



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

PNP MEMORANDUM CIRCULAR
NO.: 2020-034

20 MAY 2020

**GUIDELINES AND PROCEDURES ON SOCIAL MEDIA CONTENT, POST AND
ENGAGEMENT UTILIZING OFFICIAL SOCIAL MEDIA ACCOUNTS AND
INDIVIDUAL ACCOUNTS OF PNP PERSONNEL**

1. REFERENCES:

- a. Republic Act (RA) No. 10173 known as the "Data Privacy Act of 2012" and RA No. 10175 known as the "Cybercrime Prevention Act";
- b. RA No. 6713 otherwise known as the "Code of Conduct and Ethical Standards for Public Officials and Employees";
- c. PNP Memorandum Circular (MC) 2019-034 entitled, "Revised Policies, Guidelines and Procedures Governing the Enhancement of the PNP Presence in the Social Networking Sites";
- d. PNP MC No. 2014-005 entitled, "Policies, Guidelines and Procedures Governing the Enhancement of the PNP Presence in the Social Networking Sites";
- e. The Revised Penal Code, Act No. 3815, series of 1980; and
- f. PNP Legal Service Memorandum dated May 8, 2018 with subject "Research on Self-Organization, Freedom of Expression and its Inherent Limitations".

2. RATIONALE:

This Memorandum Circular (MC) shall set forth the policies and guidelines in handling PNP social media accounts and those being used by individual personnel to attain a more responsible and purposive sharing of information that reflect a service-oriented and disciplined organization.

3. SITUATION:

In February 2014, the first policy was crafted through an MC which sets forth the policies, guidelines, and procedures governing the Philippine National Police's (PNP) presence in the Social Networking Sites (SNS). The continuing changes in the information landscape necessitate enhancement in the existing policy to improve information sharing process and to gain competitive advantage in police service using

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the social media platforms. This has resulted in the revision of the social networking policy which was approved in May 2019.

In the aforementioned policy entitled, "Revised Policies, Guidelines and Procedures Governing the Enhancement of the PNP Presence in the Social Networking Sites (SNS)," new protocols and procedures in sharing information as well as in communicating among the Social Networking Teams (SNTs) were devised. It introduced a more efficient and real time approach with an empowered team which handles dissemination of narratives to influence and shape the minds of the netizens.

Looking at the revised policy, it also featured standard procedures in handling official PNP social media accounts, however, there are limited provisions on how social media posts and engagement shall be conducted by individual PNP personnel.

It is recalled that there were previous incidents where PNP personnel expressed their grievances using anonymity in social media. In some scenarios, some personnel also lambasted the organization and the PNP officers while using their personal account, which is not an acceptable practice since there is an existing internal mechanism for grievance. These misdemeanors are not attributed to the individuality of the responsible PNP personnel, instead, reflect a negative image to the organization.


Generally, the laws and jurisprudence enjoined the state to respect rights to association, self-organization, and freedom of expression of each and every individual. Although these rights are guaranteed by the Constitution, these are not absolute in public sectors. The rights to association, self-organization, and freedom of expression are limited for those who enter government service, as government employees are subjected to a different degree of limitation. Unarguably, a citizen who accepts public employment "must accept certain limitations on his or her freedom" (*GSIS v Villaviza*, 640 Phil18). As discussed by Supreme Court Justice Marvic Leonen in his concurring opinion in the case of *Davao City Water District v Aranjuez* (GR No. 194192, June 16, 2015):

" xxx Freedom of Expression is guaranteed in its fullest outside government but, perhaps, more regulated when one assumes the role of a public officer. The right to speech is inherent. However, the act of joining a government office should be construed as an understanding that the individual's exercise of this basic right is subsumed by the necessity of providing public services to the greater majority.

The limits are inherent in the nature of governance. The Constitution states that [p]ublic officers and employees must at all times be accountable to the people, serve them with utmost responsibility, integrity, loyalty, and efficiency, act with patriotism and justice, and lead modest lives."

xxx

The constitutional right to freedom of expression belongs to all. But its exercise may be reasonably regulated. Those who chose public

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service embraced the public's interest with a priority higher than their own. Their oaths signify a commitment to public accountability. This obligation necessarily imposes more regulation of the exercise of their freedom of expression.

As of the right to self-organization, the Court ruled in the case of *Alliance of Government Workers v. Minister of Labor* (209 Phil1, 1993) that government workers have the right to form associations, shared with all in public service, but they may not join associations which impose the obligation to engage in concerted activities in order to get salaries, fringe benefits, and other emoluments higher than or different from that provided by law and regulation.

Relatedly, the Philippine National Police has its own administrative disciplinary mechanism distinct from that of other government agencies. This was recognized by the Supreme Court in the case of *Manalo v. Calderon* (GR. No. 178920, October 15, 2007) citing the Court's pronouncement in *Canson, et al. v. Hidalgo* (G.R. No. 121889, August 4, 2000, 337 SCRA 293) which stated that "*xxx although the PNP is civilian in character, its members are subject to the disciplinary authority of the Chief, Philippine National Police, under the National Police Commission. Courts cannot, by injunction, review, overrule or otherwise interfere with valid acts of police officials. The police organization must observe self-discipline and obey a chain of command under civilian officials. Elsewise stated, police officers are not similarly situated with ordinary civil service employees. The PNP has its own administrative disciplinary mechanism different from those of other government employees.*"

Existing policies have general guidelines on activities and information to be posted and shared, however, they need to be complemented with specific provisions to be used as guidelines and to give direction so that social media contents and posts by PNP SNS Team and PNP personnel do not violate any PNP policies. This is to avoid past incidents that can damage the organization's harmonious relationship with the community and worst, its public image.

With all these at hand, there is a need to align the existing policies with established guidelines on the safe and productive use of social media in government offices to standardize, establish, and define acceptable norms and feedback mechanisms guided by the tenets of RA No. 6713, otherwise known as the "Code of Conducts and Ethical Standards for Public Officials and Employees" which provides that public officials and employees shall at all times be accountable to the people, lead modest lives, and uphold public interest over personal interest.

Hence, it is imperative to formulate a policy that will guide PNP personnel on the responsible use of social media and ensure that it will redound to global competitiveness, performance accountability, shared governance, organizational and personal effectiveness, and service excellence.

4. PURPOSE:

- a. To promote accountability and responsibility in information sharing using social media platforms;
- b. To encourage self-regulation and discipline in the use of social media accounts as public servants; and

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- c. To provide a safer and more secure use of official PNP social media accounts and individual social media accounts of the PNP personnel.

5. **DEFINITIONS OF TERMS:**

- a. **Content Creator-** an individual who specializes in creating graphics and other visual content (with the use of editing softwares) to be posted in the official PNP social media pages and accounts.
- b. **Cyber-bullying-** refers to bullying that takes place over digital devices which includes sending, posting or sharing negative, harmful, false, or mean content about someone else.
- c. **Social Media** – refer to web-based applications where people can create, share and exchange information and ideas in virtual communities and networks particularly Facebook, Twitter, Youtube and Instagram.
- d. **Social Media Manager-** refers to the Police Commissioned Officer (PCO) preferably the Regional Community Affairs Development (RCAD) Officer who is responsible for the creation of strategy and media plan in their respective AOR. A PNP Officer who approves which to post in their official social media pages and accounts.
- e. **Social Media Officer** – refers to a PCO/Police Non-Commissioned Officer (PNCO) who assesses and scrutinizes details of contents to be posted in official PNP social media pages and accounts.
- f. **Social Networking Site-**is a tool that empowers more connections. It is a World Wide Web site that enables users to create public profiles within that website and form relationships and provide a social networking service that allows users to share ideas, activities, events, and interests within their individual networks.
- g. **Social Networking Team-** refers to a group of PNP personnel authorized to manage/administer the official PNP social media accounts such as Facebook, Twitter, Youtube, and Instagram and responsible in addressing issues and concerns posted by the public in the SNS.

6. **GUIDELINES:**

- a. **General Guidelines:**
All PNP personnel shall be guided by the following in using their personal social media accounts:
 - 1) Ensure that all posts are not libelous, do not trigger cyber-bullying, and do not violate the Data Privacy Act and Intellectual Code of the Philippines;
 - 2) Ensure that all posts shall not disclose confidential information detrimental to the safety of any individual;
 - 3) Ensure that all posts shall not be inimical to the interest of the organization and to the national security;

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- 6) Approve the content and data made by content creators prior to posting in social media pages and account. Ensure that the contents created are in line with the office's social media strategy and plan; and
 - 7) Ensure proper turn-over of all official social media accounts, five (5) working days prior to termination of designation as Social Media Officer.
- c. Responsibilities:
- 1) **DPCR**
 - a) Act as the overall supervisor in the implementation of this MC;
 - b) Establish a system of coordination with ACG regarding questionable accounts and posts;
 - c) Conduct information drive for the designated Social Media Managers and Officers for the effective and proper handling of Official Social Media Accounts of all offices/units;
 - d) Collect and consolidate reports and complaints of violations for endorsement to DIDM and for the conduct of investigation; and
 - e) Perform other tasks as directed.
 - 2) **DI**
 - a) Conduct intelligence gathering on reported complaints of PNP personnel in relation to violation on Social Networking Policies; and
 - b) Perform other tasks as directed.
 - 3) **DC**
 - a) Provide necessary fund support; and
 - b) Perform other tasks as directed.
 - 4) **DIDM**
 - a) Monitor investigation of cases conducted by ACG involving PNP personnel in relation to violation on Social Networking Policies;
 - b) Provide periodic reports on the status of the case; and
 - c) Perform other tasks as directed.
 - 5) **DICTM**
 - a) Provide necessary technical support to all PNP offices/units in the implementation of this MC; and
 - b) Perform other tasks as directed.

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- 6) **DHRDD**
 - a) Craft Standard Lecture Package pertaining to this MC; and
 - b) Perform other tasks as directed.
- 7) **ITMS**
 - a) Assist DPCR in disseminating the MC to Social Media Handlers and Officers; and
 - b) Perform other tasks as directed.
- 8) **LS**
 - a) Conduct further study and review in the proper implementation of this MC;
 - b) To conduct lecture pertaining to this MC; and
 - c) Perform other tasks as directed.
- 9) **ACG**
 - a) Develop a cyber-security measure on the use of social media and coordinate with the DPCR for dissemination to all PNP offices/units;
 - b) Establish a system of coordination with DPCR to investigate online violations and suspected activities online;
 - c) Prepare reports and summary of complaints for referral to DIDM through DPCR;
 - d) Ensure the protection of all official social media accounts, as well as the personal accounts of all PNP personnel; and
 - e) Perform other tasks as directed.
- 10) **HRAO**
 - a) Ensure that this policy shall not be an encroachment on the personnel's rights to privacy and/or censorship, hence, control of privacy is still managed by the owner; and
 - b) Perform other tasks as directed.

7. ADMINISTRATIVE SANCTIONS:

Any PNP personnel who violates any of the General Guidelines of this MC shall be charged with Less Grave Neglect of Duty. However, if the act committed also constitutes a violation of law, he/she shall be charged for such act depending on the duration of the imposable penalty in relation to NMC No. 2016-002.

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The Social Media Officer who fails to observed the specific guidelines and to properly fulfill his/her responsibilities under this MC shall also be charged with Less Grave Neglect of Duty.

Furthermore, any other violation or omission of this MC not covered in the aforementioned paragraphs shall be classified as Simple Neglect of Duty.

8. REPEALING CLAUSE:

All issuances, memoranda, rules and regulations issued by the PNP which are inconsistent with the provisions of this MC are hereby repealed or amended accordingly.

9. EFFECTIVITY:

This MC shall take effect after 15 days from the filing of a copy thereof at the UP Law Center in consonance with Sections 3 and 4 of Chapter 2, Book VII of Executive Order Number 292, otherwise known as the "Revised Administrative Code of 1987," as amended.



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