

WORKING PAPER

The Role of Mayors and Barangay Captains in the Philippines' Anti-Drugs Campaign

Ronald U. Mendoza
Ateneo School of Government

Michael Henry Yusingco
Ateneo School of Government

Jayvy Gamboa
Ateneo School of Government

ASOG WORKING PAPER 18-002



ATENEIO

ATENEIO
SCHOOL OF
GOVERNMENT

Forming Leaders. Leading Reforms.

ATENEO SCHOOL OF GOVERNMENT WORKING PAPER SERIES

**The Role of Mayors and Barangay Captains in the
Philippines' Anti-Drugs Campaign**

Ronald U. Mendoza
Ateneo School of Government

Michael Henry Yusingco
Ateneo School of Government

Jayvy Gamboa
Ateneo School of Government

ASOG WORKING PAPER 18-002

June 2018

This working paper is a draft in progress that is posted online to stimulate discussion and critical comment. The purpose is to mine reader's additional ideas and contributions for completion of a final document.

The views expressed herein are those of the authors and do not necessarily reflect the views of Ateneo de Manila University.

Corresponding authors:

Ronald U. Mendoza, Ateneo School of Government
E-mail: rumendoza@ateneo.edu

Jayvy R. Gamboa, Ateneo School of Government
E-mail: jrgamboa@ateneo.edu

Abstract

This research attempts to examine the legal mandate of Philippine local government officials, mayors and barangay captains, within the national government's anti-illegal drug campaign, notably the police-led Project Double Barrel and Oplan Tokhang. To determine their duties, the General Welfare Clause from the Local Government Code of 1991 and the issuances from the Department of the Interior and Local Government on organizing Anti-Drug Abuse Councils (ADACs) in the barangay level are examined, among others. A geographical mapping of the drug-related killings in the barangay and district levels of Quezon City and City of Manila potentially illustrates the extent that the local officials may have perpetrated – or resisted – the punitive approach of the police. The research offers a counter-narrative, asking pointed questions on whether and to what extent the local officials, in reality, committed gross negligence and dereliction of duty by allowing a high death toll in their jurisdictions; thus threatening the security, safety, and human rights of their constituents.

Word Count: 5285

Key words: Oplan Tokhang, anti-drugs campaign, 1991 Local Government Code of the Philippines

Introduction

President Rodrigo Duterte assumed office in July 2016 winning the election under the slogan of his political party, PDP-Laban: “No to Drugs, Yes to Federalism”. Yet while the progress in overhauling the Constitution has only belatedly commenced, the President’s anti-illegal drugs campaign progressed dramatically since the first day of his term, with often bloody consequences. According to #RealNumbersPH, a government website with information sourced from the Philippine Drug Enforcement Authority (PDEA), Philippine National Police (PNP, National Bureau of Investigation (NBI), and Bureau of Corrections (BOC), there are 4,075 drug personalities who died in anti-drug operations as of 20 March 2018.¹ In addition to this, the *Duterte Administration Year-End Report 2017 Key Accomplishments* reported, under the broad heading of the government’s anti-illegal drugs campaign, some 16,355 homicide cases under investigation as of September 30, 2017.² While there is still much debate on the total death count, the above official government data suggests that deaths linked to the anti-drugs campaign period could reach well up to 20,000. Many controversies and much confusion still surround these numbers, because of the recently coined phrase “deaths under investigation” and “homicides under investigation” by the PNP. These prevent the public from tracking the exact number of drug-related killings. Still, the already large number of established death count point to significant issues of public safety and human rights of citizens.

President Duterte recently decried efforts by the European Parliament to criticize his anti-drug campaign as meddling in the nation’s internal affairs. Expectedly, the International Criminal Court’s (ICC) initial inquiry into the allegation that President Duterte committed crimes against humanity also received protest and indignation from his administration. Even the Philippines’ traditional ally, the United States of America, has raised grave concerns over the still rising death toll in this anti-drugs campaign. In the March 2017 report of the US State Department on human rights in the Philippines, they noted: “There were numerous reports that the PNP committed arbitrary or unlawful killings

¹

http://pdea.gov.ph/images/REALNUMBERSPH/REALNUMBERSPH_UPDATE_AS_MAR2017.pdf

² <http://newsinfo.inquirer.net/955307/president-rodrido-duterte-yearend-report-accomplishment>

in connection with a government-directed campaign against illegal drugs. Killings of activists, judicial officials, local government leaders, and journalists by unknown assailants and antigovernment insurgents continued.”³

It is important to note that the government’s anti-drugs campaign has many moving parts, notably involving the PNP and the local governments. Of particular interest here are local government officials—including barangay captains—since they played a key role in the execution of the government’s anti-drugs campaign, notably the police operations dubbed Oplan Tokhang and Project Double Barrel.

Annex 1 enumerates the provisions of the PNP Command Memorandum Circular No. 16-2016 that state the role of local government units, including the Barangay Anti-Drug Abuse Councils (BADACs), in implementing the said policy. Some noteworthy provisions include that during the coordination stage of Oplan Tokhang, “all local police offices/units/stations shall also coordinate with BADAC to assist in the conduct of house to house visitations and referral of drug users.”⁴

Moreover, during the house to house visitation stage, “the designated team leader shall ensure the presence of members of PADAC/CADAC/MADAC/BADAC and barangay tanod to assist them and to serve as witnesses in the conduct of house to house visitation.”⁵ These two provisions show the close and regular coordination with the local officials required from the PNP to be able to conduct Oplan Tokhang. The said policy, as well as CMC 16-2016, are currently being subjected to a constitutional challenge in the Supreme Court on the grounds of violations to human rights.

In this article we raise the issue of the role of these local government officials in addressing crime and protecting the welfare and rights of citizens under the Philippine Local Government Code (LGC) of 1991, which triggered the still-ongoing decentralization of government in the country. Local government units (LGUs) are actually empowered to promote the welfare of the citizens in their jurisdictions and protect them from harm.

We also juxtapose the emerging evidence of drug-related killings against the jurisdictions they are associated with. It becomes clear that many local jurisdictions face

³ <https://www.state.gov/documents/organization/265578.pdf>

⁴ See PNP CMC 16-2016, 5.a.2.b.

⁵ See PNP CMC 16-2016, 5.a.3.b.

difficult questions and need to answer for their role, under the 1991 Local Government Code, in the face of mounting deaths in their respective jurisdictions under the national government's anti-drugs campaign. This signal failure reflects very badly on these jurisdictions'—and perhaps the nation's—success in decentralization, and therefore also their readiness as regards federalism.

1. The Legal Bases for the Role of the LGUs in Anti-Drugs Initiatives

The Philippines' anti-drugs campaign that commenced under the Duterte administration is obviously a central government program. Given the widespread claims and growing evidence of both police and some local government officials' involvement in the illegal drugs trade, a strong central policy was deemed necessary by many in the administration.

This campaign is spearheaded by the PNP which is an agency within the executive branch under the control of the President. But in the course of implementing this anti-drug effort, local government officials, such as provincial governors, city and municipal mayors, and barangay captains and councilors, all have been tasked to cooperate with the police. Pertinently, responses to this directive have not been uniform.

Local government officials are specifically mandated to keep their respective communities safe and secure by the Local Government Code of 1991. For instance, the Punong Barangay (barangay captain) and the rest of the members of the Barangay Council shall “act as peace officers in the maintenance of public order and safety”.⁶ Additionally, as the legislative body of the barangay one of the powers of the council is to “adopt measures towards the prevention and eradication of drug abuse, child abuse, and juvenile delinquency”.⁷ As the branch of government closest to the people, the barangays are the country's first layer of governance to protect citizens and promote communities free of crime.

As early as June 2015 (under the Aquino administration), the Department of the Interior and Local Government (DILG) recognized the increasing number of drug-related incidents and called for the reconvening of the Barangay Anti-Drug Abuse Councils all over the country, tasking them, among other directives, to “plan, strategize, implement and

⁶ See Section 392 of the Local Government Code.

⁷ See Section 391 (a) par 20 of the Local Government Code.

evaluate programs and projects on drug abuse prevention in barangays."⁸ The BADAC Committee on Operations is tasked with “preparing and maintaining a confidential list of suspected users, pushers, financiers and/or protectors of illegal drug trade found in the LGU’s area of jurisdiction to be submitted to the City/Municipal Anti-Drug Abuse Council furnishing the PNP-Anti-Illegal Drugs Special Operations Task Force (AIDSOTF).” They are also supposed to play a critical role to “establish rehabilitation/referral desks and process applications for rehabilitation of drug dependents”. As regards anti-drugs operations, barangay officials’ roles include the following critical ones:

- Pre-operations: Identification of drug affected house clusters, work places, streets, puroks and sitios where manufacture, delivery, sale or use of illegal drugs are being conducted and to report the same immediately to the PNP or the PDEA; Conduct administrative searches of suspected drug dens/laboratories; Conduct briefings, meetings prior to the launching of operations to ensure positive results and safety of the operating teams and the community.
- During operations: Ensure safety of the community and regularity of the operations; Any elected barangay official present during the operations to witness the inventory of seized drugs/paraphernalia; Extend such other necessary assistance to the PDEA and PNP authorities in its operation against illegal drugs including but not limited to the preservation of evidence and protection of witnesses and suspects against unlawful acts.
- Post-operations: The elected barangay official present during the operations shall execute an affidavit and act as witness in court hearings in the prosecution of drug cases; Submit reports of drug-clearing operations conducted, if any, to the City/Municipal Anti-Drug Abuse Council copy furnished the DILG City/Municipal Field Office; and

⁸ See Department of the Interior and Local Government Memorandum Circular No. 2015-63 dated June 16, 2015. See [https://dpcr.pnp.gov.ph/portal/Downloads/MCs/DILG%20MC%202015-03%20REVITALIZATION%20OF%20THE%20BARANGAY%20ANTI-DRUG%20ABUSE%20COUNCIL%20\(BADAC\)%20AND%20THEIR%20ROLE%20IN%20DRUG%20CLEARING%20OPERATIONS.pdf](https://dpcr.pnp.gov.ph/portal/Downloads/MCs/DILG%20MC%202015-03%20REVITALIZATION%20OF%20THE%20BARANGAY%20ANTI-DRUG%20ABUSE%20COUNCIL%20(BADAC)%20AND%20THEIR%20ROLE%20IN%20DRUG%20CLEARING%20OPERATIONS.pdf).

- For operations conducted/initiated by the PDEA/PNP, an elected barangay official should be involved immediately after the raid and be present to stand as witness during the conduct of the inventory.

In October of 2017, the DILG published another memorandum circular, sharing further simplified guidelines on formulating Barangay Peace and Order and Public Safety (BPOPS) Plans, to be formulated by BADACs and the Barangay Peace and Order Committees (BPOCs).

Not all Barangays convened BADACs, and in fact, in April of 2018, DILG decided that they will file the administrative cases against officials from 16 barangays who failed to organize the BADAC in their jurisdiction, despite several directives from the Department.⁹ Moreover, DILG warned that checking whether or not the barangays have activated their BADACs is only the first step, because they will eventually monitor whether or not they are fully functioning. Fully functional means that the LGUs have allocated substantial budget for the anti-drug campaign, that barangays have submitted BADAC action plans to the concerned DILG offices and must have implemented it, and that the barangays have significantly decreased the number of drug affectations in their barangays as to be validated by PDEA.¹⁰ Going beyond the administrative cases, some officials have begun to suspect that some of those who failed to activate BADACs are somehow involved or being benefitted by the illegal drug trade in their community.¹¹

According to DILG, by the end of 2016, 50% of the barangays still have not activated their BADACs¹², while currently only 12,000 out of the 42,000 barangays, or about 30%, do not have BADACs¹³. It must be noted that in fiscal year 2017, the Department allocated “more or less” 57 million pesos to support the Strengthening of

⁹ <http://www.dilg.gov.ph/news/DILG-to-file-admin-case-vs-16-barangays-in-NCR-Bicol-for-failure-to-organize-BADACs/NC-2018-1116>

¹⁰ <http://www.dilg.gov.ph/news/DILG-to-file-admin-case-vs-16-barangays-in-NCR-Bicol-for-failure-to-organize-BADACs/NC-2018-1116>

¹¹ <http://mindanaotimes.net/barangay-captains-may-be-charged-for-neglecting-anti-drug-abuse-body/>

¹² <https://www.rappler.com/nation/196427-dilg-preparing-new-memo-badac>

¹³ <http://www.gmanetwork.com/news/news/nation/646280/bato-wants-cases-filed-vs-barangay-execs-without-functioning-anti-drug-abuse-council/story/>

BADACs.¹⁴ Despite the increase in activated BADACs and allocated budget, 24,000 or nearly 60% of the barangays are still not considered drug free, according to PDEA.¹⁵

Furthermore, Section 444 (b) (2) (v) of the LGC mandates municipal mayors to “act as the deputized representative of the National Police Commission, formulate the peace and order plan of the municipality and upon its approval implement the same and exercise general and operational control and supervision over the local police in the municipality in accordance with R.A. No 6975.”¹⁶

And as per Section 465 (b) (2) (v) of the LGC, provincial governors shall, “in coordination with the mayors of component cities and municipalities and the National Police Commission, formulate the peace and order plan of the province and upon its approval, implement the same in accordance with R.A. No. 6975.”

Under Republic Act 6975 (An Act Establishing the Philippine National Police under a Reorganized Department of the Interior and Local Government)¹⁷ the term “operational supervision and control” mentioned in the LGC shall mean the power to direct, superintend, oversee and inspect the police units and forces.¹⁸ In November 2015, the National Police Commission (NAPOLCOM) further expanded the police powers given to Governors and Mayors as NAPOLCOM deputies, mandating these local officials to formulate and implement Peace and Order and Public Safety Plans to be integrated in the Comprehensive Development Plans of the local government units. They were further authorized to convene the Peace and Order Council (POC) which will monitor and report on progress.¹⁹

This power over the police is so important that the NAPOLCOM saw fit to strip one Governor and 18 Mayors of this power in November 2017, due to allegations that these officials were somehow compromising the anti-drugs campaign due to their alleged drug

¹⁴

<https://www.foi.gov.ph/requests/aglzfVmb2ktcGhyHgsSB0NvbnRlbnQiEURJTectMDIwMDMxMTA0MjIyDA>

¹⁵ <http://pdea.gov.ph/2-uncategorised/754-pdea-aims-to-clear-24-000-barangays-from-illegal-drugs>

¹⁶ For city mayors see Section 455(b) (2) (v).

¹⁷ See <http://www.officialgazette.gov.ph/1990/12/13/republic-act-no-6975/>.

¹⁸ See Sections 51 and 52 of RA No. 6975.

¹⁹ <https://www.philstar.com/headlines/2015/12/18/1534106/napolcom-expands-police-powers-governors-mayors>

links.²⁰ In fact, some officials exercised this power during the government's anti-drugs campaign, presumably to hold the PNP accountable and to adjust the anti-drugs campaign in ways that better protect their citizens. At least one Mayor (of Caloocan City) requested the reshuffling of PNP officials in his jurisdiction in order to correct operations, amidst rising concern over drug-related killings.²¹ In another case, the Mayor of Hinigaran, Negros Occidental replaced the Chiefs of Police several times, due to disagreements over the conduct of the anti-drugs campaign.²²

Whilst it is a given that the Philippines is a unitary state with a very strong central government, the country's 1987 Constitution however mandate that local governments shall enjoy autonomy to be implemented in a local government code.²³ In the context of President Duterte's anti-illegal drugs campaign, this means that while local chief executives such as governors, mayors, and barangay captains have an obligation to cooperate with the PNP, they are not in any way relieved of their constitutional duty to uphold the autonomy of local governments.²⁴

Critically, the primary mandate of local government autonomy is expressed in the General Welfare Clause as articulated in Section 16 of the LGC. According to the principal author of the LGC, former Senate President Nene Pimentel, local governments have "the power to exercise just about any act that will benefit their constituencies" precisely because of the General Welfare Clause.

The General Welfare Clause has two components. The first one reflects Pimentel's assertion, to wit: "Every local government unit shall exercise the powers expressly granted, those necessarily implied therefrom, as well as powers necessary, appropriate, or incidental for its efficient and effective governance, and those which are essential to the promotion of the general welfare."

The second one enumerates the scope of this power: "Within their respective territorial jurisdictions, local government units shall ensure and support, among other

²⁰<http://www.gmanetwork.com/news/news/nation/632492/napolcom-strips-governor-18-mayors-of-police-power/story/>

²¹ <http://dzhnews.com.ph/calooacan-mayor-malapitan-orders-reshuffling-police/>

²²<https://www.philstar.com/nation/2017/08/12/1728276/mayor-police-chief-clash-over-anti-drug-campaign>

²³ See Article X, Section 3 of the 1987 Constitution.

²⁴ See Article X, Section 2 of the 1987 Constitution.

things, the preservation and enrichment of culture, promote health and safety, enhance the right of the people to a balanced ecology, encourage and support the development of appropriate and self-reliant scientific and technological capabilities, improve public morals, enhance economic prosperity and social justice, promote full employment among their residents, maintain peace and order, and preserve the comfort and convenience of their inhabitants.”

In the case of *Binay vs. Domingo*, the Supreme Court explained that pursuant to the General Welfare Clause, local governments are “clothed with authority to enact such ordinances and issue such regulations as may be necessary to carry out and discharge the responsibilities conferred upon it by law, and such as shall be necessary and proper to provide for the health, safety, comfort and convenience, maintain peace and order, improve public morals, promote the prosperity and general welfare of the municipality and the inhabitants thereof, and insure the protection of property therein.”²⁵

Clearly, local government officials have the legal imprimatur to implement their own drug abuse prevention programs in their respective territorial jurisdictions. Nonetheless, they are also bound by law to cooperate in any central government initiative aimed at maintaining peace and order within their territorial jurisdiction and ensuring the health and safety of their constituencies. However, the key point to be emphasized here is their primary duty remains to be, to serve the general welfare of their community.

Therefore, pursuant to the standard set by the *Binay vs. Domingo* case, the general welfare of the community in the context of President Duterte’s anti-illegal drugs campaign would be— more streets free from vice and violence; more families torn by drug abuse reunited and supported by the community; more people using illegal drugs either locked in jail or committed to rehabilitation facilities; and, dealers and manufacturers of all kinds of prohibited narcotics all facing the full brunt of the law. Simply put, given the legal and constitutional framework within which local chief executives operate, these are the results of an anti-illegal drugs campaign Filipinos can reasonably expect their local elected leaders would work hard for.

²⁵ G.R. No. 92389. September 11, 1991.

2. Insights from Data on Drug-Related Killings in Quezon City and Manila

In a recent Pulse Asia Survey, Filipinos on average acknowledged fighting criminality as one of the country's priorities. It ranked 5th in a short list of policy priorities identified through a March 2018 survey by Pulse Asia.

Nevertheless, there are far more differences in opinion as regards the conduct of the anti-drugs campaign itself. In a Social Weather Station survey conducted in late 2017, 77% of respondents were satisfied with the government's anti-drugs campaign, but only 14% were not worried at all that they or someone they know may be harmed by the same policy. 76% also noted that it is very important for the illegal drug trade suspects to be captured alive—a direct rebuke of the rising number of dead drug suspects from police operations wherein the police claim the suspects fought back (“nanlaban”).²⁶

Perhaps this disparity in responses is also reflected in the wide disparity of experiences on the ground as regards the implementation of the anti-drugs campaign itself. This can be starkly illustrated by tallying the number of killings related to the anti-drugs campaign, along local government territorial boundaries.

Drawing on a large dataset of killings related to the government's anti-drugs campaign, during the period from 10 May 2016 to 29 September 2017, the Ateneo Policy Center mapped the killings in two jurisdictions--Manila and Quezon City—which, combined, accounted for more than 40% of the total killings in Metro Manila (and about 20% for the entire country), as can be seen in Figure 1.

²⁶

https://www.sws.org.ph/downloads/publications/pr20171011_What%20Filipinos%20Say%20About%20Pres%20Rodrigo%20Duterte's%20Drug%20War.pdf

Drug-Related Killings

(MAY 10, 2016 – SEP 29, 2017)

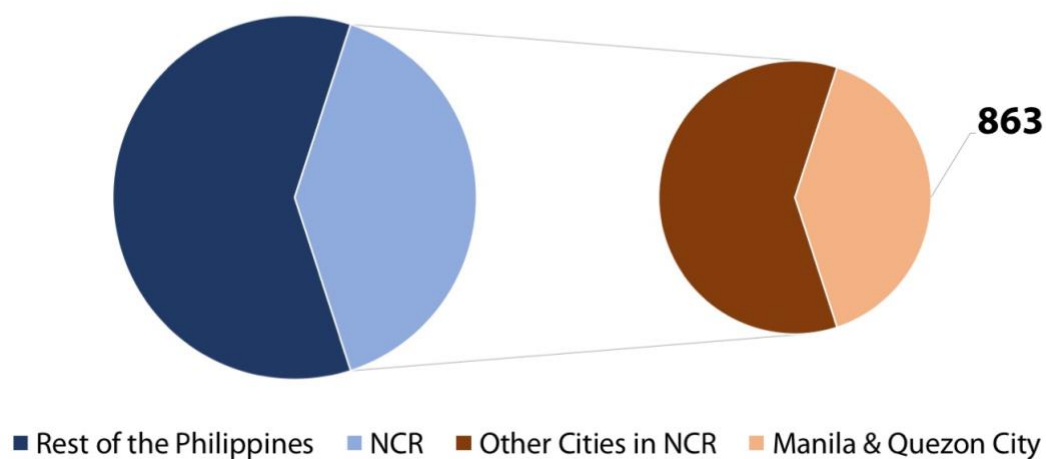


Figure 1. Drug-Related Killings, Breakdown, 10 May 2016 to 29 September 2017

DRUG-RELATED KILLINGS QUEZON CITY MAY 10, 2016 - SEPTEMBER 29, 2017

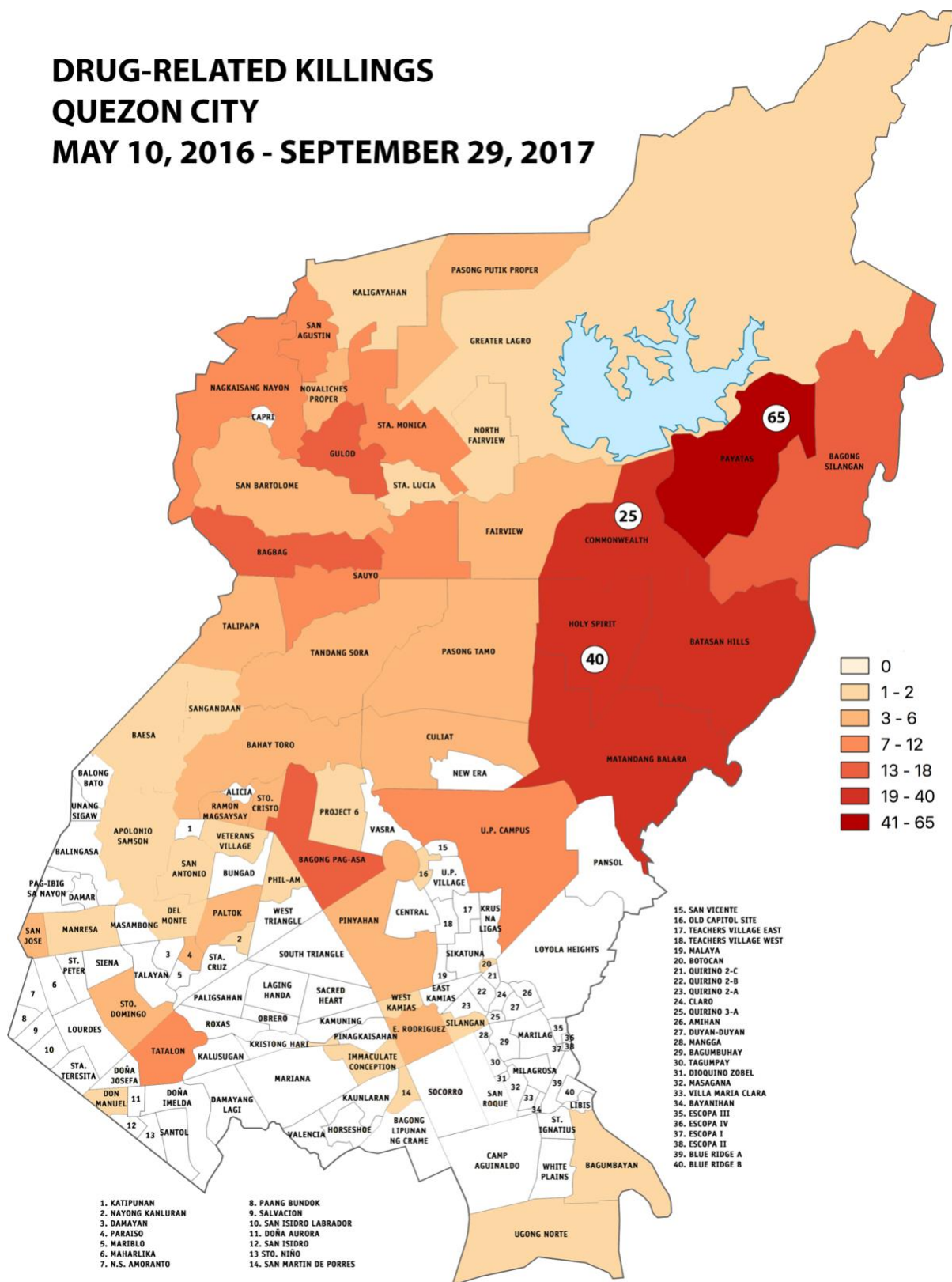


Figure 2. Drug-Related Killings, QUEZON CITY, 10 May 2016 to 29 September 2017

Figure 2 shows the heatmap of the drug-related killings in Quezon City, categorized according to Barangays. The northeastern part of the city, composed of Barangays Payatas, Holy Spirit, and Commonwealth, among others, accounted for most of the killings—more than 30% of the killings in the whole city (see Table 1).

Top 5 Barangays in Quezon City with Most Number of Killings (MAY 10, 2016 – SEP 29, 2017)

Barangay	Total Number of Deaths	Barangay Deaths as % of QC Deaths (400)	Barangay Population as % of QC Population (2015)
Payatas	65	16.25	4.44
Holy Spirit	40	10.00	3.76
Commonwealth	25	6.25	6.75
Matandang Balara	22	5.5	2.42
Batasan Hills	21	5.25	5.50

Table 1. QUEZON CITY Barangays with Most Killings, 10 May 2016 to 29 September 2017

Looking closer at these five Barangays, the types of incidents of the drug-related killings are mostly attributed to unknown assailants, but killings by police operations are also prevalent. More than 60% of the killings in the whole Quezon City took place during police operations.

Top 5 Barangays in Quezon City with Most Number of Killings & Type of Incident

(MAY 10, 2016 – SEP 29, 2017)

Barangay	Death by Police Operations	Death by Unknown Assailant	Body Dump	Total Number of Deaths
Payatas	37	26	2	65
Holy Spirit	21	19	0	40
Commonwealth	5	19	1	25
Matandang Balara	13	9	0	22
Batasan Hills	2	19	0	21

Table 2. QUEZON CITY Barangays with Most Killings, by Type of Incident, 10 May 2016 to 29 September 2017

DRUG-RELATED KILLINGS

MANILA

MAY 10, 2016 - SEPTEMBER 29, 2017

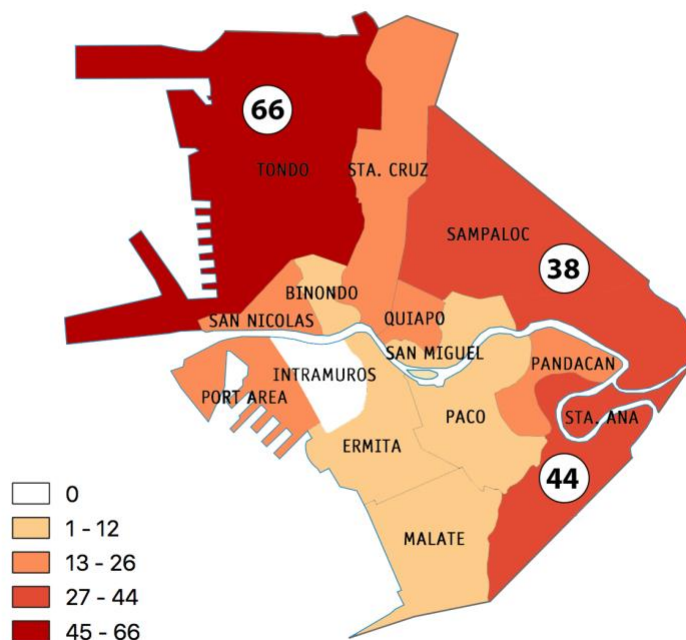


Figure 3. Drug-Related Killings, MANILA, 10 May 2016 to 29 September 2017

Figure 3 shows the heatmap of the drug-related killings in City of Manila, categorized according to districts. Tondo, also being the largest and most populated district, is the bloodiest with a total of 66 killings or more than 15% of the city's killings. On the other hand, it can be noted that the historic *walled city* of Intramuros has none.

Top 5 Districts (SubMun) in City of Manila with Most Number of Killings

(MAY 10, 2016 – SEP 29, 2017)

Submunicipality/ District	Total Number of Deaths	District Deaths as % of MNL Deaths (463)	District Population as % of MNL Population (2015)
Tondo	66	14.25	35.47
Santa Ana	44	9.50	10.96
Sampaloc	38	8.21	21.07
Santa Cruz	26	5.62	7.43
San Nicolas	17	3.67	2.42

Table 3. MANILA Districts with Most Killings, 10 May 2016 to 29 September 2017

Unlike the Barangays in Quezon City with the most number of killings, where there is a mix of killings linked to both police operations and unknown assailants, most of the killings in the top five Districts in Manila are linked to the former. Nearly 80% of the drug-related killings in Manila are linked to police operations.

Top 5 Districts (SubMun) in City of Manila with Most Number of Killings & Type of Incident

(MAY 10, 2016 – SEP 29, 2017)

Submunicipality/ District	Death by Police Operations	Death by Unknown Assailant	Body Dump	Total Number of Deaths
Tondo	42	19	5	66
Santa Ana	30	10	0	44 <i>(4 undefined)</i>
Sampaloc	28	2	8	38
Santa Cruz	21	3	2	26
San Nicolas	16	0	1	17

Table 4. MANILA Districts with Most Killings, by Type of Incident, 10 May 2016 to 29 September 2017

The mapping of the drug-related killings empirically shows where most of the killings and where none are taking place. The aggregate number of killings that people try to comprehend – or accept – is important, but it does not exact accountability on the people responsible for such risks. This attempt to match numbers to local jurisdictions provides a better understanding of the anti-drugs campaign as an issue that every community faces.

Anecdotal evidence suggests that many of the killings linked to the government's anti-drugs campaign appear to be from poor and low income households and communities. This is reflected by some of the Barangays and districts that accounted for most of the killings—Payatas in Quezon City and Tondo in Manila. This further emphasizes the potential role of local government units to protect the poor and vulnerable not simply from the scourge of drugs, but also from any state-sanctioned policies that may place them in harm's way.

Nevertheless, other Barangays appear to be associated with far lower (in some cases zero) killings. And some of these are also poor, suggesting that local government units may have taken steps to implement the General Welfare Clause.

In fact, Barangay Novaliches Proper in Quezon City exhibits a successful community-based drug rehabilitation program, known as *Abot Kamay Alang-alang sa Pagbabago* (AKAP), in partnership with the Diocese of Novaliches (Shrine of Our Lady

of Mercy Parish), Quezon City Anti-Drug Abuse Advisory Council, Philippine National Police, and community volunteers. The rehabilitation program includes patients' care, family care, and community care that ensures the holistic renewal not only of the patients or drug dependents, but most importantly the community where they live. Through *Ugnayan ng mga Barangay at Simbahan* (UBAS), the Barangay and church are linked to work for transparency and accountability in governance, which now includes the government's anti-drug campaign.²⁷ These initiatives receive wide support and are often in done in collaboration with the local police.

It can be seen that from Figure 2, the heatmap of Quezon City, only few cases of killings linked to police operations are recorded for Novaliches Proper, while its surrounding areas are linked to high number of killings. Having community-based drug rehabilitation programs may or may not necessarily result in the absence of killings in an area, but it shows that the community leaders (e.g. Barangay officials, church leaders, police) can work together to pursue a more restorative approach consistent with the duty of the local officials to ensure the general welfare of their citizens, as mandated by law.

3. LGUs' Failure to Protect Citizens?

In the pursuit of President Duterte's anti-illegal drugs campaign, evidence elicits very difficult questions for local government leaders who may have failed to meet the mandate of the General Welfare Clause of the LGC. If so, this is a grave dereliction of duty which voters should probably hold them accountable for. Furthermore, the sheer magnitude of the death toll under their watch is unlikely to be overlooked by the ICC. By disseminating this evidence, we also hope for communities to better understand their rights and the responsibilities of their officials and local elected leaders.

More critically however, we have raised here the point of how damaging it can be to the community when barangay leaders may have reneged on their duty to preserve the general welfare of their constituents. The profound harm is not only about the bloody body count, but it is also about the potential loss of that sense of solidarity and camaraderie

²⁷ <https://www.veritas846.ph/community-based-drug-rehab-matagumpay-sa-ugnayan-ng-simbahan-komunidad/>
<http://cbcnews.net/cbcnews/novaliches-intensifies-drug-rehab-program/>

within the community itself. Particularly difficult questions arise as regards the listing of drug personalities at the barangay level, the veracity of such lists, and the accountability of those who crafted and have access to the list in terms of giving all citizens the right due process.

Nevertheless, there are also many local government executives who appear to have attempted to fulfill their legal duty to ensure the welfare of their communities. Some have managed this, not just by vehemently protesting against the killings occurring during police operations in their territory, but by actually implementing programs that strengthened rehabilitation efforts and have brought citizens back to the fold as productive members of the community.

Indeed, initial evidence bears out that local government leaders who faithfully abided by the General Welfare Clause of the LGC seemed to better address the drug problem whilst minimizing casualties in their communities. Hence, they should be recognized accordingly, and voters educated on the extent to which alternative approaches to address the drugs problem may actually produce more effective results, while at the same time advancing the welfare and rights of citizens. In the language of human rights scholars, local officials are duty-bearers—and the law clearly empowered them to act. Yet, many may have not, and ICC would probably consider this eventually, should it launch a full scale investigation into the Philippines case.

Yet, Filipino voters need not wait for the ICC to act on this. We hope more citizens understand the Local Government Code of 1991 and challenge their local officials to act on their responsibilities. According to the law, they are duty-bearers in the protection of communities and citizens, who are all are rights-holders, notably where issues of crime and drugs are concerned. ^{+AMDG}

**ANNEX 1. Pertinent Provisions Related to Local Government of PNP Command
Memorandum Circular 16-2016**

**PHILIPPINE NATIONAL POLICE
COMMAND MEMORANDUM CIRCULAR
NO. 16 – 2016**

**SUBJECT : PNP ANTI-ILLEGAL DRUGS CAMPAIGN PLAN-
PROJECT: “DOUBLE BARREL”**

DATE : July 1, 2016

5. EXECUTION:

a. Concept of Operations

The lower barrel approach will be the conduct of PROJECT TOKHANG in all drug-affected barangays throughout the country in coordination with the Local Government Units (LGUs) particularly the Provincial/City/Municipal/Barangay Anti-Drug Abuse Councils (ADACs), Non-Government Organizations (NGOs), stakeholders, and other law enforcement agencies.

The **PROJECT TOKHANG** is a practical and realistic means of accelerating the drive against illegal drugs in affected barangays. This concept involves the conduct of house to house visitations to persuade suspected illegal drug personalities to stop their illegal drug activities.

There are five (5) stages in the conduct of "PROJECT TOKHANG" namely: **Collection and Validation of Information Stage, Coordination Stage, House to House Visitation Stage, Processing and Documentation Stage, and the Monitoring and Evaluation Stage.**

2) Coordination Stage

Coordination shall be made with the following government agencies, stakeholders, and non-government organizations prior to the conduct of actual house to house visitations to ensure success of the activity.

- a) All concerned local police offices/units/stations shall coordinate with the LGUs to provide support for the activity and ensure compliance of subordinate offices;

- b) All local police offices/units/stations shall also coordinate with BADAC to assist in the conduct of house to house visitations and referral of drug users;

- d) The Chief of local police units/stations shall direct the Police Community Relations Sections to coordinate with the LGUs, ADACs and Dangerous Drugs Board (DDB) for the rehabilitation of drug users;

3) House to House Visitation Stage

The actual house to house visitations of suspected drug personalities shall be the highlight of PROJECT TOKHANG. It shall be conducted simultaneously nationwide on the first day of the Office of the CPNP. The following shall be undertaken in the conduct of house to house visitations:

- b) The designated team leader shall ensure the presence of members of PADAC/CADAC/MADAC/BADAC and barangay tanod to assist them and to serve as witnesses in the conduct of house to house visitation;

4) Processing and Documentation Stage

- c) Personalities who voluntarily surrendered shall be urged to subscribed under oath before a notary public, to be assisted by a counsel and witnessed by parents/guardians and/or barangay officials;

5) Monitoring and Evaluation Stage

- b) Weekly monitoring of drug personalities to determine their status and whereabouts shall be conducted by all concerned local police units/stations and anti-illegal drug units in the affected barangays in coordination with BADAC. Likewise, they shall submit weekly reports/updates to their Regional Directors thru the RAIDSOTG; and

e. Tasks

5) DPCR

c) Maintain coordinative linkages with the DDB, PDEA, LGUs, other line agencies/organizations to generate support for the frontline anti-illegal drug units;

d) Establish and maintain collaborative linkages with different NGO's and LGUs on drug prevention and education program;

k) Coordinate with the DILG/LGUs for the revitalization and/or reactivation of BADACs to support PNP programs towards creating consciousness and awakening the community on their social responsibility on drug abuse prevention and eradication;

23) PROs/PPOs/CPOs/CPS/MPS

d) Conduct validation with BADACs to account and identify all drug groups pushers/users in each barangays and conduct intensified anti-illegal drugs operations in priority drug affected barangays, focusing on street-level drug personalities;

q) Coordinate with Local Chief Executives through the respective Chiefs of Police and the Anti-Illegal Drug Units for the establishment of Drug Rehabilitation Centers in every local government unit or cluster of LGUs;

8. COORDINATING INSTRUCTIONS:

k) All PPOs, CPOs, CPS and MPS shall coordinate with their respective LGUs to activate and capacitate the ADACs. (*Emphasis ours*)

ANNEX 2. Role and Composition of the BADACs from DILG Memorandum Circular 2015-63

Barangay Anti-Drug Abuse Council (BADAC)

A. Composition

- a. Chairperson: Punong Barangay
- b. Vice Chairman: Sangguniang Barangay Member/"Kagawad"
(Chair of Peace and Order)
- c. Members: Sangguniang Barangay Member/"Kagawad"
(Chair of Women and Family)
Sangguniang Kabataan Chairman
School Principal (Public) or Representative
Executive Officer/ Chief Tanod
Representative of a Non-Government Organization (NGO)/
Civic Society
Representative of a Faith-Based Organization (i.e. Ugnayan
ng Barangay at mga Simbahan or UBAS)
- d. Adviser: City/Municipal Chief of Police or Representative

B. Powers and Function of BADAC

- a. Conduct regular meetings at least once a month and call for special meetings whenever necessary;
- b. Plan, strategize, implement and evaluate programs and projects on drug abuse prevention in the barangay;
- c. Organize the BADAC Auxiliary Team to compose an ideal number of 25 members per 2,000 population of the barangay representing streets, puroks, subdivisions, or sitios;
- d. Orient the BADAC Auxiliary Team of their roles and functions and in the formulation of plan of action to address the problem;
- e. Equip Barangay Tanods and BADAC Auxiliary Team on their roles and functions in the campaign against street-level illegal drug trade through seminars or training;
- f. Coordinate and collaborate with other institutions implementing programs and projects on drug abuse prevention at the barangay level;
- g. Continuously gather and update data on all drug related incidents and its effects on the peace and order situation in the barangay including listing of suspected drug users and pushers;
- h. Submit a monthly report to City/Municipal Anti-Drug Abuse Council (MADAC), copy furnished to DILG City/Municipal Field Office;
- i. Refer suspected drug users to C/MADAC and other institutions for corresponding counseling and/or rehabilitation;

- j. Conduct an Information, Education, Campaign (IEC) on illegal drug demand reduction;
- k. Monitor disposition and progress of drug-related cases filed; and
- l. Perform other related functions.

BADAC Committees

A. Committee On Operations

a. Composition

- Chair: Sangguniang Barangay member/"Kagawad"
(Chair of Peace and Order)
- Members: Executive Officer/ Chief Tanod
BADAC Auxiliary Team (ideally 25 members per
2,000 barangay population)

b. Roles and Responsibilities

- Prepare and maintain a confidential list of suspected users, pushers, financiers, and/or protectors of illegal drug trade found in the LGU's area of jurisdiction to be submitted to the City/Municipality Anti-Drug Abuse Council copy furnished the PNP Anti-Illegal Drugs Special Operations Task Force (AIDSOTF); and
- Establish rehabilitation/referral desks and process applications for rehabilitation of drug dependents.

Pre-Operations

- Identification of drug affected house clusters, work places, streets, puroks and sitios where manufacture, delivery, sale or use of illegal drugs are being conducted and to report the same immediately to the PNP or the Philippine Drug Enforcement Agency (PDEA).
- Conduct administrative searches of suspected drug dens/laboratories.
- Conduct briefings, meetings prior to the launching of operations to ensure positive results and safety of the operating teams and the community.

During Operations

- Ensure safety of the community and regularity of the operations.
- Any elected barangay official present during the operations to witness the inventory of seized drugs/paraphernalia.
- Extend such other necessary assistance to the PDEA and PNP authorities in its operation against illegal drugs including but not

limited to the preservation of evidence and protection of witnesses and suspects against unlawful acts.

Post-Operations

- The elected barangay official present during the operations shall execute an affidavit and act as witness in court hearings in the prosecution of drug cases.
- Submit reports of drug-clearing operations conducted, if any, to the City/MADAC copy furnished the DILG City/Municipal Field Office.

For operations conducted/initiated by the PDEA/PNP, an elected barangay official should be involved immediately after the raid and be present to stand as witness during the conduct of inventory.



ATENEO

ATENEO
SCHOOL OF
GOVERNMENT

Forming Leaders. Leading Reforms.