

MALACAÑANG
MANILA

ADMINISTRATIVE ORDER NO. 40

PRESCRIBING GUIDELINES FOR THE TREATMENT OF THE PERSONNEL OF
THE ARMED FORCES OF THE PHILIPPINES AND PHILIPPINE NATIONAL
POLICE, WHO ARE FACING ADMINISTRATIVE AND CRIMINAL CHARGES

WHEREAS, accounts on the involvement of commissioned officers and enlisted/non-officers personnel of the Armed Forces of the Philippines (AFP) and the Philippine National Police (PNP) in criminal activities, coupled with the seeming lack of coordination between some military/police units, have adversely affected the image of the AFP and PNP;

WHEREAS, for so long as there are misfits and scalawags within the uniformed ranks of the AFP and PNP, reports about their nefarious deeds, whether done singly or in concert with others, including ex-soldiers/policemen and/or civilians, will be perceived negatively by the public and the national leadership to such an extent as to relegate to the background the commendable and substantial accomplishments of our men in uniform;

WHEREAS, the drive to expel the undesirable elements from the AFP and PNP must be unrelenting and, more than this, the military/police organizations must take the lead in bringing their own offenders before the bar of justice;

NOW, THEREFORE, I, FIDEL V. RAMOS, by virtue of the powers vested in me by law, do hereby order:

SECTION 1. In administrative cases where the administrative discharge of the military/police personnel with a pending criminal case cognizable before the civil courts is warranted and authorized under existing laws, rules and regulations, his discharge from the military/police service and release from custody should be effected simultaneously and contemporaneously with the referral of his case and the delivery of his person before the proper civil judicial authorities for appropriate action; provided that, if such military/police personnel is charged with a grave offense, the military/police organization should, in coordination with the government prosecutor, actively help to build-up and file the case against him before the civil court and, thereafter, obtain a court order committing him to military/police custody while undergoing trial to ensure his presence during court hearings; and provided further that, in the meantime, the firearms, ammunition, and all other government properties issued to him must be recalled forthwith.

SEC. 2. The commanding officer of an erring military/police personnel shall be similarly held accountable either for conduct unbecoming of an officer or as accessory after the fact in cases where

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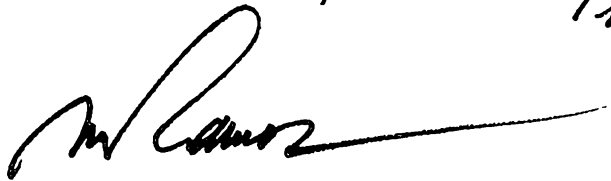
he refuses to act, fails to render a timely report, delays action, or otherwise aids and abets the wrongdoing of his subordinate who is the subject of a valid complaint.

SEC. 3. Generally, where the crime or offense committed by a military/police personnel is not service-connected, waiver of court-martial jurisdiction over the case should be recommended to the President, through the appropriate Department, pursuant to Presidential Decree No. 1850, dated October 4, 1982, as amended by Presidential Decree No. 1952, dated September 4, 1984.

SEC. 4. Hand in hand with the purging efforts should be the conduct of measures promotive of discipline and professionalism within the AFP and PNP, including the reminder to the commanders to closely supervise the chain of command and use the "buddy system" to ensure that the whereabouts of the military/police personnel under them and their actuations are known and monitored since discipline exists only when a subordinate who is left alone behaves the way he does when he is in the presence of a respected superior, and the knowledge by commanders and senior officers on how to conduct themselves in public, particularly before the media practitioners.

SEC. 5. This Administrative Order shall take effect immediately.

DONE in the City of Manila, this 24th day of February in the year of our Lord, nineteen hundred and ninety-three.



By the President:



ANTONIO T. CARPIO
Chief Presidential Legal Counsel