

1955

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### Recommended Citation

M. Ladd Thomas, Philippine Police Systems, 46 J. Crim. L. Criminology & Police Sci. 116 (1955-1956)

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## PHILIPPINE POLICE SYSTEMS

M. LADD THOMAS

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There are several police systems in the Philippines. On the national level are the National Bureau of Investigation and the Philippine Constabulary; at the local level each political entity has its own police force.

### NATIONAL BUREAU OF INVESTIGATION

The National Bureau of Investigation, which is under the Department of Justice, is modelled closely along the lines of the United States Federal Bureau of Investigation. It is a small, moderately equipped organization which essentially serves the metropolitan area of Manila. Its investigators seldom are able to actively participate in investigations held in the provinces. Reasons for this are twofold: the Bureau has insufficient travel funds; furthermore, the lack of transportation facilities is extremely acute, particularly in the more remote areas of the islands.

Duties of the Bureau include investigation of national crimes and of serious local crimes which the local police are unable to solve. In the latter instance, it will enter the investigation at the express request of the local officials or the President of the Philippines. As indicated, transportation considerations restrict considerably the scope of its activities outside the Manila area. However, some of the larger cities and municipalities, regardless of their location, do utilize its laboratory facilities. These larger municipal units usually have at least one individual on each of their police forces who is trained in the techniques of gathering physical evidence. This evidence is then submitted to the Bureau laboratory in Manila for analysis. By and large, laboratory analysis is the only significant Bureau service provided the local police forces.

### THE CONSTABULARY

In contrast to the Bureau, the Philippine Constabulary is a semi-military organization which functions as a national police force. It is equipped and trained to handle insurrections, mass disturbances, and large-scale banditry. It is not trained for crime detection, traffic control, and the other every day aspects of regular police work.

Constabulary units are stationed throughout the islands and are charged with the responsibility of maintaining peace and order. The Constabulary normally accomplishes this task indirectly by supervising the local police forces. When the local forces prove incapable of handling a situation or crime, the Constabulary then steps

in and attempts, itself, to handle the problem. Since it has police jurisdiction everywhere in the Philippines, it can assume direct control of any local police unit upon the request of the local officials, the head of the Constabulary, or the President of the Philippines, even if such act is contrary to the expressed wishes of the local citizenry. This power has only too frequently been abused for political purposes. It can also enter chartered cities and municipalities in the pursuit of a criminal, or in the investigation of a crime, without first securing the permission of, or notifying, the local police force and officials. Naturally, actions of this sort tend to antagonize the local police, officials, and citizens, and to confuse the status of local peace and order. The relationship of the Constabulary to the Manila Police Department, in particular, has proved potentially explosive. Many jurists claim that the national law which gives to the Constabulary police jurisdiction throughout the Philippines conflicts with the national law which seemingly grants the Manila Police Department police jurisdiction over the City of Manila.<sup>1</sup> On several occasions when the Constabulary has officially entered Manila there has been a real danger of serious conflict with the Manila police. Just prior to the national elections of 1953, units of the Constabulary and the Manila Police Department were on the verge of an open clash.<sup>2</sup>

The Constabulary gives in-service training to city and municipal police forces. The value of this training, however, is questionable, since it consists mainly of military drills.

Philippine Constabulary effectiveness, then, is not adequate for at least two of the functions it is supposed to perform. Being trained in military, not police, methods, it is unable to cope with the everyday needs of local police work. Moreover, it is unqualified to train local police forces. The extremely military character of the Constabulary qualifies that organization only for the function of discouraging, or if need be crushing, insurrections and large scale banditry.

#### CITY POLICE

There are twenty-seven chartered cities in the Philippines, ranging in size from cities like Tagaytay, with a few thousand population and no business or urban district (poblacion), to Manila with an estimated population of two million. The majority of chartered cities are almost exclusively rural areas.<sup>3</sup>

The effectiveness of the city police is seriously limited by poor organization, inadequate equipment, and lack of prior police training or experience among force personnel. With respect to their organizational structures, these departments are fashioned along lines set by the early twentieth-century American military government in the Philippines. Two line divisions—uniformed and secret service—attempt to cope with

<sup>1</sup> AVELINO TENDERO and M. LADD THOMAS, *THE ORGANIZATION OF THE MANILA POLICE DEPARTMENT* (Institute of Public Administration, University of Philippines, Manila, 1953), p. 63.

<sup>2</sup> The so-called "Shellborne Hotel incident" featured a near clash of arms between the Philippine Constabulary and the Manila Police Department. Both police forces rushed heavily armed men to the Shellborne Hotel in Manila at the separate requests of the Mayor of Manila and the Secretary of Defense, two political antagonists each of whom was in the hotel and felt that he was in danger of assassination, or at best, arrest by the other. Fortunately, cooler heads among the two police units dispatched to the scene prevailed, and the threatened clash was averted.

<sup>3</sup> Chartered cities are politically, financially, and administratively independent of the provinces.

all the modern complexities of police work without the aid of staff units or specialized line and auxiliary branches, such as traffic and communications.<sup>4</sup> Furthermore, administrative control over the police department is shared by the mayor and the President—the latter exercising his supervision through the Philippine Constabulary. A chief of police is thus forced to serve several masters, the administrative policies of whom sometimes conflict. His position is further weakened by his inability to control the secret service (detective) division. Since the chief of the secret service division is also appointed by the President and the detectives appointed by the mayor, the division is virtually independent of the administrative control of the chief of police.<sup>5</sup>

Having limited funds, chartered cities are faced with the choice of maintaining a large, unequipped police force or a smaller, well-equipped force. In the past nearly every city has chosen the former alternative, largely because political considerations necessitate providing jobs on the police department for politically deserving citizens. In any event, police departments work without the aid of laboratory, transportation, and communication facilities (despite the enormous area of some cities like Davao), with insufficient and faulty ammunition, mismatched firearms, and often no firearms at all.<sup>6</sup>

The average city policeman receives no police training prior to his appointment. It is particularly noteworthy that the chiefs of police and chiefs of the secret service are often the least experienced officers on the force. These two police officials are normally local politicians or former army officers, neither type knowing anything about modern police administrative and operational techniques.

#### MANILA POLICE

Most of these generalizations about the police forces of the chartered cities hold true for Manila. However, the size of Manila in terms of both area and population creates complex police problems and needs which differ markedly from the other chartered cities. In many respects, the Manila Police Department compares favorably to the police departments in large American cities. For instance, it consists of approximately 2400 men, all of whom are equipped with uniforms and weapons. The members of the force receive pre-service and in-service training in police techniques. There is an extensive precinct system. Communication and transportation facilities, while not up to normal American standards, are among the best in Asia and are being gradually improved.<sup>7</sup> Furthermore, the United States Army has bequeathed considerable police laboratory equipment to the Department, and police officers have subsequently been trained in the use of this equipment.

Some reorganization has been undertaken by the Department, but it still shows

<sup>4</sup> Many city police departments have no communication personnel or facilities whatsoever.

<sup>5</sup> This type of administrative independence was carried a step further in Zamboanga City where the city warden was taken out from under the supervision of the police chief and given departmental status.

<sup>6</sup> Firearms used by city police are often borrowed from the Philippine Constabulary which from time to time recalls these arms thereby leaving the city police weaponless. It is an actual fact that many policemen are untrained in the use of firearms.

<sup>7</sup> Recently the Manila Police Department acquired 30 plus new police cars to supplement their old vehicle equipment, which consists mainly of ancient jeeps.

evidence of the individual and uncoordinated attempts of various American provosts marshal to shape its administrative practices and framework in the image of their own police experiences in the United States. These men chiefly were police officers, not trained police administrators.

Like his counterparts in the other chartered cities, the Chief of the Manila Police Department is responsible to two masters—the President and the Mayor of Manila.<sup>8</sup> The Manila City Charter gives the President the power of appointment and removal of the Police Chief while concurrently charging the Mayor with overall control and supervision of the Police Department. When the President and Mayor belong to opposite political parties, as is often the case, the dichotomy of administrative authority creates uncertainty, confusion, and often outright chaos in police affairs. The President may use his powers of appointment and removal to exercise control over the decisions of policy in police organization and administration. This power and the locally established precedent of consulting Malacañang (the Philippine White House) before making even minor shifts of department personnel are in conflict with the control of the department vested in the Mayor by the city charter.

The Mayor, however, is able to maintain at least partial control over the force. He is an instigating factor in suspension proceedings aimed against the Chief of Police, and through his influence on the city council he can usually effect slashes or increases in the departmental budget. In addition he commands the personal allegiance of a sizeable portion of the force, especially among the detectives, all of whom he appoints, with, again, the exception of the Chief of Detectives, an appointee of the President.

Hopelessly bound by circumstances over which he has no control, the Chief tries to “straddle the fence” and follow orders from both the Mayor and the President. Eventually, however, he becomes a victim of conflicting policies emanating from his two superiors. When this time arrives he is doomed. Regardless of which order he chooses to obey, the Chief becomes “*persona non grata*” to either the Mayor or the President, and his usefulness is at an end.<sup>9</sup>

#### PROVINCIAL POLICE

The province is an administrative subdivision of the national government, performing such functions as are conferred upon it by the national government.<sup>10</sup> Provincial police functions are performed by two quasi-police forces—the special agents of the governor, and the provincial guard.

The governor of each province has a number of special agents on the provincial payroll who serve as a police force insofar as they are concerned with helping the municipal police to maintain law and order.<sup>11</sup> The governor shares with the Philippine Constabulary the responsibility for maintaining law and order in his province.

<sup>8</sup> TENDERO and THOMAS, *op. cit.*, p. 10.

<sup>9</sup> Department history bears witness to the untenable position of the Chief of the Manila Police Department. There have been eight different Police Chiefs within the past eight years.

<sup>10</sup> JOHN H. ROMANI and M. LADD THOMAS, *A SURVEY OF LOCAL GOVERNMENT IN THE PHILIPPINES* (Institute of Public Administration, University of the Philippines, Manila, 1954), p. 46.

<sup>11</sup> These special agents have other duties which include a variety of administrative tasks assigned to them by the governor. Normally, however, the agents spend a large portion of their time engaged in political activities in behalf of the governor.

His special agents perform liaison duties in this respect with the municipal police. In addition, these agents are frequently assigned by the governor to solve criminal cases which the municipal police are unable to solve.

Since the special agents are largely political followers of the governor and secure their jobs through political patronage, and since they are seldom, if ever, trained for police work, their effectiveness as a police force is practically nil.

A second provincial police force is the provincial guard—a small unit in each province. This unit is used chiefly to guard the provincial jail.<sup>12</sup> Infrequently, guards are dispatched to the municipalities to transfer prisoners from the municipal jails to the provincial jail, although this is usually done by the municipal police. Even more infrequently, provincial guards are used to actively combat criminal activities in the province. This latter function is performed only at rare intervals because: The guards are not trained in police techniques (their only training is a series of military drills); they are generally without sufficient numbers of firearms; the unit has no transportation, nor are the guards provided a transportation allowance; and finally, the small size of the average guard force prevents the detachment of part of the unit for police work other than guard duty.

#### MUNICIPAL POLICE

The municipality is an administrative subdivision of the province.<sup>13</sup> It is composed of several barrios and a poblacion.<sup>14</sup> The mayor of the municipality has direct responsibility for the supervision of the municipal police force. He, in turn, is accountable to the provincial governor and the Philippine Constabulary for the maintenance of law and order in his municipality.

The police chief and policemen of a municipality are appointed by the mayor with the approval of the municipal council. The size of the force is determined by the municipal council with the consent of the provincial board.<sup>15</sup>

Considerable control over the municipal police is exercised by the Philippine Constabulary. It issues regulations covering the general conduct, duties, and weapons of the municipal police. The municipal council may issue supplementary regulations, but these must not conflict with those issued by the Constabulary. Inspectors from the Constabulary make periodic inspections of municipal police forces. If deficiencies are noted by the inspector, the Constabulary must oversee their correction. A report of inspections is filed with the mayor, the provincial governor, and the President.

Municipalities are supposed to equip their police forces with arms and ammunition, but their weak financial condition frequently makes this impossible. Constabulary firearms are sometimes loaned those municipalities which cannot afford to buy weapons. However, from time to time the Constabulary recalls these firearms, thereby leaving the municipal police defenseless against possible armed criminal activities.

<sup>12</sup> Only convicted criminals serving sentences of one year or less and prisoners awaiting trial or sentencing are confined in the provincial jail.

<sup>13</sup> See ROMANI and THOMAS, *op. cit.*, Chapter II.

<sup>14</sup> A poblacion is a business center and seat of the municipal government.

<sup>15</sup> ROMANI and THOMAS, *op. cit.*, pp. 53-56. The provincial board is the nominal governing body of the province. It is composed of the provincial governor, who acts as chairman, and two elected board members.

Municipal police have very little, if any, transportation or communication facilities. Because of their lack of mobility and communication, they are unable to serve outside the poblacion and its immediately surrounding area.

#### RURAL POLICE

The primary political unit in the rural areas of the Philippines is the barrio, which is a subdivision of the municipality and the chartered city.<sup>16</sup> Each municipal or city councilor is placed in charge of a barrio, or a district composed of several barrios. One of the main duties of the councilor is to ensure the preservation of law and order in his barrios. Therefore, he is nearly always accredited as a peace officer with the power to make arrests.<sup>17</sup> A councilor is assisted in his official work with the barrios by the barrio lieutenants. Each municipal barrio (and some city barrios) is entitled to have a barrio lieutenant. The barrio lieutenant is the eyes and ears, indeed the very personification, of the councilor.

For all practical purposes, a barrio lieutenant in the majority of the barrios is the sole government for that barrio. His main function as the personal representative of the councilor is to maintain law and order in the barrio. He normally accomplishes this task with the aid of rural policemen. These policemen are barrio citizens who have been deputized by the barrio lieutenant. The rural police and the barrio lieutenants are nearly always unarmed, unpaid, and untrained in police work. Barrio police are sufficiently competent to handle the ordinary crimes committed in the barrios. More difficult cases and large scale banditry are dealt with by the Philippine Constabulary.

#### CONCLUSIONS

The deficiencies in the Philippine police systems are numerous; however, these deficiencies should be measured against the police needs of the Philippines, which are not so great or complex as those of a mechanized society. Generally speaking, the existing systems are adequate to handle most of the law and order problems which arise. Nevertheless, these systems must be continually modified to keep pace with future technological advances of the Philippines.

<sup>16</sup> Barrios, particularly in the municipalities, are rural areas somewhat reminiscent of the mid-west townships in the United States. See JOSEPH RALSTON HAYDEN, *THE PHILIPPINES: A STUDY IN NATIONAL DEVELOPMENT* (The Macmillan Co., New York, 1950), p. 263.

<sup>17</sup> ARTURO M. TOLENTINO, *THE GOVERNMENT OF THE PHILIPPINES* (Garcia Publishing Co., Manila, 1950), p. 331.