger police departments such as Manila and Cebu. A valuable and important additional benefit to be gained from the provision of joint courses is the increased and improved interagency cooperation which would develop as a result of joint participation in the training courses.

Under the supervision of the Police Commission, representatives of the NBI, PC, and selected police departments should develop a program of instruction for basic police courses which would be given to every municipal policeman in the country below the rank of Sergeant and to selected PC enlisted men. Conduct of these courses should be jointly staffed between the NBI, PC and selected police departments to improve the presently sub-standard inter-agency cooperation and coordination and make better use of available expertise.

In order to provide this training expeditiously, a considerable expansion of police training facilities is required. The NBI ambulatory training, while helpful, represents

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at most only a stop-gap. The PC has rebuilt the Academy destroyed in 1964 but does not have the capacity for training local police. It must be recognized that the nearly 50,000 law enforcement personnel require continuous law enforcement training: basic, advanced, specialized, supervisory and command. In order to meet this tremendous requirement, extensive law enforcement training facilities need to be provided. To train just 50% of this number would require 200 classes of 100 persons each, or 400 classes of 50 persons each. On the basis of a minimum one-month per class this would take 33 years at one facility, with 10 facilities the job could be done in 3 years.

Initial efforts should be made to complete the presently inoperable NBI Police Academy at Tagaytay and expand PC facilities at Manila. Concurrently, several other facilities should be developed, centered in the areas where law enforcement personnel are concentrated, for example, Cebu, Iloilo, Cagayan de Oro, Davao, Legaspi, Baguio. Because of the urgency of the need, any available facility should be utilized at first. One possibility might be the courtrooms, others might be universities or colleges. Regardless of location, it is most important the facilities be acquired and classes commenced.

Faculties for these training centers should be a joint effort between the NBI, the PC and the local police. With some 141 U. S. trained law enforcement officers it should not be too difficult to establish competent faculties.

A need exists for six to eight permanent police training facilities placed in the various centers of population throughout the country. These centers should have a minimum capacity of 100 students with housing, messing, range and athletic facilities as well as classrooms. Staffs should be made up of NBI, PC and local police personnel selected for their training, experience and instructional ability. The entire law enforcement training program should, of course, be directed by the Police Commission, with constant critique, review, revision, and improvement in order to provide the Philippine law enforcement officer with the best possible police training.

While the requirements for basic police training is perhaps the most urgent, that for other types of training is hardly less pressing. The need for advanced, specialized, supervisory, and command training in law enforcement organizations is constant. After the basic training program gets underway, it is recommended that facilities include classrooms, housing, messing and staff to provide this additional training.

Command training is considered a completely separate requirement. The personnel, the staff and the training techniques should differ as should the training facility itself. For these reasons it is recommended that a separate police training center for command personnel of all law enforcement agencies be established. The center should also be operated under the supervision of the Police Commission and should be staffed jointly by NBI, PC and police personnel. It should have a capacity of 40 to 50 with housing and messing facilities and should provide a high quality of police administration and command training for officers of the rank of lieutenant and above.

It is believed that the Security Training Center which has a capacity of 40 with adequate classroom, housing and messing facilities, would be highly satisfactory for this purpose. For the past two years this facility has been used only to a limited degree. Its value for its original purpose has tended to decrease with the expansion and acceleration of the Vietnam war. With the tremendous in-country training requirement, the continued use of this facility to train foreign personnel can hardly be justified.

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In order to step up the overall professional upgrading of the Philippine law enforcement agencies, it is recommended that a total of 100 Philippine law enforcement personnel each year be provided U.S. training in law enforcement. These should include about five for the NBI, 35 PC and 60 local police, somewhat comparable to their force level percentages.

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Chapter XII

CRIMINAL INVESTIGATION

All criminal investigation is concerned either with people or with things. A balanced approach to criminal investigation must be dual; that is, it must concern itself both with people and with the things that are involved in the crime. The first law enforcement officer on the scene of the crime plays a key role in its ultimate outcome. It is most important that he understand the elements of crime, what physical evidence is, how to collect and preserve it, how to conduct basic interrogation and interviews of suspects and witnesses; how to prepare satisfactory written reports in some meaningful form. These basic data are then passed on to the administrative headquarters and utilized by the criminal investigator for follow up.

The Criminal Investigator. The criminal investigator must understand what evidence he has and must take cognizance of the physical evidence if he is to achieve a satisfactory performance in a large percentage of the crimes he investigates. He must also be able to assess the written reports which have been presented to him. He must understand how to obtain from the physical evidence the information it carries and how to interpret the information thus obtained. However careful a criminal may be to avoid being seen or heard, he will inevitably defeat his purpose unless he can also control every act and movement so as to prevent mutual contamination with his environment, either physical or personal, which may also serve to identify him. This, then, is the purpose of the criminal investigator. These concepts are rarely understood and inadequately applied in Philippine law enforcement agencies.

The National Bureau of Investigation. One of the more serious problems in investigation faced by the NBI is overlapping jurisdiction. The NBI frequently is brought into an investigation which is already being handled by the local police of the PC. The NBI is called in because the offende d party, or the next of kin of the victim, has no confidence in the law enforcement agency handling the investigation or is dissatisfied with the conclusion reached in the case. Another major problem is that frequently cases are years old before the NBI is called in. Evidence, witnesses and often even suspects are no longer available. For example, the Davao NBI office reported that it had been assigned to investigate a murder case that was already 16 years old when first reported to the NBI. Another example was found in an Ilagan case, where a new investigation was beginning on a case previously investigated in 1957, where the conclusion had been reached that death was due to suicide. Another factor involved in the long delay before the NBI is called into a case is that suspects, even if they are available, frequently have successfully withstood long interrogations by untrained personnel and therefore fortified their confidence in their ability to withstand further interrogation.

Jurisdiction is concurrent between the local police, the PC and the NBI. As a result no clear lines of responsibility exist. Each agency can rightfully say "Let the other one do it." The NBI has established policies in the past to limit the type of cases it will handle, but implementation of this policy has not been effective. It will continue

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to be effective until the specific investigative jurisdiction of the NBI, PC and the local police is spelled out by higher authority.

The existing jurisdictional overlap places the Philippine citizen in a position where he must shop around for the "best bargain" available in law enforcement. Some citizens in need of police assistance obtain it easily and rapidly because they are prominent in the community. Others have contacts with prominent or powerful people who bring pressure to bear on police supervisors to provide the required service. Finally, the citizen who is unfortunate enough to lack power or influence, or who is member of the "out" political party, is often forced to suffer in silence or resort to pleading for assistance. It appeared to the Survey Team that the NBI is considerably less susceptible to political influence and pressure than are the PC and the local police. This observation was made by highly placed politicians as well as some average Philippine citizens. One provincial governor stated that the favorite political weapon, that of transfer, used frequently in the PC is effective against NBI agents who usually are not assigned near their home province.

PC Criminal Investigation Service (CIS). Twenty-three officers, 78 enlisted men and 92 civilian agents are assigned to the headquarters unit of the Criminal Investigation Service of the Philippine Constabulary. The function of this unit is to supervise and assist in criminal investigations conducted by the PC throughout the Philippines. A daily summary of criminal activity for the prior 24-hour period is furnished to the Chief CIS after review and evaluation by the PC operations section. This summary is prepared from reports transmitted by radio from the four PC Zone Headquarters, who had compiled reports received from their provincial headquarters within their respective zone areas. This summary is used as a basis for the assignment of headquarters personnel to the zone or province level to assist in investigation. All headquarters CIS personnel assisting in investigations outside of their area of assignment are under instruction not to become involved in investigations to the extent that they might have to appear in court at a later date. At the time of the survey, CIS headquarters personnel were assisting in investigations underway in the first, second and fourth PC zones, particularly in the fourth PC zone, where they were involved in the investigation of the "Octopus" gang. The chief of the CIS indicated that 92 civilian CIS agents, actually political proteges, with little or no police experience or training, had been "foisted" on him by politicians. Most of them are not qualified to perform their duties. The PC also employs civilian agents on a contract basis at both zone and province level. These agents are utilized to infiltrate labor unions, smuggling groups, etc.

Politics are said to have made tremendous inroad into the operations, transfer, assignments and promotion of the Constabulary. The office of the chief of the CIS was continually full of job seekers, politicians, etc., hoping to be placed in the CIS. The chief of the CIS indicated that he is not actually given authority to decide whether or not to send assistance to a field unit based on his evaluation of the needs of a particular investigation. This decision is based purely on the evaluation of the Operation Branch, and CIS is not consulted.

At the provincial level the Survey Team found non-commissioned officers almost all with considerable experience and some training in criminal investigation and related subjects. They had been in the PC a long time, some of them as long as 25 years. When they entered the service, high school graduation was not a requirement. These are now, for the most part, not high school graduates and they show it in their manner, vocabulary and outright lack of poise.

One PC provincial headquarters was found to have been filing their criminal reports by the perpetrators name only. When it was pointed out that since the victim's name is most usually known in a reported crime, the investigator disagreed and stated that they always knew the name of a perpetrator when a crime was reported. The Survey Team persisted and questioned how the thief always could be known in larcency cases, for instance. Finally, it was learned that this provincial headquarters handled only cases where the perpetrator was known. When the perpetrator was unknown the case was assigned to the company for investigation. A prompt and competent investigation at the scene of a crime is a necessity to its successful conclusion. This built-in time lag concept as practiced by the PC is highly detrimental to successful criminal investigation.

Because of its far-flung disposition throughout the country, the PC cannot afford to depend on specialization in criminal investigation. The only solution for this unique condition of wide decentralization is to put highly trained, competent investigators in field who can perform certain basic technical requirements that in local police departments might be handled only by specialists. These investigators must be trained and provided with the equipment to locate, dust, lift and preserve latent prints; photograph crime scenes and photograph latent fingerprints prior to lifting. They should be competent to take mug shots of arrestees, properly take rolled fingerprint impressions, obtain paraffin tests of suspects and plaster of Paris and moulage molds where necessary. They should be able to sketch a crime scene in detail to scale, locate evidence at crime scenes, and mark and preserve it properly for forwarding to the crime laboratory or for preservation for presentation in court. They must be able to meet and successfully interview witnesses and interrogate all kinds of suspects. While such people are not available to handle PC investigations at the present time, they must be found, trained, and assigned to the provinces if the PC law enforcement task is to be efficiently handled.

Crime statistics are not being properly collected, broken down, totaled or employed in the PC. Properly utilized crime statistics are of great value to a law enforcement agency. They are indicators of the efficiency of the agency or of any of its subdivisions. Statistics can be used to deploy personnel for more equitable distribution of workload for the investigator or for the group. They point the way to problem areas so that additional personnel can be assigned to cope with unusual trends.

The Survey revealed that no uniformity exists throughout the PC in compiling statistics for briefing purposes. Repeated attempts were made to learn the total number of crimes handled by the PC as opposed to local police with almost negative results. The only post producing such figures was the 3rd PC Zone headquarters and only then upon the second visit of the Survey Team. The PC headquarters was found to be consistently late or remiss in furnishing requested statistical information to the Survey Team. Some information and some charts furnished to the Survey Team were found to be in error. This disregard for clear statistics as a means of assessing the quality of investigative performances is quite common to both the PC and the local police. The solved rate of 99 and 100% is unrealistic when compared with the solved rates in the average U.S. police department. U.S. police clearance rates average 70 to 80%.

City and Municipal Police Departments

Criminal investigation personnel in city and municipal police departments are frequently termed secret service agents.

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The secret service sections, or detective bureaus, of these departments were generally found to be excessively overstrength or woefully understrength. In the larger cities and municipalities an excessive number of personnel were usually assigned to this function.

One of the most prevalent complaints of Chiefs of Police was that they had little or nothing to do with the appointment of personnel to criminal investigation positions. They are predominately political appointees with no previous experience, training, or basic qualifications for an investigator.

The inconsistency or unreliability of criminal statistics available to these departments rendered a definitive evaluation of comparative investigative workloads based on case load impossible. One explanation is the system of logging cases found in many departments. Complaints or reports of crimes will be jotted down on a piece of scrap paper for possible later official entry in the blotter. If the case is not solved or other suitable disposition accomplished, it is doubtful that it will ever be officially recorded.

Both PC and local police evidence storage facilities were found, almost without exception, to be completely unsuitable. Chain-of-custody and identification of evidence retained pending trial was improperly managed. Evidence was observed with no markings at all. Proper security and identification, along with chain-of-custody, are essential to facilitate prosecution of offenders in court.

Out of 20 city and municipal departments visited, 14 made a regular practice of calling on the NBI for laboratory examinations of evidence in criminal investigations. The examinations most frequently requested are ballistics and paraffin tests. The local police who use the NBI services do so because it is free and the NBI agents prepare the material for packaging. Out of 20 PC posts visited, eight used both the PC and the NBI laboratories.

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Chapter XIII

CRIMINALISTICS

Introduction

Criminalistics is a law enforcement service function that uses the physical sciences to examine criminal things. It should not be confused with criminology which is a social science that deals with criminal people. People commit crimes by means of things.

There are three broad divisions of criminalistics: medicine, science and technology. In Europe and South America legal medicine is always completely separate from any police department. In the United States and the British Commonwealth, legal medicine is carried on by police officials called coroners or medical examiners. In the Philippines, legal medicine is a part of law enforcement.

There are three criminalistics facilities in the Philippines which meet the accepted definition of a crime laboratory in providing services in both scientific and technological fields. These are the laboratories of the NBI, the PC and the MPD. Inquiry of responsible criminalists reveals that while some municipalities claim to have laboratories, these are actually only fingerprint or photographic sections of identification bureaus. Each of the three laboratories has a medico-legal division incorporated into its structure. All three laboratories are located in metropolitan Manila. The NBI and MPD laboratories are only one block apart. The PC laboratory is eight miles away at PC Headquarters at Camp Crame, Quezon City. Neither the NBI nor the PC has any regional branch laboratories.

The Manila Police Laboratory operates under specific authority of Section 34 of Article 7 of Republic Act 1934 of 1957 which provides that the Chief of Police "shall cause examination by a criminal investigation laboratory established within said department of evidences and telltale marks of crimes." The NBI laboratory operates under specific authority of Section 1, para. G of Republic Act 157 of 1947 which provides that the NBI "shall have the function to establish and maintain an up-to-date crime laboratory and to conduct research in furtherance of scientific knowledge in criminal investigation." The PC has no specific authority to operate a crime laboratory.

Jurisdiction

None of the authorizing Republic Acts spells out the exact jurisdiction of any of the three laboratories; as a consequence all are free to accept work from any and all persons requesting it. The MPD, by necessity, confines itself to Manila and its environs but accepts many cases from the Land Transportation Commission (LTC) regarding stolen vehicles. Both NBI and PC accept cases from private parties, courts and other governmental agencies. The NBI does 51% of its work on its own cases, 10% for municipal police departments, and 31% for courts and prosecutors, 3% for private parties. No percentage breakdown of source referral of work is available from the PC.

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Background

After liberation, the U. S. Army Provost Marshal activated its laboratory in the MPD and staffed it with both American and Filipino technicians. The MPD laboratory served both military and civilian needs, taking cases from as far away as Okinawa.

Following independence in 1945, the US Army moved its laboratory to Camp Zama near Tokyo leaving most of its equipment and the Filipino technicians behind to form the present Criminal Investigation Laboratory of the MPD. In 1947, both the PC and the NBI activated crime laboratories in metropolitan Manila.

Buildings

The NBI crime laboratory occupies part of an old building that also contains the NBI administrative offices and the Record Bureau. The PC crime laboratory shares one-half of the CIS building at Camp Crame eight miles from the other two laboratories. A new PC laboratory building costing \$37,000 is programmed for FY 67 under the MAP Program. The MPD laboratory occupies two floors of the Police Service Bureau, a fairly new building adjacent to MPD Headquarters and just around the corner from the NBI laboratory.

Facilities

None of the laboratories was architecturally designed for its specific functional purpose. Office and work areas are not arranged for efficient work flow. There is no control of visitors. None of the laboratories is provided with floor drains to facilitate the removal of spilled chemicals. Other shortcomings include an insufficient number of electrical outlets, waterpipes, sink drains, absence of fans to remove noxious vapors and an insufficient number of sinks and lack of adequate ventilation in the photographic darkrooms and lack of light trap mazes, furniture and fixtures.

While all three laboratories have minimal built-in benches, none approaches the accepted requirements of 500 sq. ft. of working space per employee. Running hot water is not provided, nor are suction siphons and hose connectors. Desks and tables are of improper height, not properly surfaced to resist corrosive chemical action and are not sturdy enough to prevent vibration.

All three laboratories lack adequate overhead ventilation. They have overhead illumination, but many rooms have only a single fluorescent tube fixture. All three laboratories lack sufficient covered and storage cabinets to protect equipment and, as a consequence, hundreds of small and delicate items are cluttered on table tops and exposed to possible damage.

Proper evidence security appears to be carried out only in the PC laboratory. Its firearms collection is housed in a double-locked strong room. The MPD, which has the largest collection of firearms, has them piled on benches and tabletops for lack of storage space. The NBI collection is housed in glass cases which make a nice display, but offer poor security protection. Only the NBI has fume cabinets with exhaust fans in which noxious chemical and dangerous vapor operations can be performed.

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Chemicals and Biological Materials

None of the laboratories has a sufficient stock of chemicals to meet even minimum requirements. Such a minimum list consists of about 200 separate items and costs no more than \$800, yet it is essential to provide an assortment of ingredients to prepare any common testing agent.

Viewing Instruments

All laboratories have microscopes, but the assortments are not well balanced. There has been too much emphasis on bullet comparison microscopes to the exclusion of more versatile stereoscopic, binocular and high-powered compound models.

Photographic Equipment

All three laboratories have an abundance of photographic equipment, but little of it is specialized equipment for criminalistics purposes, such as micro, close-up, ultra-violet, infra-red, and other special light procedures. Only the PC Documents Section has set up its own darkroom specifically designed for criminalistics work, and this reflects the personal initiative of one expert and largely contains his own personal photographic equipment. All laboratories lack modern textbooks and current scientific periodicals.

Maintenance

Maintenance is uniformly poor. While some of this may be attributed to lack of storage space with resultant clutter, in general there is little evidence of any effort at neatness, except in the PC laboratory which shows the influence of military standards. Even the PC laboratory shows poor regard for care of machinery. Considering the adverse climate factors, preventive maintenance is vital to the care and preservation of laboratory equipment. An expensive spectrophotometer in the NBI laboratory is so caked with dust that the lamps cannot be seen.

Personnel

Over 200 scientific and technical workers are employed in the three criminalistics laboratories. Sixty percent are with the NBI, 14% with the MPD and 25% are PC. About one-third of the criminalists have a college degree, but there is little or no relation between the type of degree and the job performed. Three firearms examiners in the MPD are a dentist, an attorney, and a criminologist, respectively. One fingerprint technician is a pharmacist, a photographer holds an engineering degree and six members of the laboratory staff are attorneys. Although some are Doctors of Medicine, no criminalist holds a Doctorate or a Master's degree in chemistry, biology or physics.

Ten NBI and four PC criminalists have had U. S. training. No MPD criminalist has had U. S. training although such training is contemplated for FY 67.

There are no generalists with a broad knowledge of the whole criminalistics field and few, if any, criminalists have any background in criminal investigation, statistics and probability, optics, metrology, or other fundamental subjects of their craft.

Four captains, one major and one lieutenant colonel (Doctor) head PC technical sections. All these officers have military backgrounds as line officers and learned

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criminalistics through U. S. participant programs except for the Doctor and the chief of the chemistry section who is a chemist.

Criminalists should be carefully selected on the basis of educational background and personal integrity since an impeccable record for technical competence and intellectual honesty is essential for acceptance as experts by the courts. In the course of this survey, frequent implications arose that criminalistic personnel have been appointed on the basis of political recommendations without regard for their technical qualifications.

All criminalists in all three labs have learned their craft by work experience; there is no organized program of apprenticeship training for new hires. There is no rotation between the divisions to provide a broad base for career development; there is no planning for replacements due to death, departure or retirement. The MPD is particularly deficient in this regard. Four of the present staff were trained by U. S. Army Provost Marshal Laboratory staff in 1945 and are now approaching retirement.

The NBI laboratory does not exist as a single entity, each specialty has its own "division" such as medico-legal, ballistics, etc., each headed by an Assistant Director who reports to the deputy director for technical services. The PC laboratory is a division of the CIS and is commanded by a lieutenant colonel. The laboratory contains eight branches.

Analysis of laboratory workload is difficult because each facility uses a different classification system. The PC employs a semi-annual rather than fiscal reporting period. Lack of equipment has precluded the use of batch analyses or assembly-line procedures. Many tests which easily lend themselves to multiple operations such as blood alcohol, and bloodstain testing, are being run on a one-by-one basis.

Lack of new books and periodical criminalistics literature leaves Filipino criminalists unaware of new developments.

Total case loads for 1965 were 4,852 for the NBI, 4,448 for the MPD and 1,346 for the PC for a total of 10,626. The NBI handled 46.7% of the caseload, the MPD 41.8% and the PC 11.5%. Personnel figures are 60%, 14% and 25%, respectively.

There are no procedural manuals or other standardization of methods. Technicians are free to use whatever method suits them. No quality control procedures are evident for such methods as blood-alcohol and blood-grouping which are techniques lending themselves to verification. Double checking results by duplicate analyses or by another method or by another worker is not evident. This lack of quality and quantity control may be a reason for the large number of contested court cases.

Court Testimony

Filipino criminalists spend a large percentage of their time in court appearances. MPD experts appeared in 1,735 cases last year, or 39% of their total cases. Nearly all cases are contested and criminalists expect to be examined and cross-examined rigorously on even the simplest case.

Budget

Budget allocations are meager.

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Management

Deficiencies in laboratory management are only a reflection of overall policies of the whole organization. Specifically, Filipino criminalistic facilities suffer from a lack of strong professional leadership. Command of technical units is given to line officers who are unfamiliar with the peculiar problems of specialized activities. A further complication is the excessive fragmentation of scientific operations into a myriad of divisions, branches, sections, bureaus and offices that results in the diffusion of responsibility and control. There are too many chiefs, supervisors, and seniors who have rank without authority.

U. S. and British experience indicates that one skilled technician should be able to handle up to one case per working day or 200 cases per year, yet some NBI and PC divisions have a case load of no more than 20 cases per year, scarcely one case in two weeks.

The Survey Team personnel discussed the problem of the multiplicity of laboratories in the one area with the Commanding General of the PC and proposed to him that the PC laboratory be moved to Cebu and service all enforcement agencies in the Southern Philippines, leaving the NBI laboratory in the Manila area to service all law enforcement agencies except the MPD in the northern Philippines. The Commanding General of the PC was in accord with this recommendation. In view of the fact that the MAP program has authorized \$37,000 to build a new PC laboratory building it appears that now is the propitious time to construct this facility in Cebu. It is recommended that this be done.

Corrective action to improve the Philippine criminalistics program depends again on the removal of politics from appointees to scientific and technical law enforcement positions. Recruitment and promotion must be based solely on skill and ability. Scientists and technologists must be appointed as directors of criminalistics laboratories in place of lawyers and military officers. Adequate funds must be provided to secure new equipment and purchase needed expendable supplies. Rigid entrance examinations and a continuous program of career development based on merit must be implemented.

Finally, salaries must be raised to a level that will attract and hold dedicated, competent and honest criminalists.

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Chapter XIV

TELECOMMUNICATIONS

Through dedication and improvisation the communications personnel of the PC and the NBI and several other law enforcement organizations, have exerted considerable effort to provide essential communications in support of their overall police mission. To a large degree, however, these efforts are being dissipated because of insufficient and antiquated equipment, insufficient personnel, inadequate budget and logistics support and improper operational procedures.

The NBI, the PC and the Bureau of Customs operate separate, parallel communications systems which, for the most part, are providing marginal service with operation limited to certain hours of the day. The independent operation of communications systems by national law enforcement organizations has resulted in ineffective, inefficient and misdirected use of communications equipment and a waste of GOP resources.

Many of the more than 1,400 municipal and city law enforcement organizations are without any means of communications at all. In emergencies, requests for PC assistance must be transmitted by courier. The timely reception or transmission of police type information concerning criminal activities to or from these agencies is therefore not possible at the present.

When identifying these problems, the Survey Team in a meeting attended by the heads of the concerned agencies, the PC, the NBI, the MPD and the Customs Service, recommended the integration of the NBI, PC and Customs communications facilities and personnel by establishment of a Law Enforcement Communications Service (LECS). This law enforcement communications service, responsible to the Office of the President, or perhaps to the newly appointed Police Commission, would provide service to all law enforcement agencies in the country.

It was pointed out that duplicate installations presently exist, (triplicate installations in some cities) while other cities have no long line communications to Manila. Independent expansion and modernization of existing NBI, PC and Customs facilities would place a requirement on all agencies for additional funds, personnel, buildings and training.

The urgent need for reliable twenty-four hour a day, point to point communications can be best met through coordination and consolidation of the NBI, PC and Customs facilities and personnel. Such consolidation would prevent duplication of equipment, conserve frequencies, centralize facilities, reduce building requirements, most effectively utilize personnel, and more economically and efficiently allocate resources.

The PC presently uses the AFP GHQ long line VHF communications system connecting their headquarters in Manila with their four subordinate zone headquarters. This system, although offering both a teletype and voice capability, is

SECRET

operated only 14 hours a day. Continued operation is dependent upon several remote relay points. The equipment being utilized by GHQ is tactical in nature and not suitable for a fixed installation or for long periods of continuous operation. Numerous outages have resulted in the past.

Communications between PC Headquarters and the GHQ long lines in Manila are controlled by a combination of overhead and underground telephone lines which often have been subject to interruptions and interference. Heavy rains and willful destruction of these telephone lines have interrupted service for periods up to several days. To meet this problem the PC has purchased five Collins single side-band radio transceivers which permit a needed voice capability to the zones and provides the required emergency backup circuit to the GHQ system. The PC also operates a countrywide HF/AM radio telegraph CW network interconnecting the subordinate zone, province and company detachment units. The communications equipment utilized in these networks is of World War II vintage. Dating back to 1941, it is beyond any form of practical rehabilitation and prevents the PC from carrying out its law enforcement functions. Over 50% of the PC detachments in the field are without any communications capability at all.

To support its field operations, the NBI operates a countrywide single side-band radio-telephone network linking the NBI Headquarters in Manila by voice circuit to 20 NBI field offices located in the major cities throughout the country. Because of the lack of sufficient radio operators, radio transmission from the NBI field offices is restricted to the 0800 to 1700 hour period. The NBI Headquarters radio station is similarly affected and is manned from 0800 to 2400 hours, thus this system does not enable the NBI to fulfill its broad responsibilities.

The NBI also operates a UHF/FM network within the greater Manila area for the coordination of anti-smuggling activities with several GOP agencies. This network was an emergency measure brought about by the intensive Presidential drive against smuggling and is more of an expedient than a pre-planned communications system. Because of a shortage of equipment, the PC and several other law enforcement organizations have not been included in this network.

The NBI presently has in its warehouse some \$500,000 worth of Japanese communications equipment obtained through war reparations. When this equipment is installed, it will provide for one-way radio transmission, a facsimile teletype and voice from the NBI Headquarters in Manila to each of the NBI regional offices. Another \$1.2 million worth of Japanese communications equipment to provide the return link is scheduled for delivery in 1967.

This communications system while offering facilities not heretofore available, is far in excess of present NBI requirements. Coupled with the NBI's present lack of communications personnel, this equipment would be utilized at only a small percentage of its rated capacity. The NBI communications personnel responsible for the design of this system are cognizant of the above and based the system requirement on the anticipated increase in traffic which would result from NBI growth over the next five years as NBI coordination with other law enforcement agencies is extended countrywide. Tactical communications equipment to support NBI field operations is non-existent.

To pass administrative messages the Bureau of Customs operates an HF/AM radio-telegraph CW network connecting the Customs headquarters in Manila with Customs Collector Offices in 12 of 22 major port areas. This system operates less than eight hours a day and provides marginal service at best. A combination of antiquated radio equipment,

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insufficient personnel, and poor operational procedures seriously limits the ability of the Bureau of Customs to support its countrywide operation. Tactical communications equipment to support customs operations in the port areas and allow the required coordination with other local law enforcement organizations is non-existent.

Several of the local law enforcement organizations in the large cities and municipalities visited were operating token VHF radio patrol communications systems. The present operational capability of most of these systems is far less than that required to support the police operations. The lack of sufficient quantity of proper police communications equipment, coupled with inadequate and ineffective operational procedures, combine to further reduce police effectiveness. The majority of the municipalities in the Philippines are without any form of communications at all. In most instances, where telephone circuits are available, even they are unreliable and are frequently out of service for long periods of time.

It was for these reasons that the Survey Team proposed to the heads of the concerned agencies the establishment of a countrywide law enforcement communications system. In order to provide adequate service to the municipalities it was proposed that the municipalities be provided with VHF/FM portable transceivers which would give them a communications capability to the nearest PC headquarters or to the nearest city. The heads of the agencies concerned were fully in accord with the Survey Team proposal for the establishment of the law enforcement communications service and agreed to submit the proposal to the President with a "favorable" recommendation.

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Chapter XV

LOGISTICS AND BUDGET

One of the most apparent critical deficiencies in Philippine law enforcement is the need for adequate logistical and funding support from the national and local governments. It is axiomatic that the law enforcement a nation or community receives will be in direct proportion to the support provided. This is clearly evident in the Philippines at every level.

Logistics

Logistical and funding support of law enforcement in the NBI, PC chartered city and municipal police forces is far below the level needed to meet the demands of the existing and developing adverse peace and order situation. Logistics and funding support will probably prove to be a most difficult problem to solve in law enforcement agencies at all levels. In the Philippines the support problem for law enforcement has already been far out distanced by the need. The adverse peace and other situation which has developed during the past 20 years to its present low state, now finds many communities with the worst possible combination of peace and order circumstances. This combination includes a high rate of violence and criminality, untrained law enforcement units of limited effectiveness, municipal governments with little or no knowledge of police management or law enforcement, and a local citizenry demanding its deserved government protection.

Municipal Police. The municipalities of the Philippines possess a most ineffective logistic support system which is best described as lamentable. In most municipalities logistics support consists primarily of police salaries, weapons and an operating location in the municipal building. Usually little more can be afforded from the municipal income. Although notable exceptions exist, these constitute a minority among the nearly 1,400 municipalities in the country. It was clear that the effectiveness of law enforcement in the municipalities had a major relation to the amount of logistical support and funding received from the municipal government. Although funding and logistical support are not the sole reasons for ineffectiveness, they are a major factor.

When reviewing actions of municipalities it is necessary to bear in mind that wide variations exist in the quality of the municipal police and the municipal government. Some municipal forces consist of one, two, or three men receiving as little as ₱15 a month; others are 100-man forces headed by college graduates with a high degree of training and a suitable salary. Some municipal administrations are enlightened and far-sighted and permit an orderly system of law enforcement, separate from political influence; others have administrations in which council members and the mayor seek to dominate every aspect of local police work. These, and all variations in between, were encountered during the survey.

Three basic practices in acquiring budgetary support for municipal police forces are in effect. (1) A budget which provides for salaries, uniforms, maintenance supplies,

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equipment and a full scale of operational expenses; (2) a budget which programs only salaries and perhaps uniforms when funds are available; and (3) no budget. The municipal treasurer pays salaries and other expenses from a general fund, as available.

In the municipalities visited, the appropriations for police forces represented from approximately 13% to slightly less than 25% of the municipal income. Ninety to 100% of this appropriation was for salaries. The defects of this proportioning are obvious and they seriously stricture the law enforcement operation. Basic to municipal law enforcement difficulties is the municipal governments' lack of knowledge concerning law enforcement requirements. Too many municipalities feel that their responsibilities are met when an armed, uniformed man is placed on municipal streets.

The facilities, equipment and training required to give substance to law enforcement are too frequently not provided or are grudgingly given. Few municipalities possess buildings designed specifically to serve the purpose of law enforcement. The majority of the municipal police forces are housed in portions of the municipal building itself or nearby annexes. The further away from Manila a municipal force is located, and the lower the municipal income, the greater the lack of supplies and equipment. Frequently the poorer police forces were not even provided paper for necessary reports.

The majority of municipal police forces did not have vehicles for patrol use. While this is not universally a deficiency since much of the terrain does not lend itself to motorized patrol, the possession of a minimum of one vehicle in each municipal police force would greatly increase the response capability of these forces when criminal actions are reported. A considerable number of vehicles have been distributed throughout the Philippines as a result of Japanese war reparations. Since some municipalities have several of these vehicles, while others have none, it appears that an equitable distribution has not been made.

Sidearms, on the basis of one per policeman, are available in most municipal police forces, however, a wide variety exists as to types and calibers. Those inspected were usually reasonably well cared for, but approximately 20% did not appear safe for firing. In addition to sidearms a few municipal police forces possess M-1 carbines and 12-gauge riot guns. Although only very few high velocity shoulder weapons would be considered necessary for a municipal police force under normal peace and order conditions, the threat of armed bands of robbers and a sizeable number of rifles in the hands of the local inhabitants necessitates a limited supply in some areas. The PC has loaned M-1 carbines on a selective basis to some local police and are currently distributing a considerable number of Thompson caliber .45 sub-machine guns. Practice firing of these latter weapons is restricted since only 20 rounds of ammunition are issued with each weapon.

Only two municipal police forces visited had conducted any training of firearms on a regular basis. Ammunition is expensive at approximately one peso (.25¢) per round. In one municipality where practice firing was conducted on a regular basis the Mayor had his own reloading equipment and supplied the ammunition at his own expense. The low state of weapons proficiency among most of the municipal police is reflected in the fact that many policemen interviewed were carrying the same rounds of ammunition issued to them as long as 10 years ago. A number of them had never fired their weapons.

National Bureau of Investigation. The NBI logistics are primarily concerned with the centralized investigative activities at the national level, the centralization of records-keeping and fingerprints, local police training and the maintenance of a nationwide system of field agents. In general, the budget funds provided leave the NBI leading a

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hand-to-mouth existence with only its bare essentials being met. Adequate support has not been forthcoming to maintain its equipment and buildings nor for essential construction. Many of its vehicles are in poor condition, several of its sub-offices are shabby and have totally inadequate facilities entirely out of character for a national agency. These factors definitely impinge upon its professional competence, as well as its individual and collective morale.

Budgetary support of the NBI has been haphazard in spite of its key role in law enforcement. It was clearly evident to the Survey Team that funds for maintaining vehicles and facilities were sorely needed in addition to the pressing necessity to complete buildings already under construction in the Manila area. As in the municipal police, the NBI carries out the practice of seeking donations for construction of field offices and equipment. It is commendable in its intent but basically self-defeating in a national investigative agency which must maintain a nonpartisan, impersonal and professional posture.

Vehicle maintenance is a particular problem in the NBI. 76 of the bureau's vehicles are assigned to the Manila area. The majority of them are jeeps in excess of five years old; the balance are jeep station wagons. All vehicles are U. S. or GOP excess property from other government agencies. There is no organized vehicle maintenance and repair program outside the Manila area and a totally inadequate maintenance program in Manila. Of the 20 NBI vehicles inspected in the field 15 were deadlined; 12 of these for more than one year.

The NBI is suitably equipped with hand weapons. Those inspected were new and in good condition. Ammunition is in short supply for all weapons.

The NBI supply facility in Manila is housed in a cramped and inadequate building jammed with a variety of new and used parts and equipment ranging from building supplies, communications equipment, tools, to vehicle parts and many unidentifiable items. Unfortunately, many were acquired from surplus sources and indiscriminately dumped on the shelves without any identification or segregation.

Chartered Cities. The 47 Chartered Cities exist as entities separate from provincial governments and are administratively linked directly to the central government. In general they are better off economically than most municipalities, but must also provide more government services. The logistics and funding support for their local police forces vary widely and are greatly influenced by the local political climate and the sincerity of the city government desire to provide realistic law enforcement. Not a small factor in many instances is the ignorance of city mayors and other officials of the nature of law enforcement as a public service.

In addition to economic and political factors, city terrain and population distribution affect the extent of police needs. A few cities are almost completely urbanized, with all areas reached easily by vehicle; others, like Davao, which includes 400,000 persons in an area of 853 square miles, contain huge areas which can be reached only on foot. City budgets are further influenced by the capability to collect taxes. In Marawi the local government is apparently incapable of collecting taxes. Its police force had not been paid for over six months and had not been issued uniforms for over six years. This city has no investigative equipment, nor other aids for police operations. The overall effect of this severe lack of support is obviously demoralizing.

With few exception maintenance funds for equipment and vehicles are not normally provided or programmed. In most city police departments, additional vehicles would

SECRET

considerably improve their capability to preserve peace and order; however, increases would also confront the city government with the necessity for operation and maintenance funds.

Communications for mobile units are generally not available outside the Manila area and other more densely populated metropolitan areas. Again, as in municipalities, the police forces frequently find it easier to solicit needed equipment, supplies and services rather than make futile attempts to influence the city council to provide the funds to purchase it. Obviously such actions by armed and uniformed police present a detrimental image and serve to lead police on the path toward requesting increasing handouts from the civil population.

Philippine Constabulary. The budgetary support for the Constabulary as the national police force has been woefully inadequate as has been the support for the municipal police, the chartered city police and the NBI. Over the past five year period when the size of the Constabulary was substantially increasing, operational and logistical funds released were reduced by over 60%.

PC units at zone and province headquarters received their supply and services support either from the PC Supply and Service Battalion, the AFP Supply Center or the military area supply point. The Philippine Constabulary Supply and Service Battalion (PCSSB) identifies its major problems as following: shortage of technically trained military and civilian personnel, shortage of tires, batteries and covers for vehicles, shortage of major engine assemblies, shortage of travel funds to cover transportation of military personnel, lack of mobility, limited maintenance and storage space, non-standardized equipment, inadequate maintenance equipment. There are strong indications that PC units in the field have not been receiving their fair share of logistic support provided to the AFP for all the major services. This inference is based on the amount distributed to the system and the current status of PC equipment.

Since logistics support is not allocated to the major services based on their respective missions, it is almost impossible to make a detailed study of the distribution of this support. It is an area worth exploring in depth if support for PC units does not radically improve. The PC is the only one of the major services, with the possible exception of the Navy that, as a national organization, is fully operational in a peacetime mission. The Constabulary is widely dispersed over the entire chain of over 7,000 islands; it is operating over rugged terrain, 24 hours a day under adverse conditions, with equipment that is generally in excess of five years old. PC dispersal and isolation from supply support sources is a significant limitation. The Philippine Army, on the other hand, although engaged in several operations, usually functions in unit strength seldom below the company level. Their operations usually have the assistance of an accompanying support unit or the facilities of a fixed installation.

Since the PC is not equipped with the high cost, heavy equipment items as in other services, the peso value of supplies and maintenance support for equipment will not approach that of the other services. From the standpoint of numbers of spare parts and replacement items and maintenance support in general, the PC should far exceed the requirements of the other services, based on the peace and order mission alone. This is not the case. Since no priority has been established to distinguish between the services, the PC experiences a considerably higher equipment deadline rate than the other services. Vehicle support is the most serious logistical problem for the PC. The availability of spare parts and major assemblies for PC general purpose vehicles is extremely critical. The high vehicle deadline rate for the four PC zones highlights the

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seriousness of this critical shortage. Many of these vehicles have been deadlined for six months to over a year.

Unfortunately, not much in the way of specialized police equipment has been made available for the various units. With few exceptions even the basic tools of investigation are not available to the PC units operating in the field. Cameras for identification records and use at the crime scene have been made available through MAP or GOP funds, generally down to provincial command level and in many cases to PC company level. Photographic laboratory facilities, however, are available in only one PC zone. Where cameras are in serviceable condition, film or funds to purchase film are not available. Fingerprint equipment furnished in the past is in poor condition from lack of support. Ink and forms are generally not available to take fingerprints.

The status of equipment maintenance throughout the PC is not a reflection of the training ability or the motivation of these logisticians, but of the drastically inadequate amount of funds provided. Logisticians and commanders at all levels have devised some rather ingenious methods to continue operations. Some of these methods also serve to compromise their capability for effective law enforcement. If appropriations for maintenance of equipment, buildings and other facilities are not forthcoming, then one must accept the resulting deterioration of equipment and facilities which will unavoidably occur. The longer this deterioration is permitted to continue, the more costly maintenance will become in terms of repair, replacement and operational costs. The cost of preventive maintenance is considerably less than the ultimate repair or replacement of equipment and facilities.

Without adequate resources, effective supply management is impossible. If the PC is to possess the capability to cope with the peace and order situation, adequate support must be provided for supply and maintenance of its equipment and facilities. The GOP cannot realistically endure the consequences of failing to provide adequate support to this largest single agency charged with maintaining peace and order throughout the nation.

The inadequacy of budget support for the PC has caused company commanders and provincial commanders to resort to "public relations" in an effort to continue essential operations, as have the NBI, the municipal and the chartered city police forces. In one remote area, the PC company reportedly has not received a POL allocation for over five years. Gasoline and oil to operate PC vehicles are provided by lumber companies. The donors receive protective services from the PC detachment stationed there on a semi-permanent basis. As with the other law enforcement agencies, when uniformed armed men are provided funds or assistance by commercial or private interests, it is natural for them to expect to receive special services from these law enforcement agencies. In general, if adequate budgetary support is provided the various law enforcement agencies for operation, supply and maintenance, "public relations," with its attendant possibilities of compromise or degradation, should not be prevalent.

An analysis of the distribution of vehicular equipment reveals that units in the field suffer from a concentration at various levels and in certain units. General purpose vehicles are mandatory to successful law enforcement operations conducted by field units. As of 31 March 1966, based on the authorized allowable number of vehicles to major headquarters, HPC had 183% of its authorized number of 1/4 ton vehicles assigned and the Presidential Guard Battalion had 195% of its authorized number. On the other hand, the PC zones were all operating at from 71.5% to 79.6% of the authorized number. This

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distribution adversely effects PC operations in the field where the requirement for patrol effort is greatest.

In view of the extremely poor road conditions in the Republic, the limited supply and maintenance support available, and the requirement for continuous patrol operations, the distribution of vehicles on hand becomes a critical factor affecting peace and order operations. Although an increase in vehicles authorized for each unit could significantly enhance patrol operations, almost every company commander interviewed stated that if they just had all authorized vehicles assigned and in operating condition, they would be capable of accomplishing their mission.

It does not appear that the U. S. military assistance program has properly emphasized the police aspect of the PC mission. In materiel support, MAP provides support to the AFP in two broad categories, investment and operating. Operating support to the PC is lumped with the allocation to the PA; investment items of equipment and certain off-shore training are identified by MAP element for the PC. It is virtually impossible to measure the operating support provided specifically for the PC, since distribution is accomplished by the Armed Forces Philippines Supply Center (AFPSC). A comparison of MAP support provided in all categories would indicate that the amount supplied the PC is disproportionately low. Observations in the field form the basis for the impression that the PC is not getting a "fair share" of even MAP-supplied maintenance support in view of the amount provided AFP.

The PC has a serious need to regain an image of professionalism in performing its primary mission of law enforcement throughout the Philippines. Logistical support plays a major role in meeting this need. At present the identity of the PC is diffused logistically with that of the PA in the AFP and in JUSMAG/PHIL. The fact that seven of the last eight commanders of the PC have been Philippine Army officers may have influenced this diffusion. Under the existing supply system, the PC depends for a portion of its supplies upon the Philippine Army controlled area supply centers. All these factors considered, the Survey Team concluded that the PC is not supported in a manner designed to develop and use its law enforcement ability to maximum effectiveness.

In summary, efforts to achieve really significant improvements in law enforcement are tied to similar efforts to improve education, economic conditions and similar nationwide problems. All solutions are directly related in a major measure to the funding provided. The Philippine nation and its people appear largely unaware of the cost of viable law enforcement, but it has been stated that they are now giving evidence of realizing the price paid for law enforcement failure.

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Chapter XVI

TRAFFIC MANAGEMENT

The term Traffic Management as used here includes (1) all public surface facilities for the traversing and parking of all types of conveyances for the movement of persons and things except track vehicles operating in private rights-of-way, (2) all agencies having responsibility for ascertaining flow requirements of traffic, planning, approving, funding, constructing or maintaining public facilities for such movements, and (3) all agencies responsible for licensing, approving, restricting, stopping, prohibiting, or controlling the use of such facilities.

Effective management of traffic, like any other management effort, must be designed to promote and achieve efficient use of available facilities, adequately maintain existing facilities, and provide additional required facilities, and to control their use to provide minimum congestion and delay with maximum safety and rapidity of travel.

The gathering of information, processing analyses, and use of records are important management tools. The quality and efficiency of traffic management efforts have a pronounced effect upon the opinions of residents concerning their government and the police which represent that government. Traffic congestions, delays and accidents are manifestations of ineffective management and inadequate facilities and reflect unfavorably upon the government in power. Unfortunately such public reaction is not limited to traffic matters but carries over to other official efforts and influences public thinking and response concerning the entire field of law enforcement.

Situated on many islands, the roadway nets of the Philippines are separated in many places by water distances too great to permit bridging. At other places they require bridges or ferry crossings. This situation adds to both the difficulty and expense of providing adequate roadway facilities.

Maintenance and improvement of the road system and appurtenances is a never ending task which must be carefully scheduled and promptly executed. Needed maintenances or improvements which are delayed for any purpose rapidly increase the costs of such work. Delayed patching of holes and breaks may soon result in a need for resurfacing. Post-poned resurfacing of a deteriorating surface soon results in a need for sub-surface repair and resurfacing. Lack of an inadequate of delayed maintenance is wasteful of government funds an extravagance which no government can afford.

Although the highway and street facilities have been almost doubled in the past ten years, the number of motor vehicles using such facilities has increased at a rate nearly twice as great. However, even such additional facilities as are built must be wisely built. For example, the city of Manila and the area comprising the five provinces surrounding it have 9.4% of the total roads and streets reported. However, operating over these facilities are some 46.5% of the total registered motor vehicles reported.

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It appears that at least 200,000 additional vehicles will be operating over the streets and roadways of the Republic by 1970. Since many of these vehicles will be engaged in transporting persons and materials, units may be expected to be operating a greater number of miles per year as economic and social progress programs are implemented.

The poor mechanical condition of many vehicles, continued use of excessively worn tires, abusive acceleration and deceleration, and generally inadequate vehicle maintenance all contribute to frequent breakdowns of the vehicles on the roads.

The total number of licensed motor vehicle operators during the 1963-64 period was 363,563. Presently at the 599,000 level, it is anticipated that this figure will exceed a million licensed operators by 1970.

Roadway collisions and other types of traffic mishaps usually result for a combination of factors which invariably include bad driving practices. Poor loading and vehicle defects contribute to such incidents but most of the blame must be placed on driver error or negligence. It is entirely possible for the competent vehicle operator to compensate for the deficiencies of the roadway and his vehicle by adjusting his driving to the existing conditions, hence, the driver can control those factors which are most susceptible to improvement.

Controls and Effective Management

The same factors which contribute to congestion also contribute to roadway collisions which collisions invariably cause additional congestion and delays. Both are manifestations of lack of effective traffic management. Treatment of these contributing factors by improved management and control techniques can be beneficial in preventing congestion, delays and collisions. When planning solutions to problems, an important first step is to define and evaluate the various factors which comprise the problem to ascertain its size and complexity and to analyze the points at which remedial efforts may have the greatest impact and chance for resolution.

Unfortunately, complete and accurate data of this type is not available for the Republic of the Philippines at any central location nor has it been possible to gather it with any degree of accuracy or completeness from the various agencies having responsibility for traffic management. Only about 20 percent of the cities and municipalities visited are keeping traffic accident and traffic violation records in any feasible form. Most cannot even provide statistics on the number of persons killed or the total number of traffic accidents occurring for any specific period.

Republic Act 4136 specifically requires reporting of violations of the Act to the Commissioner of Land Transportation within 24 hours and most accidents do include driver violations. The law is silent on requiring reporting of accidents to police or reporting by police to a central office. The LTC attempts to summarize accident totals only. The Traffic Control Group prepares a very limited summary and analysis, while the Bureau of Public Highways prepares a complete summary using the standard summary form of the National Safety Council as is widely used in the U.S. However, the latest summarized accident information available from the BPH is for the calendar year 1963.

Predominant among the problems discussed by officials of all levels of government, as well as by employees, was political pressure in the assignment of personnel in the

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execution of missions. One highly placed national official stated: political influence selects our appointees, many of whom are pensionados who will not work, are insubordinate and often impudent to their supervisions and we cannot discharge the unfit employees." High level supervisors complained of incompetence in lower level supervision and vice versa.

Policemen at all levels express frustration and resentment at political interference with police cases and selection and assignment of personnel. At the same time, it seems obvious that some policemen are busily engaged in both extra-departmental and intra-departmental political maneuvering. Traffic management agencies and law enforcement forces cannot afford political favoritism in the selection or assignment of personnel or in their enforcement efforts. Competence, integrity, and impartial application of the law without bias, favoritism, or fear of reprisal are the tools for success.

In addition to the city and municipal police departments, three national agencies employ nationwide enforcement forces, the LTC, the PC, and the Public Service Commission (PSC). Republic Act 4136 provides that the Commissioner of Land Transportation and his deputies are authorized to make arrests for violations of the provisions of the act insofar as motor vehicles are concerned. During the 1963-64 fiscal year they made 14,000 apprehensions.

Chapter 824 of the Philippine Administrative Code establishes the PC for the purpose of preserving law and order in the Philippine Islands. Chapter 848 describes the authority of members as peace officers while Section 4 of Republic Act 4136 says that the PC and the city and municipal police forces are given the authority and the primary responsibility and duty to prevent violations of this Act and to carry out the police provisions thereof within their respective jurisdiction. In the fiscal year 65-66 the PC TRAFCON personnel made a total of 35,000 traffic arrests.

The Public Service Commission created as an agency in the Department of Justice, and as amended, controls all public services including public service motor vehicles. They are responsible for the regulatory and supervisory authority over all public service motor vehicles. About 30 local police and 14 PC officers are deputized to assist in enforcing PSC requirements. It was reported that the Commission is empowered to call upon all law enforcement officers for assistance. During the 64-65 fiscal year the Commission made 11,720 apprehensions.

Only a few of the city and municipal police departments visited are keeping traffic records in usable form, hence, only a small sampling of the total apprehensions by year by such departments is available. As of January 1966, over 1,400 city and municipal police departments were estimated to have more than 31,000 total police personnel. Estimates of the percentage of this total personnel actually engaged in traffic enforcement activities are not available, but it appears obvious that the present efforts are not sufficient to cope with current traffic problems.

With a few notable exceptions traffic law enforcement in the Republic of the Philippines is presently conducted in such manner that some legal requirements are ignored by police courts and officials, many violators are released with inadequate penalties, and the total effort fails to impress the public with the seriousness of the problem or the sincerity of corrective efforts. Traffic management efforts in the Republic of the Philippines at the present time fall far short of meeting existing requirements in most areas. Unless more roadways, parking facilities, better control and better public education and law enforcement are provided now, the total situation can only be expected to deteriorate further.

Chapter XVII

RECORDS AND IDENTIFICATION

Introduction

The effectiveness of the Records and Identification procedures of a law enforcement agency is directly related to the quality of the service itself. The Survey Team reviewed the records/identification procedures of the following agencies: Philippine Constabulary, the National Bureau of Investigation, Bureau of Immigration, Commission on Election, New Bilibid Prison, and the Correctional Institution for Women. As a general summary, it appears that the agencies surveyed are highly compartmentalized and there is little exchange of information between them.

Philippine Constabulary

The Philippine Constabulary established an electronic data processing (EPD) unit on 25 October 1965, with a complement of 44 personnel. It is estimated that 11 months will be required to code and punch the three million firearms registration forms now in file, at which time the number of key punch operators will be reduced from 28 to three to handle an estimated yearly input of 20,000 gun permits.

The PC unit is under the command of the comptroller and is now in the embryonic stage of development. It is anticipated that the IBM cards will be used primarily for verification. Each year the PC is required to verify all firearms in the country as well as their registration. The statistical tabulating machine will print out listings by province, city and municipality, and by the type of weapon to be verified. These proposals are still in the development stage, however.

The Crime Reports and Criminalistics Section of the PC generates two types of crime reports, (1) Daily Spot Report and (2) Monthly Crime Reports.

Submission of provincial crime reports in the past has been sketchy; within the past few months they are almost non-existent. Command personnel have grown more and more to rely on the Daily Spot Reports and less on the Monthly Crime Reports for the simple reason that crime reports are not being forwarded as required.

No follow-up system exists for Monthly Crime Reports, no criminal statistics as such are being developed by the Statistics and Reports Control Branch. Their main duty is to maintain an up-to-date fact book for the chief, PC. The book contains such information as population of provinces, pay scales for officers and enlisted men and other basic data that might be required by the chief, PC.

The Provincial Commanders are required to submit Monthly Crime Reports to their respective zones. An examination of the January-June 1966 reports received by the various zones indicates that 336 reports were due during that period; of the 336 which were

SECRET

due only 40 (12%) were received by HPC. Obviously the PC Provincial Commanders or Zone Commanders are not furnishing reports as required. In discussing this at both Statistics and Central Records Headquarters it was admitted that little follow-up was attempted and that attempted actions produced no results.

During the FY 65-66 year, the PC reported a total of only 7,000 crimes, nationwide for the entire year. Considering that this amount includes all crimes handled by the local police as well as the PC and is supposed to reflect the whole country, it is unbelievably low. The NBI totals for only the first five months of 1966 show 50,402 actional offenses and a projected figure of 120,965 offenses for the Philippines. The total furnished by the PC is simply an estimate based on synopsis type spot reports because the PC Provincial Commanders are not forwarding crime reports to headquarters as required.

Few comparisons were available as to the percentage of the total handled by the PC and those handled by the local police, and the percentage solved by either group. The PC reported that 62% of the total number of 7,000 crimes reported were solved, though not who solved them.

PC clearances are issued by the Central Records and Identification Branch of CIS. This branch maintains the fingerprint files, and criminal card index files for the PC. A considerable number of recommendations are made concerning the administration of records management at HPC, but primarily all criminal investigation service records should be centralized in order that the CIS Central Records may function in reality instead of in name only, as it is now doing.

Firearms Applications

The Philippine Constabulary is responsible for supervising the importation and use of firearms within the Philippines. All persons holding firearms are required to have a firearm permit issued by the PC. Requirements for a firearm permit are based primarily upon the expressed need, an assessed property value of the applicant, and the character of the applicant. Currently no fingerprint card is taken of applicants; therefore no national records check can be accomplished. Ten separate forms, ranging from the standard application to a neuro-psychiatric certificate, are required for various types of firearms permits.

In addition to issuance of these permits, the PC maintains control over the manufacture of ammunition, the manufacture of firearms, and firearms dealers. The procedures for registering firearms, evolved over the years, are complicated and indicative of an agency attempting to maintain a close administrative control over what is in reality a very loose procedure. With existing procedures there is no real assurance that an applicant has no criminal history.

NBI

The NBI Central Records and Identification Division was surveyed in April 1964 by the Office of Public Safety, AID/W. From this survey a series of recommendations were made to reorganize the division along the classic lines of an identification division geared to handle a high volume of fingerprint card processing. Since October 1965 the USAID Public Safety Division has been assisting in the implementation of the recommendations made by the 1964 survey. Considerable improvement has been made during the past year;

SECRET

however, the volume of fingerprints being submitted by the various agencies throughout the country continues to be low. During the January-July 1966 period a total of less than 14,000 fingerprint cards was received in NBI headquarters.

The personnel structure of the division has been weakened over the years by re-assigning personnel to other divisions or by temporarily transferring position classification to people within other divisions. If the NBI CRID service is to be the national clearing house as required to be by law, these people must be returned to the CRID because of the increased volume which is anticipated. The volume which may be anticipated can be visualized by recognition of the fact that of the 1,425 police departments within the Republic of the Philippines only 57% are currently forwarding criminal statistics to the NBI.

During the past several months the NBI has revised the national crime reporting procedures. The new forms and explanations are now being forwarded to local police agencies. Obviously as the local agencies begin to comply with the requests from the NBI, the workload volume in NBI headquarters is going to skyrocket. This makes it all the more imperative that the scheduled personnel be returned to their specific jobs.

Under the current procedure no one location receives all requests for assistance. The Complaint Action Processing Unit (CAPU) receives all walk-in requests. Letters and other requests coming in by mail are received by the Administrative Division. Teletype requests are also received by the Administrative Division. Telephone requests are received and forwarded to the division concerned. No follow-up system exists concerning requests received and there is no single case number system utilized by all divisions concerned.

Over the years the NBI has acquired from various governmental agencies records that were no longer of use to that particular agency. These include obsolete driver's licenses, residents certificates and so on. Although the NBI record keeping capacity is nearing its limits, NBI personnel are reluctant to remove the clutter from the records system. It is important that a concept of having a small amount of accurate information rather than voluminous amounts of inaccurate and ambiguous information be impressed upon all law enforcement record keeping personnel.

In order to centralize their activity and records reliability, the NBI should establish a Central Complaint Unit within the Administrative Division which would receive all requests for assistance via letters, telegrams, radio messages, or in person. This Unit would receive the requests, record them by number and forward them to the appropriate Deputy Director for action.

Commission On Elections

The Commission on Elections in accordance with the Republic Act, collects and utilizes fingerprint identification as a means of maintaining a permanent record of voters within the Republic of the Philippines. The Fingerprint Section of this Commission is concerned solely with the processing of voter registration records. These records are made in three copies on which is a set of fingerprints of the person being registered. The Fingerprint Section in this one year processed 174,672 units. The backlog in the Section is 2,600,000 units.

SECRET

General

The search for a valid identification medium has been a constantly recurring quest in the history of investigation. At present the most successful means of identifying a person is that of fingerprint classification, which dates from the beginning of this century.

Several agencies have been collecting fingerprint information since the innovation of the system at the beginning of this century. During World War II many law enforcement records, including fingerprint cards were destroyed.

At the present time a total of some 2,482,000 fingerprint cards are on file in the Philippines as follows: NBI 1,816,000 (73%); New Bilibid Prison, 265,000 (11%); Commission on Election, 7%; the PC, 5%; and the Bureau of Immigration, 4%.

Republic Act 157 which created the NBI directs, among other things, that the NBI "act as a national clearing house of criminal and other information for the benefit and use of all prosecution and law enforcement entities of the Philippines. Identification records of all persons without criminal convictions, records of identifying marks, characteristics and ownership or possession of firearms, as well as test bullets fired therefrom." It is apparent from this Act that it was the intention of Congress to make the NBI primarily the central clearing house of information for the country.

The PC, Bureau of Immigration and New Bilibid Prison fingerprint card collections should be consolidated with those of the NBI. The fingerprint collection maintained by the Commission on Elections should be excluded from this consolidation because of its highly specialized function and format which is not applicable to standard fingerprint identification methodology.

This increased workload will require additional identification personnel in the NBI. This would enable the CIRSD of the NBI to function as a clearing house. The result would be a truly national agency and the eventual opportunity for any law enforcement officer or agency to obtain a clear-cut, realistic identification.

In order to make this plan workable, the NBI should provide fingerprint cards to every law enforcement agency in the country: local, PC and NBI. Upon completion these should be returned to the NBI for processing. The NBI would return to the submitting agency a history sheet containing criminal and non-criminal information on the subject, based upon the fingerprint identification.

To expedite this plan, the various submitting law enforcement agencies should be extended the privilege of free franking on all documents concerning the program.

A similar problem exists with national criminal statistics. As has been stated in the past, no accurate national crime figures are available. The NBI now receives statistical information from only 57% of all law enforcement agencies. They develop, and present this data in an annual statistical report.

It is further recommended that the PC contribute its crime data on a monthly basis to the NBI as should the local police. The NBI would then make available to all law enforcement agencies the national crime statistical information, just as the FBI does in the United States.

SECRET

Republic Act 157 also directs that the NBI maintain records on ownership or possession of firearms as well as bullets. The NBI began implementing the section concerning the maintenance of firearms registry in March 1964 and ended the registry in June 1966. During this period, 12,092 weapons were test-fired; 2 bullets from each weapon were fired and retained by the Bureau. Today, the Bureau is no longer processing firearms, nor should it. The PC has been doing a satisfactory job in this area and, therefore, in an effort to reduce duplication, this function should be fully assumed by the PC, as their new data processing system is geared for this procedure; and at the same time should be discontinued by the NBI.

At the local level, the overall impression of the records keeping capabilities of the police agencies visited was one of weak, poorly organized systems. Records keeping capabilities are based upon primarily three principles; the ability to input data, store data and finally, the easy output of data. The police agencies surveyed have a difficult time in drawing data from the records now in file.

Some zone PC, CIS personnel seemed unaware of the operations of the records system. Clerks would say one thing and officers would say something else concerning the same records keeping procedures. One would say fingerprints were taken; another would say fingerprints were not taken.

It was found in most cases that there was minimal indexing of crime reports. Of the local police agencies visited few used printed crime reports. The formats of these reports were taken from the PC manual "Rules and Regulations for Municipal Police."

It has been observed that, generally speaking, law enforcement in the Philippines waits for crime to be reported to a particular agency. One of the primary reasons that law enforcement in the Philippines shows such a high solution rate is that a limited volume of crime is reported to the law enforcement agencies, and that which is reported is then automatically forwarded to the prosecuting fiscal for prosecution, and, at the same time, for clearance.

Generally little knowledge was found of the use of basic techniques of records management for field operations; for example, data concerning wanted persons, stolen vehicles, stolen property, etc. No police agency surveyed maintained file folders on an individual subject basis.

In conjunction with the Civil Service Commission, the PC, in March 1964 published a pamphlet entitled "Police Rules and Regulations." In this document, rules and regulations for the municipal police forces throughout the Philippines were established. The regulations include crime report formats of various types. It is recommended that these crime reports be printed by the national government on adequate paper stock and furnished to the PC, NBI and local police at no cost. The implementation of a standardized nationwide crime reporting system would significantly improve the records keeping ability of the PC, the NBI and the local police.

Every person arrested should be photographed and fingerprinted. This is presently not done. At the time of fingerprinting, an identification number should be issued. Thereafter, the subject's file jacket, his fingerprint card and his photograph all will have the same control number, and all further data concerning him can be known by the control number.

SECRET

Court Dispositions. Currently, a memorandum circular from the Department of Justice to all fiscals and courts requires them to submit to the NBI copies of information and dispositions of offenses adjudicated by them. The data furnished by the fiscals and the courts is highly informative; however, from the police point of view, it is impossible to identify a defendant positively by using the information currently being filed at the national level. This fact alone makes the data furnished almost useless for police purposes. These dispositions should be forwarded based either on fingerprint classification of the individual or his police or NBI number. These simple devices could then be used as keys to connect the data in file with the data now being forwarded.

Warrants and Subpoenas. The service of warrants and subpoenas tends to be a difficult police problem. In the Philippines it is the general practice to issue the same warrant or subpoena to the local police, the PC and the NBI, hoping that one of these agencies will make the apprehension or serve the subpoena. It is then the responsibility of the apprehending agency to forward to the court of issuance the completed warrant or subpoena. The court in turn should forward to the other two agencies a recall for the warrant or subpoena in question. On the surface this appears to be adequate; however, large backlogs of warrants exist, and notification of service does not appear to be reaching the other agencies. In order to function properly, follow-up must be consistent and reliable if the practice is to succeed.

Persons Arrested. The arrest and the positive identification of the person arrested are of equal importance. Too frequently an arrest is made and no effort is taken to learn the criminal history of that individual. An arrest report should be completed for each person arrested. Once this person is brought to the jail or holding area, he should be photographed and fingerprinted.

Follow-up System. It is essential that the executive head of the law enforcement organization have an administrative control device that will ensure that all cases brought to the attention of the police will receive appropriate action in a reasonable time. One effective procedure is in the use of a follow-up or tickler file system. The follow-up cards are set to require submission of the report at a specific date; then it is up to the inspector and his administrators to see that submitting agencies comply with the regulation.

Police records systems generally may be classified into four types: complaint, criminal, administrative and miscellaneous. Complaint records include miscellaneous incidents, crime reports, vice reports, missing persons reports, injury reports, death reports and various types of traffic accidents and continuation. The criminal records include arrest reports, identification records, personal description sheets, photographs, booking and identification records, case summaries and modus operandi files. Administrative records include correspondence files, personnel files, property equipment files, budget records, reports and materials and so forth. Miscellaneous includes lists of aliens, lists of firearms holders, facts about the municipality, listed incumbent municipal and barrio officials and their respective designations, copies of various ordinances enforced in the municipality, lists of various organizations—labor, student and cooperative civic, religious, etc.—lists and descriptions of all military camps and mobilization centers, roster of armed forces reservists, lists of various private security investigative agencies, lists and addresses of parolees, patrol report forms, firearms report forms, and such other lists or reports as may be required.

SECRET

It is not generally recognized that records management is basically an extremely complicated task. However, the police administrator cannot effectively administer his agency unless he knows the dimensions of his problems. This means where his agency has been, where it is today and how it is achieving its desired results to attain tomorrow's goal. These questions cannot be answered unless there is an effective, dynamic police records program in each law enforcement agency in the Republic of the Philippines. Priority efforts should be made to meet this goal.

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Chapter XVIII

CUSTOMS ENFORCEMENT

Bureau of Customs Enforcement Activities and Problems

A total of 22 ports of entry are currently in operation throughout the Philippine Islands. Shortly after taking office in January 1966, President Marcos ordered the establishment of several new offices to improve efficiency and achieve better results in combatting the increasing smuggling problem. These offices include Anti Smuggling Action Center (ASAC), Presidential Agency for Reforms and Government Operation (PARGO), and Cargo Adjudications and Disposal Administration (CADA). The creation of these offices took away some functions from the Bureau of Customs, especially the disposition of seized merchandise, the dissemination of information and intelligence concerning smuggling, and customs maritime affairs. In addition, the President ordered the establishment of anti-smuggling groups within the NBI, the PC, National Intelligence Coordinating Agency (NICA, the MPD and the Philippine Navy (PN).

Since January 1962 no less than eight men have been appointed to act in the capacity of Commissioner of Customs. The longest period any of these held office was 11 months. With the constant changing of the top man in this important government service, it has been impossible to build an organization with leadership and supervision.

A total of 3,011 customs personnel man the 22 ports of entry within the Bureau of Customs. Each port of entry is supervised by a Collector or Acting Collector of Customs. Included in the functions of the Commissioner of Customs are not only the assessment and collection of lawful revenues from imported articles, but the prevention and suppression of smuggling and other frauds upon the Customs, the supervision and control over the entrance and clearance of vessels and aircraft engaged in foreign commerce and the general supervision, control and regulation of the vessels engaged in the carrying of passengers or freight.

Gross collections for the Bureau of Customs for the Fiscal Year 1966 totalled ₱652,685,000, for FY 65 the figure was ₱632,646,000 and for FY 64, ₱676,951,000. The port of Manila collects approximately 85% of all the revenue for the Customs Service, while the port of Cebu ranks second with collections of revenue amounting to approximately 5-1/2%.

The general feeling among top Customs administrative officers is that the number of collection districts should be decreased with the smaller ports operated by Deputy Collectors of Customs.

For years politics have played an important part in selecting personnel for positions in the Customs Service. Procedures, rules and regulations have been set aside when the powerful hand of the Senator or Congressman indicates a choice for a key job whether the person is qualified or not. Customs police officers and secret service agents are employed as "Confidential Employees" who are hired through influential connections.

SECRET

The most active agencies in making seizures and arrests for pure smuggling violations are the PC and the Navy. A person arrested for smuggling is taken to the nearest city or provincial fiscal office having jurisdiction and charges are filed. From there the case is referred to the Court of First Instance. The actual handling of the seized contraband is something else. Under the Tariffs and Customs Code seizures of contraband merchandise are to be surrendered to the Customs authorities. Some agencies comply with this order, others keep the seizures in their own compounds until the court case is completed.

Under a new policy, President Marcos has created an additional department in the government known as CADA. Under this directive, all seizures must be given to CADA for final disposal. Disposition may be by sale at public auction, or release to a welfare organization if usable. Here again, accusations and counter-accusations are encountered. Some PC units claim that certain collectors of Customs are crooked and cannot be trusted to safeguard seizures. Collectors say PC units report only part of the seizure. Reliable sources have stated that some Customs collectors have connived with smugglers and have returned seized property without the benefit of forfeiture procedures.

The NBI has documented cases concerning many violations of Customs regulations. It was officially reported that one collector held an auction of the vessel seized by the Navy for smuggling on the same day the seizure was made. The ship was purchased at a very nominal price by relatives of the smuggler. Outboard motors removed from seized vessels are placed in Customs compounds or PC headquarters for "safekeeping." When the time arrives for the disposal of these items at auction, the motors are dismantled with spare parts gone and engines stripped.

At the sub-port of Bongao below Jolo in the Sulu Sea area a total of 19 outboard motors were counted stored in the Customs "bodega." More than half were stripped and cannibalized. Customs employees on duty there offered no explanation as to the condition of the equipment. The collector of Jolo said he felt something was wrong in Bongao and was going to request an investigation from Manila. By the same token, he has not visited this sub-port for more than three years. Similar anomalies were observed or reviewed or became known to the Survey Team at other ports.

Equipment — National Bureau of Customs

Equipment in general issued by the Bureau of Customs for both administrative and enforcement operations is inadequate and insufficient. Many of the ports of entry have no vehicles for transportation of personnel from the Collector's Office to the piers to perform inspections and examinations of cargoes. One such office is located four kilometers from the docks. Employees hitchhike, walk or ride jeepney buses to and from the piers. In some areas it was noted that importers or brokers furnished transportation to Customs officials. For these favors employees are naturally obligated and are going to reciprocate by facilitating the release of imported merchandise to these "benefactors."

There are no radios in ports for selective enforcement use. Each of the ports visited was equipped with one antiquated base station radio set capable of transmitting messages by CW. The station is manned by one operator on a 40-hour a week basis, Monday through Friday. Frequently the sets are inoperative because of breakdowns or lack of necessary parts for repairs. At most ports no security exists for the handling of messages which should be classified. Messages are filed in unlocked filing cabinets or placed on clipboards for any and all to see.

SECRET

Both in the port of Manila and in the outside ports there is evidence of poor distribution of personnel; in some areas a reduction of personnel as great as 50% would be justified. Many ports are short of certain positions because key personnel have been "detailed" to other more active areas such as Cebu or Manila. Such temporary assignments have sometimes endured as long as three years. Recently a Commissioner's Order went to all ports requesting that all personnel on detail to all other ports return to their basic units. Only a small number complied with the order; the remainder have contacted their Congressmen and have refused to move, according to the Personnel Chief of the Bureau of Customs. Several weeks before this Survey, the Officer in Charge at one of the ports of entry was ordered by the Commissioner to vacate his post and return to Manila. The order was refused and the official remained at his post. Word was received that a Congressman had advised the customs officer that he did not have to leave. One port of entry which carries a total of more than 60 employees imports only crude oil delivered periodically to two different companies who have private piers in the area. In 1957 the collector here had 12 men on his payroll to perform all services which he claimed was adequate. During subsequent years more personnel were assigned in order to create jobs for political constituents. The present collector at this port claims he could efficiently operate with 50% of his current force. In many of the offices there appear to be employees who seemingly had nothing to do, many were idle, talking in groups, reading novels, newspapers, or even crocheting. Much of this can be attributed to poor supervision and lack of management. Many groups assigned to security jobs on piers or vessels have no idea what their primary functions are.

One top ranking Customs official explained it was a common practice for a ship's crew to ply customs guards with food and liquor while cargoes are unloaded to lighters in Manila Bay.

Customs Police Department, Manila

The number of personnel assigned to this branch is more than sufficient to do the job. Considerable overlapping of duties and jurisdiction exist within the Customs Police Department. Little or no supervision of security forces is maintained. Assignments of guard duty and surveillance on the piers are made to the liking of the employee and at his request. There is no spot checking of conduct of security guards assigned to guard cargo areas. Security personnel use their authority to commit thefts from Customs custody and to pass merchandise through Customs zones. As few as 5% of the Customs personnel hired to work in the Customs Police Department have had police training or experience in law enforcement. The organization is top heavy with supervisory personnel who have little or no knowledge of how to plan or supervise. No coordination and no proper dissemination of information within the division exists. This department needs a complete overhaul from top to bottom. It should start with a screening of all personnel by a team consisting of members of management, personnel and of the Department of Finance. Personnel should be reorganized and divided into two divisions, Secret Service Agents and Port Patrol Officers. Consideration should be given to having all Port Patrol Officers attend police schools conducted by competent law enforcement personnel.

Seizures of merchandise for violation of Customs laws are effected daily by many branches of the Philippine Government. These include the Navy, the Constabulary, the Manila Police Department, PARGO, Department of Finance agents, NBI Personnel, Municipal Police Departments in the 57 provinces and Bureau of Internal Revenue personnel.

SECRET

Many typewriters are obsolete and worn out; some are actually antiques. About 90% of the firearms used by enforcement officers in outside ports have been furnished by the PC. Many of these weapons are in poor condition and need replacement. Some enforcement groups in certain areas have 30 and 50 caliber machine guns; again, these weapons have been loaned to Customs by the PC for use in what was once called "Water Patrol Division" to fight smugglers.

Water craft once used in important ports of entry for enforcing Customs laws and assisting in the control of smuggling have been out of commission for months. Inoperative inboard and outboard motors have been stored since there has been no Customs money for repairs.

Some buildings used to house Collectors of Customs are a disgrace to the organization. In Jolo, the Collector is using his living quarters as an office to run the collection district, as the office formerly used burned to the ground in 1963 and has never been rebuilt.

There are two types of smuggling in the Philippines, (1) the pure smuggling, or the normal smuggling and (2) technical smuggling. Pure smuggling is a surreptitious introduction of merchandise into the Philippines through other than recognized ports of entry without the benefit of inspection or payment of duty. Technical smuggling is a fraudulent introduction of merchandise through the ports of entry by means of under-evaluation, false invoicing, under or over declaration to avoid payment of duties and revenues. Very often this type of smuggling is accomplished through connivance with unethical Customs employees.

There is little doubt that the greatest loss of Customs duties is through the latter type. The major portion of these violations are taking place at Manila through the South Harbor, International Airport and Customs Mails, Manila. The Commissioner of Customs has taken strong measures to control these anomalies where Customs employees are concerned. He has recommended to the President that a group of 20 agents from the Department of Finance be sent abroad principally to Hong Kong and Japan to verify the shipments of materials being sent to the Philippines. Their work would be similar to that of U. S. Customs representatives in foreign ports. An additional solution to this problem would be to employ 10 competent accountants from private industry to check entry documents for correctness, classification, quantities and prices.

No one in Customs will venture a guess as to how much the government is losing per year in customs duties because of irregularities in processing documents on imported merchandise. If the claim is true that revenue losses in the smuggling of "blue seal" cigarettes amounts to P500 million a year, it would not be exaggerating to state that Customs is losing three times this much in technical smuggling.

To smuggle in and out of the Philippines is a relatively simple task. The risk and costs to smugglers are small compared to profits and benefits realized. This situation is created by a number of factors, among which is the country's rugged coastline which offers many avenues of undetected approach and entry. Aside from the difficulty of guarding the coastline, law enforcement agencies are handicapped by lack of trained personnel and support equipment. In many cases smuggled items are landed and entered with legitimate cargo through ports of entry. Negligence on the part of Customs personnel, the lack of training, poor security measures and collusion with smugglers and importers contribute to the success of this unlawful activity.

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Embroidery and Apparel Control and Inspection Board

In 1961 the Embroidery and Apparel Control Board was formed to assist Customs with importations and exportations of textiles. The Philippines has been long noted for its fine embroidery work. Textiles are imported to the Philippines for manufacture of embroidery materials and then reexported. Time limit must be within two years. Many irregularities in this category are committed. Instead of re-exporting the finished material which has been entered under bond, the merchandise is diverted for local consumption without the payment of duties.

When manufacturers import yard goods it is placed in bonded warehouses. They then draw on these imports for manufacture in their own factories or sub-contract to other manufacturers. In many instances fraudulent exports are made that in reality are only "paper" exports. Occasionally actual shipments are made of cases containing boards, paper and rags to bring the weight up to scale. At times there are substitutions of Philippine-made yard goods for the expensive imported materials, thereby diverting the imported goods.

Imported textiles are consistently undervalued at the time of entry. Another common practice is for the importer to pay an entry officer to enter the merchandise at a low rate or release the materials without paying duty.

The local textile industry has become so concerned with these violations, which they claim are ruining their business, that they have appealed to the Commissioner of Customs and the President for drastic action against manipulators and perpetrators of these frauds.

A suggested method to better control the situation would be the payment of duties on the material at the time it enters and apply for drawback when it is exported. A better system of examination of export documents and a comparison of materials actually exported could be developed.

Anti-Smuggling Action Center (ASAC)

Probably no President has done more and shown more interest in wanting to control the flagrant smuggling problem that has existed over the years in the Philippines than President Marcos. Shortly after taking office he ordered an all-out campaign against smugglers calling on the public to "stop smuggling and make this nation great again." New offices were created, Executive Orders issued in an all out effort to realize maximum efficiency in enforcing laws. On February 24, 1966, an Executive Order was signed by the President establishing the ASAC.

This agency is charged with gathering and evaluating all smuggling information which is to be disseminated on a timely basis to interested law enforcement agencies. Offices were established in key locations throughout the Republic to gather and disseminate smuggling information. An impressive plan was drawn up for the national operation, which includes some 27 branches at headquarters office in Manila. A like plan was organized for the field offices known as Regional Anti-Smuggling Action Centers (RASAC).

ASAC is top heavy with officials with impressive titles. Although the ASAC office was created in February 1966, it did not become functional until about July because of

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personnel, procurement problems and lack of operational funds. It is still too early to evaluate the operation or to ascertain its success. The general feeling in the field is that the offices are loaded with corrupt officials and "dollar a year" men and that the ASAC program will "die a slow death."

Newspaper Media

To some people, the word smuggle is shocking to the senses and indicates something vile and wrong. To others it means a way of life, an easy dollar and an opportunity to obtain something they would not otherwise have been able to buy.

Smuggling in the Philippines is a word that the public has heard so often for so many years that they have become accustomed to it and pay little heed to the serious effect it is having on the economy of the country. Daily newspaper reports are published about conniving officials being bribed by operators to release valuable shipments of merchandise at a reduced rate or to pass an importation through the customs zone without the benefit of inspection.

Pure Smuggling

Blue Seal (U.S.) Cigarettes. For several years the smuggling of cigarettes into the Philippines has been regarded as a major problem that has cost the government an estimated 500 million pesos a year. Wholesale quantities of these are exported from Hong Kong and transported by boat to warehouses in coastal cities in Borneo where they are reexported to the Philippines. There are seven principal ports in Borneo presently reportedly being used as "jumping off" places for smugglers entering the Philippines.

Besides Blue Seal cigarettes, other highly dutiable merchandise such as electrical appliances, radios, textiles and canned foods are smuggled in. Smuggling activity is carried on principally by natives of the Sulu sea area where families for centuries have traded with the countries to the south.

For several years during the early 1950s lawful barter trading flourished in the Jolo district. Under the barter agreement, natives of the Philippines were allowed to export 1,000 pesos worth of local Philippine commodities without license (except sugar and war materials). Likewise a corresponding amount was allowed to be imported in exchange. All shipping was to be subject to customs inspection and duty collections.

During the latter part of 1956, violations of the barter trade agreement increased and wholesale smuggling was being carried on. Customs ports and subports in Jolo, Sulu were bypassed by boats. Commodities were transported to northern cities as far as Manila where more lucrative outlets were available.

An end to lawful trading was seen in 1959 between the Philippines and Borneo. In order to survive, the natives returned to smuggling. Shortly thereafter the wholesale smuggling of cigarettes began.

To combat this traffic, the Philippine Navy, with its cutters and gunboats, were put to work in territorial waters, arresting smugglers and seizing merchandise. In the five and one-half years from January 1961 to July 1966, 445 vessels have been seized, 2,840 persons arrested and nearly five million cartons of cigarettes have

SECRET

been seized, having a market value of over 43 million pesos. These represent seizures by the Philippine Navy only.

In addition to this, Customs, police departments and the Philippine Constabulary likewise have made hundreds of seizures of this type of merchandise during the past several years. Because of the intensive anti-smuggling drive being urged by the Presidential palace, smugglers are being compelled to alter their routes into the Philippines. PC, Navy and other Government offices have compiled lists of suspected big-time operators who finance small boat owners in operations in the Jolo and Palawan areas.

From all indications, the business of smuggling is carried on by organizations who have paid sources of intelligence, manpower and equipment at their disposal. Boats and motors used by these men are often financed by heads of smuggling groups. The types of vessels used include Kumpits, basnigs, vintas and bancas equipped with powerful inboard or outboard motors capable of travelling 20 knots or more per hour. Often these boats are armed with machine guns and rifles and equipped with radio transmitters and receivers. One Navy skipper related the finding of radar equipment on one vessel he seized.

Through their intelligence network smugglers receive information concerning locations of naval task forces and of PC patrols. Reports of gun battles between smugglers and law enforcement officers are numerous, with men killed and wounded on both sides. The modus operandi of these operators is to travel at night and conceal themselves in some cove or harbor during daytime hours to avoid detection by Navy or PC patrols.

Merchandise received by smugglers in Borneo is generally released to them on consignment. Some boat operators are self employed while others work for the organization. Families who reside in barrios in the Jolo area pool their resources together to finance smuggling ventures. For this reason law enforcement agencies receive very little or no cooperation from the public in these areas. Police must travel in armed groups, ever on the alert for ambush.

Two major problems trouble Philippine-Malaysia relations: that of attempting to control smuggling from Borneo and the Philippine claim to the Borneo area as a territorial right. From the Borneo government's point of view, the smuggling trade from Borneo to the Philippines is completely legal. Import and reexport of cigarettes is carefully supervised by customs officials in Borneo and obligatory wharf fees are duly paid. No tariff is levied since the goods are reexported. At present the trade centers on two Sabah ports, Sandakan and Semporna, the latter being the most important. The venue has changed from time to time in response to changes in the pattern of Philippine naval patrols.

Recent reports appearing in the Sabah and mainland Malaysian press have suggested that smuggling may be essential to the survival of many inhabitants of the Sulu Archipelago. The alternative is starvation, according to one smuggler who was further quoted as saying that unless the Philippine Government could provide more job opportunities, the islanders would be obliged to continue with their unprotected and adventurous lives.

Another report quoted a French sociology student who spent two weeks with the smugglers in the Sulu Islands as saying that the captain of a kumpit earns \$210 per trip and may make three trips per month for \$630 per month, whereas a teacher in the Philippines earns only \$60 per month. A Survey Team member present on an island

SECRET

off Semporna when a kumpit was stopped for routine police check observed that those particular smugglers were an impoverished and woebegone appearing lot.

Sabah police, on the other hand, consider smugglers to be a vicious and unprincipled breed. They point out that many smugglers come from families which have lived by piracy for centuries and they fear return to privacy if smuggling is stopped without provision of alternate employment. It is true they are often armed with automatic weapons and if the speed of their long, sleek boats proves inadequate to outrun the patrols they are prepared to turn and fight. Moreover, at least one case of brutal attack by pirates occurred in the Sulu Sea during 1966.

Current laws against smuggling are adequate and penalties sufficiently severe. The fallacy lies with the application and enforcement of the laws. Since smuggling is not regarded to be a very serious crime, few convictions are handed down and, even then, only minimum sentences and small fines are imposed.

Reliable sources report that big time smugglers in the Philippines are the Chinese. They are wealthy, unscrupulous, clever operators who know when and how to "put their money" in the right place. At the time of the survey, newspapers daily reported stories of PC officials being on the roll of the millionaire fisherman in Cavite, named Lino Bocalan. Bocalan was once branded on the floor of the Senate as the nation's top smuggler. When four PC officials were being investigated, they decided to "talk" and have implicated high government officials, according to reports. A Congressional hearing was underway concerning the matter.

No reports or convictions of big time smugglers were heard of, although several had been indicted and had cases pending. But the bets were that they would never be prosecuted. Occasionally there are reports of convictions of small operators and runners.

Overlapping Customs Jurisdiction. At the present time, there are no less than nine government agencies involved in investigations of imported merchandise or in some way performing duties which overlap functions within Customs jurisdiction. Without the assistance of at least two of these departments, statistics on arrests and seizures for smuggling would be much lower. These agencies are the Navy and the Philippine Constabulary. The NBI has contributed on a lesser scale in effecting seizures of contraband and by documenting information on some smuggling suspects. It is doubted that very much of this information, if any, goes to Customs, since Customs has no central investigation office to correlate or handle such matters.

CADA is performing functions taken from Customs in the handling and disposal of seized merchandise. In creating CADA, it was necessary to establish new positions and offices throughout the Republic for its operation. Personnel had to be selected and trained. It appears that a better solution would have been to designate a person within the Customs Bureau itself to handle seizures and sales on a national level. Department of Finance agents are designated to conduct investigations of false invoicing and under-evaluation regarding imported merchandise.

Agents of PARGO are designated to conduct investigations of fraudulent importations. ASAC is a newly created department to receive, evaluate and disseminate all smuggling information. Only recently reports were received that ASAC officials had disagreements with a collector of customs when the ASAC officials attempted to

SECRET

arrange for the release of highly dutiable merchandise without the proper payment of duties. Customs detained the shipment over the protests of ASAC.

Another report related that Manila Police Department officers and ASAC men were involved in an incident over the transfer of goods from the Customs bonded warehouse. ASAC men attempted to stop a truck being "escorted" by MPD officers after merchandise was seen being loaded from the bonded warehouse to the truck during the early morning hours. It has consistently been stated that ASAC officials were not to be operational, but were to gather and disseminate information.

PC officers have been assigned to make spot checks of Customs operations on the piers of South Harbor and to inspect incoming parcels arriving in the Customs mail section from foreign countries. These assignments, according to top Customs officials, were made to check on Customs officials' handling importations.

These overlapping investigational functions handled by the numerous agencies tend to create inefficiency, disharmony, distrust and general confusion. The present situation illustrates the need for the creation of an Office of Investigation for the Bureau of Customs, where jurisdiction in these matters belongs. These are highly technical investigations, which should be handled from beginning to end by trained investigators within the Bureau of Customs familiar with all the elements of fraud.

In a report on a survey of the Bureau of Customs conducted by Mr. Lawrence Fleischman during 1950, one of his urgent recommendations was the establishment of such an office to handle Customs investigations. Mr. Fleischman, a knowledgeable Customs investigator, who is currently the Assistant Commissioner for Investigations, U. S. Bureau of Customs, thoroughly looked into this phase of the Customs Service 16 years ago, and saw then that an investigative body should be created within the bureau to prevent outside agencies from usurping Customs authority.

PARGO. PARGO includes a total of 55 agents who work in teams of four. This agency was created in 1960 for the purpose of investigating graft and corruption and cases involving "technical smuggling."

So many complaints were received that President Marcos on 6 August 1966 "clipped the wings" of PARGO and limited its investigations to anti-graft law violations. This order precludes PARGO from further investigating private warehouses.

From all appearances PARGO is another agency that will soon fade away and work itself out of a job.

Philippine Navy Anti-Smuggling Campaign. The Philippine Navy, in addition to conducting full time sea patrols for national defense, maintains three task forces which concentrate on anti-smuggling activities. Navy patrols have been very active and effective, especially in the Sulu Sea area. They have been so active, in fact, that the port of Jolo is deemed off limits to Navy personnel, because of the numerous seizures of merchandise and arrests of natives of this area. A skipper of a Navy vessel related that an attempt was made to dynamite the propellor or his ship, while at the Jolo dock. On another occasion, natives at the piers at Jolo attempted to cut the ropes which secured the ship to the dock.

The Navy's intelligence network provides them with information concerning movements of suspected smugglers and their boat routes. According to Navy sources the

SECRET

critical areas they patrol are the straits northeast of Malaysia between Palawan and Jolo, Sulu Sea, and the Celebes Sea north of Indonesia. The operation of the Navy Task Force was personally observed by Survey Team personnel. The skippers of these vessels are highly trained and skilled in their work. Ships are actively patrolling their areas day and night, sometimes remaining at sea for two-week stretches without returning to base. Ships rendezvous at sea to obtain fuel and supplies.

It is claimed that the ship's radar is their best weapon against smugglers, since these operators generally travel at night when they are less likely to be detected.

Intelligence sources reveal that the Manila Harbor is one of the hot spots for smuggling of all kinds. Small bancas equipped with outriggers are utilized by smugglers. Merchandise is transferred from larger boats and launches to these small maneuverable boats and conveyed to any area in the harbor. Little or no water patrol is conducted in or around the Bay where commercial ships are anchored.

Reliable Customs sources are stated that much smuggling is done from ships to lighters. Merchandise is unloaded overside and never reaches the Customs House.

The above-described situation demonstrates the need for an active Customs water patrol unit which would be coordinated from a Customs investigative office in Manila. This unit should closely coordinate its operations with the Navy, since the latter is in effect the Coast Guard of the Republic.

The Philippine Constabulary Anti-Smuggling Campaign. Upon receiving orders from President Marcos in January 1966 that all government law enforcement agencies should actively participate in an all-out drive to combat smuggling, the Philippine Constabulary promptly organized anti-smuggling units throughout its four zones of operation throughout the Republic. In spite of being handicapped by the lack of vehicles, vessels, other support equipment and trained personnel, the PC has been one of the two most active police agencies in effecting arrests and confiscating smuggled merchandise. The anti-smuggling unit in each PC zone headquarters is charged with gathering intelligence information which is evaluated and disseminated from the various provincial command posts. Officers and men are encouraged to develop contacts and sources of information throughout the barrios who can furnish information on the movements of smugglers and pinpoint landings of smuggled merchandise. Many occasions arise when PC patrols have information concerning both routes being used by smugglers or landings of cargos only to be hampered from taking action by lack of transportation or radios. Kumpit and motor launch boats frequently used by smugglers draw no more than four feet of water while navy cutters and patrol boats draw up to ten. Quite often navy vessels are eluded by these small fast boats, because of the navy vessels' inability to pursue these boats in shallow water.

Although the Commissioner of Customs has repeatedly requested that law enforcement agencies report all seizures of equipment, boats, motors and vehicles so that Customs can proceed with the proper forfeiture procedures, PC officers and RASAC agents are failing to do so. In the Port of Jolo, several boats and motors of questionable origin were observed at the RASAC Headquarters. One PC member was noticed to be dismantling a Johnson outboard motor which had been seized the night before. Cooperation between PC and Customs was practically nonexistent in most areas observed.

SECRET

The PC is not free from allegations of misconduct on the part of personnel. Frequent reports are received that officers and enlisted men have connived with smugglers and have taken bribes offered by violators.

Intelligence obtained by the PC revealed that at the present time there are 16 known smuggling lords operating in Cavite Province. Seventy-three others have become inactive during the past four months because of the stepped up PC anti-smuggling operation, they say. Blue-Seal cigarettes is the principal item smuggled into this area.

Smugglers in that area are reported to have 30 jeeps, 80 automobile sedans, four panel trucks, two cargo trucks, 40 kumpits and basnig boats and 150 bancas, six .30 caliber machine guns, 32 BARs, four M-14 rifles, 180 automatic carbines, 100 Garand rifles, 10 Thompson submachine guns, six .45 caliber pistols and 60 Magnum pistols, for a total of 398 total firearms. They are reported to have 200 Japanese-style transistor radios capable of transmitting up to 10 miles over water. In the area of finances, they have unlimited money to pay for law enforcement intelligence, bribes for prosecuting officials, assistance to dependents, smuggling operators and legal counsel for arrested smugglers.

Enforcement and Investigation. Under the present system in the Bureau of Customs, all enforcement activity in investigations for violations of "technical" smuggling are handled under the direct supervision of the collectors of customs in their respective districts.

Collectors generally are interested in increasing revenue for the district, as a result of which law enforcement in all areas has been neglected and is sadly lacking. In only a few areas were personnel found who were trying to do an enforcement job and who were encouraged to do so by collectors. Statistics for actual seizures and arrests by Customs personnel throughout the Republic are extremely low. Customs enforcement and technical investigation should be removed from the jurisdiction of the Collector's Office and placed under the direction of an office which would be directly responsible to the Commissioner.

Anti-Smuggling Unit, Manila Police Department. Since June 16, 1966 the Anti-Smuggling Unit of the Manila Police Department has been organized and in operation. The unit consists of 37 men who were selected from regular ranks of the police department. Their functions include detection of possible smuggled merchandise, surveillance of bonded warehouses and loaded trucks suspected of transporting and housing smuggled goods. Five teams of men and a total of five jeeps are utilized throughout this operation.

These officers have no authority to search, seize and arrest under Customs law, since the Commissioner of Customs has not extended this authority to MPD officers. Upon learning the whereabouts of smuggled merchandise, Customs is invited to participate when the search is made.

During their two months of operation, the unit has made several seizures of Blue-Seal cigarettes and assorted merchandise, including whiskey, textiles and wearing apparel. No complete tabulation of arrests or seizures was available.

From all appearances, this MPD unit is operating strictly on its own and is not coordinating information on their operation with members of the Bureau of Customs. Teams from this unit devote much time and effort working in the immediate vicinity

SECRET

of the piers and docks at Manila in the hope of seizing merchandise unlawfully released by Customs or underevaluated by importers. Ill-feeling exists between Customs enforcement officers and members of this MPD team, with accusations of irregularities on both sides.

Customs Mail Division, Manila. The Customs Mail Division is operated in an overcrowded area at the Manila Central Post Office. A total of 34 employees are regularly assigned to process parcels arriving from foreign countries. These include examiners, appraisers, cashiers and clerks. In addition, there are six Special Service agents for ASAC and six PC, all temporarily detailed to this Division. Some of the problems in this Division are overcrowded working conditions; insufficient equipment with which to work; no overtime pay is allocated for overtime by employees; confusion is caused by interference by PC officers and Customs Secret Service agents assigned to observe in the Mail Division; there is a need for better separation between foreign and domestic mail storage; although no smoking signs are posted in all areas, many employees were noted with lighted cigarettes; cigarette butts were scattered on the floor and near mail sacks. Violations discovered in the Mail Division include falsely declared articles; toys, fire-arms, gifts; split shipments of highly dutiable merchandise; and underevaluation. Although Customs employees criticize the presence of PC officers in the Mail Division, notable seizures have been made due to their vigilance.

Summary

Principal problems in both the administration and enforcement branches of Customs include lack of discipline, disregard of authority, personnel not qualified to perform functions to which assigned, lack of organization, little or no supervision or direction, no follow through of assignments by supervisors.

Most divisions are top-heavy with administrators, jurisdiction is overlapping, political interference is found in all personnel matters, including hiring, promotion, dereliction cases and in prosecutions.

Many offices are overstaffed while others lack certain positions. At their own request, personnel are detailed to ports where the profits are more lucrative, and are there for years in some cases. The Bureau of Customs has no central office of investigations and enforcement. Emphasis is placed on revenue collections and not enforcement. Customs personnel are depending on other law enforcement agencies to do their enforcement work.

The Bureau lacks qualified, trained enforcement agents capable of investigating cases of Customs fraud, false invoicing, etc. Because of this, other government agencies, such as Finance, NBI, or BIR investigate matters which are solely the responsibility of Customs.

There is little or no support equipment for Customs enforcement officers. The Port Patrol Division is completely without vehicles to conduct patrol and surveillance operations in districts having hundreds of miles of coastline to protect. The Launch Patrol is without boats.

Connivance between Customs personnel and persons involved in importations exists at all ports.

SECRET

Irregularities exist in handling bonded merchandise. Bonds issued are not valid or are insolvent. Warehouses release bonded goods without Customs clearance.

Although laws are adequate and penalties sufficient, prosecutions for violation of customs laws are few. Implications are that judges and prosecutors are influenced in doing their job.

SECRET

Chapter XIX

U.S. ASSISTANCE TO PHILIPPINE LAW ENFORCEMENT AGENCIES

The Government of the Philippines does not have the technical or financial capability to mount and support the effort which must be initiated and developed if the serious peace and order situation is to be significantly attacked. The imperative in Philippine law enforcement is its need for improvement. This will require external assistance.

It is recommended that the U.S. Government provide an expanded level of both technical and material assistance to Philippine Law Enforcement Agencies in order to assist in attacking this problem.

Such expanded level of assistance could take either of two courses:

1. Consolidate existing U.S. law enforcement advisory efforts into a single program under the USAID Mission.
2. Continue U.S. advisory assistance to the PC under the JUSMAG aegis and that to the NBI and local police under the AID aegis.

It is the view of the Survey Team that decision as to which of these two courses is to be taken is the responsibility of the Country Team in the Philippines and concerned Washington agencies.

For a number of years the U.S. Government has been providing some assistance to the National Bureau of Investigation and the local police under the AID program and to the Philippine Constabulary under the Military Assistance Program.

Following is U.S. assistance to Philippine Law Enforcement Agencies presently scheduled for FY 67 and FY 68. (\$ costs in 000's) () = Number of advisors:

		<u>Advisors</u>	<u>Training</u>	<u>Commodities</u>	<u>Total</u>
NBI/Police (AID Public Safety)	1967	190 (9)	68	80	338
	1968	206 (9)	150	30	386
P. C. (MAP)*	1967	Not (1)	Not	677	677
	1968	Avail (1)	Avail	116.6	116.6

*Figures are from DOD machine records run. Common-item support provided all services through the AFPSC is not included. Major portion shown represents investment-type items only.

Specific dollar amounts of training costs programmed for the PC are not available for this period.

SECRET

A major requirement is the provision of competent, trained, professional law enforcement administrators who have backgrounds of broad experience in the management of police organizations. In addition, Constabulary advisors should be well grounded in military/paramilitary police organizations, operations, tactics and techniques in maintaining law and order.

Nine U.S. Police Advisors are presently authorized for the NBI and the Manila Police Department under the AID Public Safety Program. One Military Police Officer is assigned specifically as police advisor to the PC. The PC receives partial logistical, operational, training and other advisory support, on a shared basis with the PA, from 26 U.S. Army officer advisors in JUSMAGPHIL.

U.S. assistance is discussed separately since methods of programming and costing under AID and MAP were not compatible for combined illustration.

The following level of NBI/Police support is recommended:

<u>U.S. Police Advisors</u>	<u>1967</u> <u>NBI/Police</u>	<u>1968</u> <u>NBI/Police</u>
Chief Police Advisor	1*	1
Deputy Chief Police Advisor	1	2
Police Training	6 (2*)	6
Identification & Records	1*	2
Police Administration & Organization	6 (1*)	6
Criminalistics	1*	1
Communications	1*	2
Traffic Management	1*	2
Logistics/Supply	1*	2
Criminal Investigation	1	2
Program Assistant	1	1
Secretary	1	1
	<u>22 (9*)</u>	<u>28</u>

*Presently authorized for NBI and Manila Police Department. Three of the nine authorized spaces were filled in 1966.

6 Police Administration/Organization Advisors: 1 each resident in Davao, Cebu, Iloilo, Angeles City, Baguio and Manila.

6 Police Training Advisors: 1 each for PSD Manila, NBI Academy, Davao, Cebu, Iloilo, and Baguio.

Recommended Participant Training for NBI/Police

	<u>1967</u>	<u>1968</u>
	<u>NBI/Police</u>	<u>NBI/Police</u>
International Police Academy Senior Course	15 (4*)	15
International Police Academy General Course	20 (10*)	20
F. B. I.	4 (2*)	4
Criminalistics	4*	4
Traffic Management	3 (1*)	3
Penology	3 (1*)	3
Police Telecommunication Management	4 (1*)	4
Police Records Management	8 (1*)	8
Customs Enforcement Administration	<u>4</u>	<u>4</u>
	65 (24*)	65

*Presently authorized

Recommended Commodity Support to NBI/Police (\$000's)

	<u>FY 67</u>	<u>FY 68</u>
	<u>NBI/Police</u>	<u>NBI/Police</u>
Presently authorized	80	30
Recommended level	1,000	1,000

In addition to the support indicated above, major construction, equipment, maintenance and operations costs will require U.S. assistance. Among these, priority consideration should be given to completion of the NBI headquarters, the NBI Police Academy, construction of police training centers. These costs are summarized as follows: (Costs in Pesos 000's)

	<u>1967</u>	<u>1968</u>
Complete NBI Headquarters ₱1,000,000	1,000	1,000
Construction NBI Academy	200	200
Construction Regional Police Training Center	600	600
Equipment/Supplies for Training Center	800	800
Miscellaneous Supplies	400	400
POL and M. V. Maintenance	200	200
Maintenance Costs (Training Centers)	<u>400</u>	<u>400</u>
Total Local Currency Requirement	3,600	3,600

Summary of Recommended NBI/Police FY 67 and FY 68 program levels:

	<u>FY 67</u>	<u>FY 68</u>
	<u>NBI/Police</u>	<u>NBI/Police</u>
U.S. Advisory Personnel	400 (22)	600 (28)
Participant Training	136.5 (65)	126.5 (65)
Commodities	<u>1,000</u>	<u>1,000</u>
Totals	1,536.5	1,736.5

Recommended PC Advisory Assistance:

The recommended level of advisory assistance to the PC if provided under MAP would require a re-structuring of JUSMAGPHIL to include the following:

Chief, PC Section JUSMAG	1 Colonel
PC Zone Advisors	4 Lt. Colonel/Major
Criminal Investigation/Training	<u>1</u> Chief Warrant Officer
Total	6

Whether the above positions could be obtained by redesignating currently authorized spaces, or by increases, is a matter for consideration by the Chief, JUSMAGPHIL, CINCPAC, and DOD, since it infringes on requirements for advisory assistance to other services and allied roles and missions.

Recommended Military Assistance Training Program (MATP):

The PC has suffered from lack of emphasis on police administration and management training, evidenced by lack of attendance at the FBI National Academy, the Southern Police Institute, U.S. Treasury Department schools and other suitable U.S. college level courses. Priorities for PC MATP training should emphasize general police administration, organization, records management, patrol and communications, traffic administration, management, and accident investigation; criminal investigation and identification, juvenile delinquency and crime prevention; police science and criminalistics, personnel management and data processing.

PC allocations in the MATP over the past five years have averaged only 12.5%. This should be raised to approximately 25%. A goal of 35 to 50 PC personnel for each of the next two years should be established as a minimum in purely police-type training requirements.

Recommended additions to MAP material support for the PC:

Replacement of training aids and other equipment destroyed in the 1964 burning of the PC school.

A provision for PC watercraft for close-in patrolling and inter-island short-haul transportation.

Additional funding of approximately \$200,000 for essential and basic police-type equipment.

Funding to provide expansion of facilities of PC school to accommodate considerable increase in student input.

Continued U.S. consummable support.

Assurance through JUSMAGPHIL/AFP that the PC is in fact receiving MAP logistical assistance at levels programmed for its use. This may require realignment of existing support procedures.

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