



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

**MEMORANDUM CIRCULAR**  
NO.: **2021-081**

**13 JUN 2021**

**GUIDELINES AND PROCEDURES TO GUARANTEE THE SPECIAL PROTECTION AND SAFETY OF CHILDREN WHILE THEY ARE IN THE CUSTODY OF THE PHILIPPINE NATIONAL POLICE(PNP) ALSO KNOWN AS THE "PHILIPPINE NATIONAL POLICE CHILD PROTECTION POLICY"**

**1. REFERENCES:**

- a. 1987 Philippine Constitution;
- b. Republic Act (RA) No. 11188 (Children in Situations of Armed Conflict Act);
- c. Republic Act (RA) No. 9344 (Juvenile Justice and Welfare Act) as amended by R.A. No. 10630;
- d. Republic Act (RA) No. 7610 (Anti-Child Abuse Act) as amended by R.A. No. 9231;
- e. Republic Act (RA) No. 6713, ("Code of Conduct and Ethical Standards for Public Officials and Employees");
- f. United Nations Convention on the Rights of the Child;
- g. Presidential Decree No. 603 "The Child and Youth Welfare Code"; and
- h. Council for the Welfare of Children (CWC) Board Resolution No. 1, series of 2012; and
- i. All other special penal laws relating to children.

**2. RATIONALE:**

This PNP Memorandum Circular (MC) prescribes the basic guidelines, procedures, and tools in guaranteeing the protection and safety of children from all forms of neglect, abuse, cruelty, exploitation, and other conditions prejudicial to their development in the conduct of police/rescue operations, investigation, and/or surveillance in times of calamities, armed conflict, and other activities of the PNP and/or while they are under the custody of the PNP.

**3. SITUATION:**

The 1987 Constitution mandates the State to defend the right of children to assistance and special protection from all forms of neglect, abuse, cruelty, exploitation, and other conditions prejudicial to their development. In the same vein, the UN Convention on the Rights of the Child enjoins state parties to protect children from all forms of physical or mental violence, injury or abuse, neglect, maltreatment and exploitation and all forms of violence, including online sexual abuse and exploitation.

The PNP recognizes that as a state actor that directly and indirectly works with children in the conduct of investigation, rescue operation, intake handling, advocacy outreach, and other ancillary/relevant engagements with children, it is bound to support the full implementation of Philippine and international laws that promote the right of all children to protection. This necessitates the adoption of clear guidelines on working with children to prevent the commission of abuse and harm against them.

The Council for the Welfare of Children (CWC) issued Council Board Resolution No. 1, series of 2012, requiring its member agencies to formulate their own Child Protection Policy. The PNP recognizes its mandate to adopt said policy since the Department of the Interior and Local Government is a member of the Council.

In early 2019 and 2020, various units of the PNP, National Government Agencies, Civil Society Organizations, and Child Rights advocates conducted workshops to formulate the PNP Child Protection Policy to ensure that the policy captures and integrates all existing policies and procedures, as well as the context and situation on the ground in fulfilling the right to protection of children.

The PNP recognizes that there are cases of abuse and violence attributable to the conduct, commission, or omission of officers and personnel from within the institution. Though these are exceptions rather than the norm, the PNP recognizes the need to reinforce a zero-tolerance policy for any act of violence against children. The PNP believes that children, whether victims or offenders, should be treated with respect and dignity, given child-appropriate treatment and language, and handled according to the standards set forth by the law and the rules to avoid their re-victimization.

#### **4. PURPOSE:**

To provide general guidelines and procedures on how to ensure that all children who come in contact with the PNP as victims and/or alleged perpetrators, have their right to protection that is fully realized and are treated in line with the existing international and national legislation and standards. It also aims to:

- a. Outline the key principles to be applied in all instances in making and/or acting on decisions concerning child protection;
- b. Guide practices for the identification and response concerning child protection cases; and
- c. Set standards to be applied by all PNP uniformed personnel in dealing with child protection cases.

#### **5. DEFINITION OF TERMS:**

For the purpose of this PNP MC, the following terms, words, and phrases shall mean, or be understood as follows:

- a. **Child** - refers to individual who is below 18 years of age or those over but are not able to fully take care of themselves from abuse, neglect,

cruelty, exploitation or discrimination due to physical or mental disability or condition.

- b. **Child-at-Risk (CAR)** - refers to a child who is vulnerable to and at risk of behaving in a way that can harm themselves or others, or of being pushed and exploited to come into conflict with the law because of personal, family and social circumstances, such as, but not limited to, the following:
- 1) Being abused by any person through sexual, physical, psychological, mental, economic or any other means, and the parents or guardians refused, unwilling, and/or unable to provide protection for the child;
  - 2) Being exploited sexually or economically;
  - 3) Being abandoned or neglected, and after diligent search and inquiry, the parents or guardians cannot be found;
  - 4) Coming from a dysfunctional, broken family and/or being without a parent or guardian;
  - 5) Being out of school;
  - 6) Being a street child;
  - 7) Being a member of a gang;
  - 8) Living in a community with a high level of criminality or drug abuse; and
  - 9) Living in situations of armed conflict.
- c. **Child Involved in Armed Conflict (CIAC)** - refers to a child who participated directly in armed hostilities through support roles such as scouts, spies, saboteurs, decoys, checkpoint assistants, couriers, messengers, porters, cooks or as sexual objects.
- d. **Child in Conflict with the Law (CICL)** - refers to a child who is alleged as, accused of, or adjudged as, having committed an offense under Philippine laws.
- e. **Grave Child Rights Violation (GCRV)** - refers to the crimes committed against children that constitute flagrant violations of their human rights and have severe consequences on their lives. These crimes include those enumerated in Section 9 of RA No. 11188.
- f. **PNP Personnel** - refers to uniformed and Non-Uniformed Personnel of the PNP in active service.
- g. **Violence Against Children (VAC)** - refers to any form of violence-physical, sexual, psychological and online abuses, neglect and

exploitation in all settings against children that intentionally and/or unintentionally cause damages to his or her life, health and development.

## **6. GUIDELINES AND POLICIES:**

### **a. General Guidelines**

A child is one of the most important assets of the nation. Every effort should be exerted to promote the well-being of every child and to enhance their opportunities for a useful and a happy life. It should be the policy of the PNP to provide special protection to children from all forms of abuse, violence, neglect, cruelty, discrimination and other conditions prejudicial to their development, taking into consideration their gender, cultural, ethnic and religious background. For this purpose, the following General Principles shall be followed:

- 1) Respect the rights of children to dignity and their rights as human beings in need of protection from degradation, humiliation, maltreatment, exploitation, and assault;
- 2) Ensure the implementation of the Articles under the United Nations Convention on the Rights of the Child, along with the Optional Protocols which the State has already ratified;
- 3) Protect the children gravely threatened or endangered by circumstances which affect or will affect their survival and normal development which they have no control. This also means that all suspicions and allegations of Violence Against Children committed not only by PNP personnel but any individual must be dealt with seriously, immediately, and appropriately. Above all things, the PNP shall adhere to the principle of "Do No Harm" to the child;
- 4) Consider the best interests of children as the paramount consideration in all actions concerning them. This means that all PNP engagement with children, singly or collectively, whether for criminal investigation or other purposes, shall be evaluated and balanced, taking all the elements including but not limited to the views and aspirations of the child, circumstances, safety, protection, family environment, vulnerability, needs, and competencies necessary to make a decision in a specific situation involving a child or group of children;
- 5) Ensure equality and non-discrimination of children in all policies, processes, and procedures of the PNP regardless of age, gender, sexual orientation, disabilities, race and ethnicity, and economic or social class;
- 6) Respect and fulfill the right of the child to participate whenever possible to ensure that in the engagement of PNP with children, they

are not to be treated as object of concern/investigation/rescue/audience or the like, but rather as individuals with their own views that shall be seriously considered in the formulation and operationalization of recommended actions. It is important to provide the child/children with all the necessary details in a manner that is understood by them to help the child/children in making their decision prior participation.

Pursuant to the foregoing legal instruments and general principles, the following are the guidelines of the PNP.

- 1) Observe and comply with the provisions of international and national child laws, conventions, and other legal instruments;
- 2) Ensure that all its operations and processes are child sensitive, gender-sensitive, rights-based and disability sensitive, in line with the principles of the United Nations Convention on the Rights of the Child, particularly, the best interest of the child and their non-discrimination;
- 3) Ensure the inclusion of child protection laws and rules in all mandatory and specialized trainings/courses, and to foster a culture of advocacy within the institution to promote the right to protection of children;
- 4) Ensure that all PNP personnel including those individuals who are not categorized as organic/temporary or casual employees but those whose services are engaged by the PNP as volunteers, interns, on-the-job trainees or other individuals working with the PNP, be trained on the PNP Child Protection Policy.
- 5) Ensure that all uniformed personnel accused of committing violence against children are subjected to a thorough, speedy, and impartial investigation and apply appropriate sanctions to all those found guilty of such violation;
- 6) Ensure that the whole PNP organization will abide the zero-tolerance policy for any act of violence against children;
- 7) Observe the Principle of Command Responsibility in determining the accountability and/or liabilities of police personnel in cases of violence against children that occur during the conduct of police operation;
- 8) A superior officer or supervisor who failed to take action within 48 hours from the time he/she was informed about a crime or offense that was committed, is being committed, or shall be committed by his subordinates, or by others within his area of responsibility, shall be held accountable for Neglect of Duty under the principle of Command Responsibility; Failure to report by a superior officer or supervisor

despite receiving reports or having knowledge of violations shall be a ground for the immediate relief of the said officer, subject to due process of the law. Higher penalty will also be meted if there is any finding of cover-up or conspiracy to obfuscate the truth or obstruct investigation of such incident; and

- 9) Any offense committed in violation of the provision of the PNP Child Protection Policy shall be categorized as a serious or grave offense and a maximum degree of penalty shall be imposed. For those non-PNP members, the violations shall cause their immediate severance from the office where they are assigned without prejudice to the filing of criminal action.

**b. Policies:**

The provisions of the Revised PNP Operational Procedures Handbook and Manual in Handling Cases of Children at Risk and Children in Conflict with the Law and other guidelines or manuals shall be regularly reviewed and any provision that contravenes with the rights of a child or does not reflect the best interest of the child shall be revised in accordance with existing child protection laws and this Child Protection Policy;

**1) Code of Conduct for Working with Children**

The Revised PNP Operational Procedures Handbook and the Manual in Handling Cases of Children at Risk and Children in Conflict with the Law shall be used as reference, whenever appropriate, in handling cases involving children. In implementing these Manuals, the rights of the child and the principle of the best interest of the child shall be considered.

There are several situations where a child will need to interact or work with the PNP.

**a) Children at Risk (CAR), Children in Conflict with the Law (CICL), and Children Involved in Armed Conflict (CIAC)**

- (1) When handling a case involving CAR, CICL, or CIAC, the PNP personnel shall keep in mind that the child has rights that have to be protected. The PNP personnel shall not threaten the child with any kind of violence or use of vulgar language. The parents/guardians of the CAR, CICL, or CIAC shall be notified within 24 hours from the time that physical custody of the child is taken and shall be referred to the appropriate agencies for the necessary intervention/diversion program. The PNP personnel shall only use necessary and proportionate force to subdue a resisting child and where such force will only be used as a last resort. In no case shall the physical custody of the CAR, CICL, or CIAC be retained in a PNP lock-up or detention cells.

To ensure that no CICL is placed in a lock-up or detention cell while in police custody, the Chief of Police or Officer-in-Charge of the PNP unit/station shall coordinate with the concerned Department of Social Welfare and Development/ Local Social Welfare and Development Office and Local Government Unit in identifying a temporary sheltering facility in the absence of a Bahay Pag-asa, in the event that the continued custody of the minor is paramount for reasons not limited to violence or self-harming behavior.

- (2) Unless the acts committed are not Grave Child Rights Violations, the CIAC shall not be criminally liable for crimes they committed and shall be treated as victims. If the CIAC committed Grave Child Rights Violations, the protocol for handling cases of CICL shall apply.
  - (3) It is important for the PNP personnel to follow and closely adhere to the provisions of the Revised PNP Operational Procedures Handbook and the Manual in Handling Cases of Children at Risk and Children in Conflict with the Law and the provisions of the Juvenile Justice and Welfare Act, as amended. All PNP personnel shall observe the provisions of RA No. 11188 or Special Protection of Children in Situations of Armed Conflict and the Protocol in Handling Children in Situations of Armed Conflict.
- b) Child victims reporting a crime committed against him/her or a child accompanied by parents/guardians/peers to report a crime.
- (1) The PNP shall handle cases involving child victims with urgency and efficiency. The PNP shall ensure that there is a child-friendly, gender-responsive, and disability-sensitive, secured area inside the stations and offices where children will feel safe and comfortable to give their statement.
  - (2) The PNP shall carry out rescue, surveillance, and field operations lawfully and with full respect for human and child rights. The PNP shall only use necessary and proportionate force and proper language to children who may be in the scene. Gathering of evidence from children shall be made in the least intrusive means as possible, utilizing child-sensitive methods, pursuant to relevant case management protocols, and must be with the conformity of their parents or guardians, or the LSWDO, as the case maybe.
  - (3) Regardless of the situation, the PNP shall ensure that the rights of the child are secured. In all situations, the PNP shall ensure that the privacy of the child and the confidential nature of their cases and identities are preserved and shall not be disclosed. Violations of privacy of children shall be meted with disciplinary measures as such violations are inimical to the

best interest of the child. It is important that the process is explained to the child in a language and manner commensurate or responsive to the circumstances of the child, especially when taking their photographs or personal information for evidentiary purposes.

- c) It shall be the responsibility of the PNP to protect children from the media (interviews, videos coverage) when a CAR is rescued, a CICL is apprehended or a child victim is reporting a crime. The child's right to privacy shall also be respected, protected, and fulfilled.

## **2) Communication Protocol**

- a) The PNP shall protect the child's right to privacy. Personal or sensitive information of and from children must be handled with utmost care and shall be kept confidential. Disclosure of personal information of children shall be limited to those who need to know such information and always be pursuant to the PNP mandate. The right of a child to privacy shall be respected at all times. No personal, sensitive, or physical information that could identify or locate the child shall be disclosed to the public, unless consent was previously obtained from the child's parent or guardian.
- b) No communication with children shall contain offensive or abusive language.
- c) The PNP shall be mindful of how they communicate to the public regarding any information on children. Whenever appropriate, all media responses, public information announcements, advocacy and promotional videos shall either be prepared in a manner that the general public will understand, including children, or have a child-friendly version specifically made for the younger audience.
- d) Pursuant to the right of the child to participate, the PNP shall listen and take the views of the child seriously to foster meaningful participation during consultations and other activities. Taking the child seriously is especially necessary if and when a child reports an incident of abuse against a PNP personnel.
- e) Attendance or participation of children in all PNP led events or activities shall be allowed only with the permission of the parents or guardians.
- f) The signed consent of the parent, or guardian for the use of a child's image or likeness for publicity, fund-raising, awareness-raising, or any other materials (digital, video, print) shall be acquired by the PNP. The consent given must be an informed consent – the parent/guardian must be fully aware of how the image or likeness will be used and for what reason, what the message is, and how and where it will be distributed. The signed



consent form can be physical or a digital form. The PNP will need to maintain a record of all written consent.

- g) The child's image or likeness shall not be used to create visual materials that are degrading, victimizing, or shaming.

### **3) Reporting and Reaction Protocol**

- a) The PNP commits to institutionalize a functioning accountability framework to ensure that there is a clear and efficient system to report violations against children or non-compliance of provisions of the Child Protection Policy by PNP Personnel. The culture of accountability includes establishing a reporting mechanism to report colleagues from different PNP units, office, station or precinct, who may have violated the Child Protection Policy.
- b) The Chief, Anti-Violence against Women and Children Division of the Women and Children Protection Center (WCPC) shall be the designated focal person for reports and feedback and shall act within 24 hours from the time the report is made.
- c) The person reporting violations or providing feedback should not be subjected to unnecessary burdens or threats from any PNP personnel and shall be protected from any reprisals.
- d) Safety of the reporting party shall be guaranteed. Any PNP staff who report violence against children, acting in good faith, will not be charged with criminal, civil or administrative liability as provided by Article 67 of PD 603, Revised Rules on Administrative Cases in the Civil Service, and Section 7 of Rules and Regulations on the Reporting and Investigation of Child Abuse Cases, pursuant to RA No. 7610.

### **4) Ramifications of Misconduct**

- a) All PNP personnel are expected to follow the provisions of this Child Protection Policy.
- b) Immediate supervisors and/or heads of offices who fail to follow the guidelines set forth under this Policy shall be held administratively liable under NAPOLCOM MC 2016-002 for Neglect of Duty.
- c) PNP personnel found to have violated the provisions of this Policy or commits violence/abuse against a child shall be held administratively liable under NAPOLCOM MC 2016-002 for Grave Misconduct or Serious Irregularity in the Performance of Duty, as the case may be.
- d) The Child Protection Committee shall review this policy regularly to ensure that the provisions are applicable and up-to-date.

**5) Policy Implementation, Monitoring, and Review**

- a) Upholding the rights of the child, specifically, child protection, shall not be considered as an isolated issue. Instead, it shall be ingrained in the core principles and values of the PNP and integrated into the planning and assessment of its different programs;
- b) A Committee on Child Protection shall be established to ensure that the Child Protection Policy is fully understood and implemented across all the PNP offices, from the National Headquarters to all the Police Regional Offices and precincts. This Committee shall be composed of the following:

Chief, WCPC, DIDM	-	Chairman
Chief, FJGADD, DPCR	-	Vice Chairman
DO Representative	-	Member
Chief, DLOD, DPRM	-	Member
DHRDD Representative	-	Member
DI Representative	-	Member
HRAO Representative	-	Member
IAS Representative	-	Member
Napolcom Representative	-	Member
NGO Representative (Child Rights Advocates)	-	Member
Chief, AVAWCD-WCPC, DIDM	-	Head Secretariat

The Committee shall have the following roles and functions:

- c) Police Formulation and Recommendations
  - (1) Design and support the implementation of programs, campaigns, and activities for the conduct of the nationwide dissemination of the PNP Child Protection Policy;
  - (2) Support the establishment and the implementation of a system of reporting for violations of the Child Protection Policy;
  - (3) Regularly review the existing Child Protection Policy and make necessary amendments in order to ensure that it fulfills its objective of safeguarding the rights of the child;
  - (4) Ensure that all units of the PNP will have a designated trained focal person for the implementation of the Child Protection Policy.
  - (5) Formulate and develop a Child Safeguarding Policy and the Code of Conduct for the PNP to supplement the Child Protection Policy.
  - (6) Formulate a Child Protection Committee Action Plan that has specific, time-bound, and measurable goals and outcomes

**d) Advocacy**

- (1) The Child Protection Committee shall ensure that all PNP staff shall be oriented with this policy.
- (2) An advocacy plan should also be formulated for the public to be made aware of the Child Protection Policy.
- (3) The Child Protection Policy shall be posted on PNP social media accounts and integrated with the relevant Manual of Operations and procedures.

**e) Oversight**

- (1) Supervise, monitor, and evaluate the implementation of the Child Protection Policy;
- (2) Every child protection focal point is required to submit a regular report to the Child Protection Committee on how the policy is being implemented by the unit; and
- (3) Establish and maintain a database of all PNP Personnel who violated the Child Protection Policy.

**c. Responsibilities:**

**1) DIDM**

- a) Overall Supervisor in the implementation of this MC;
- b) Designate WCPC as the office primarily responsible to oversee the implementation of the Child Protection Policy and the Chief, WCPC as Chairman of the Child Protection Committee at the National Headquarters; and
- c) Perform other tasks as directed.

**2) DPCR**

- a) Formulate and implement a development plan of this MC;
- b) Strengthen programs, campaigns, and activities to raise consciousness and awareness of the PNP community and other stakeholders in addressing all forms of violence, abuse, neglect, and exploitation against children;
- c) Designate Chief, FJGADD as Vice-Chairman of the Child Protection Committee at the National Headquarters; and
- d) Perform other tasks as directed.

- 3) **DPRM**
  - a) Designate Chief, DLOD as member of the Child Protection Committee at the National Headquarters; and
  - b) Perform other tasks as directed.
- 4) **DI**
  - a) Designate a Focal Person to represent the DI as member of the Child Protection Committee at National Headquarters; and
  - b) Perform other tasks as directed.
- 5) **DO**
  - a) Ensure the implementation the Child Protection Policy in all operations;
  - b) Designate a Focal Person to represent the DO as member of the Child Protection Committee at the National Headquarters; and
  - c) Perform other tasks as directed.
- 6) **DHRDD**
  - a) Assist the WCPC in developing a standardized training program on the PNP Child Protection Policy;
  - b) Ensure the inclusion of the Child Protection Policy in the Programs of Instruction for mandatory and specialized courses for PNP personnel, and other training and learning opportunities; and
  - c) Perform other tasks as directed.
- 7) **DC**
  - a) Provide and allocate funds for the full implementation of this MC; and
  - b) Perform other tasks as directed.
- 8) **PNP Recruitment and Selection Service**
  - a) Ensure that the recruitment and hiring process for all potential PNP uniformed personnel includes the assessment of the qualifications of the candidate and his/her knowledge of child protection and relevant laws;
  - b) Ensure the inclusion of questions related to the awareness on child protection issues during the interview of the applicants;
  - c) Ensure that no civilians nor PNP personnel who has committed VAC shall be appointed to the PNP or allowed for lateral entry; and
  - d) Perform other tasks as directed.

**9) D-Staff**

- a) Ensure that all Non-Uniformed Personnel (NUP) shall undergo training/seminar relative to PNP Child Protection Policy; and
- b) Perform other tasks as directed.

**10) PROs and NSUs**

- a) Organize and activate respective Child Protection Committee;
- b) Ensure that all newly recruited/hired PNP personnel including NUP shall undergo training/seminar relative to Child Protection Policy;
- c) Take proactive and corrective measures to prevent and/or address all forms of violence, abuse, neglect, and exploitation against children in your area of responsibility;
- d) Ensure proper handling of children victims, CAR, CICL and CIAC cases in compliance with the Child Protection Policy and the applicable manuals in handling children;
- e) Maintain close coordination with other national government agencies, LGUs, Non-Government Organization, and other child rights advocates or groups to guarantee the special protection and safety of children against all forms of violence, abuse, neglect, and exploitation; and
- f) Coordinate closely with the DSWD/LSWDO and LGU for the identification and establishment of a temporary sheltering facility, for areas without an established Bahay Pag-asa or DSWD-accredited sheltering facility.
- g) Perform other tasks as directed.

**7. PENALTY CLAUSE:**

Violation of any of the provision of this MC will be dealt with in accordance with NAPOLCOM MC 2016-002.

**8. REPEALING CLAUSE:**

All existing directives and other issuances which are contrary to and/or inconsistent with the provisions of this MC are hereby rescinded or modified accordingly.

**9. EFFECTIVITY CLAUSE:**

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



**GUILLERMO LORENZO T ELEAZAR**  
Police General  
Chief, PNP

A large, stylized handwritten signature in black ink, appearing to read "G. Eleazar", is written over the printed name and title.

**Distribution:**

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