

MEMORANDUM ORDER NO. 121

**UPDATING THE GOVERNMENT'S POLICY ON TERRORISM,
PARTICULARLY ON HOSTAGE-TAKING SITUATIONS**

WHEREAS, the country was confronted with two successive incidents of hostage-taking by terrorist elements during the first half of the year;

WHEREAS, the government's existing policy on terrorism was put to test in the hostage-crisis situation in Sulu province and lessons were learned therefrom, to wit:

1. That the government's no-concession or no-ransom policy remains an effective policy, which should always be implemented strictly;
2. That terrorists should never be given the opportunity to control a hostage situation; the government should always endeavor to gain the upper hand and be in control of a crisis at all times;
3. That negotiation should be treated as part of the whole crisis management process. It should not be treated as the sole option that precludes all other options; and
4. That if the government is to negotiate during a crisis, it must negotiate from a position of strength;

WHEREAS, there is a need for the government to modify and improve policies that address crisis situations arising from terrorism;

WHEREAS, the Armed Forces of the Philippines is mandated by Republic Act 8551 as the lead agency in addressing internal security threats, with the Philippine National Police in support;

NOW, THEREFORE, I, JOSEPH EJERCITO ESTRADA, hereby prescribe the following policy guidelines for the guidance and compliance of all government agencies:



SECTION 1. POLICY GUIDELINES

- A. Definition.** The government shall adhere to the following definition of terrorism:

The premeditated use or threatened use of violence or means of destruction perpetrated against innocent civilians or non-combatants, or against civilian and government properties, usually intended to influence an audience. Its purpose is to create a state of fear that will aid in extorting, coercing, intimidating, or causing individuals and groups to alter their behavior. Its methods, among others, are hostage-taking, piracy or sabotage, assassination, threats, hoaxes, and indiscriminate bombings or shootings.

- B. Purpose and Scope.** This Memorandum Order provides and defines measures and guidelines on how to effectively address terrorism particularly hostage-taking situations. However, all aviation-related incidents shall be covered by existing laws and procedures under the National Action Committee on Anti-Hijacking and Terrorism (NACAHT), and this Memorandum shall be supplementary thereto.

C. Principles

- 1. Terrorism as a Criminal Act.** The government considers all terrorist actions, regardless of motivation, as criminal acts and, therefore, shall be prosecuted and penalized under the Revised Penal Code and appropriate special laws. It shall undertake all lawful measures to prevent the conduct of such acts and bring to justice perpetrators of terrorism.
- 2. Peaceful Means and other Options in the Resolution of a Crisis.** The government shall exhaust all peaceful means in seeking a resolution to a crisis to minimize, if not prevent, the loss of life and destruction of property. If all peaceful means are exhausted, the government shall act promptly, decisively and effectively, choosing from the whole range of police and military actions appropriate to the circumstances. Armed action shall, however, be calibrated as required by the situation, to ensure the



safety of victims and innocent civilians.

3. **No-Compromise with Terrorists.** The government shall not accede to blackmail or terrorist demands. Nor shall it grant ransom and concessions that will benefit the perpetrators and give terrorists an operational advantage over the government. Terrorists should be prevented or be denied from benefiting from the fruits of their crime.
4. **Safety of Victims and Civilians.** The safety of victims and civilians shall be the government's primordial concern in the resolution of a crisis. In situations involving foreign nationals, the government shall act in accordance with its policies, and maintain close contact and coordination with the foreign government/s concerned.
5. **Prompt Handling of a Crisis at the Lowest Level Possible.** All terrorist-based crises are generally police matters and shall be handled as such unless the situation escalates into that which requires a higher unit of authority to carry out the government's Anti-Terrorism Policy. The police, military and local government units (LGUs) shall build the capability to effectively handle terrorist-related incidents and arrest their escalation.
6. **Coordinated Government Response to a Crisis.** The government shall handle a terrorist-based crisis through a **crisis management committee (CMC)** that is activated by the appropriate level of the Peace and Order Council (POC) with jurisdiction over the incident. The CMC directs the mobilization of necessary government resources to assist in the resolution of a crisis. It shall also set the mode of interoperability between concerned agencies to ensure that operational demands during the crisis period are aptly met, and all government actions are coordinated and complementary. See Annex A for a model CMC organization.
7. **Public Information Management and Advocacy.** The government shall ensure the prudent handling of information to and from the media by conducting advocacy steps to effectively convey its position. The



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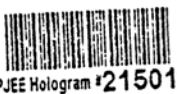
government shall ensure that the information it disseminates will not prejudice nor hamper ongoing operations or the crisis management process. It shall also ensure that government officials involved in the crisis speak with one voice.

8. **Subscription to Anti-Terrorism Covenants.** The Republic of the Philippines subscribes to international conventions and initiatives against terrorism and will participate in endeavors designed to strengthen international cooperation to prevent and neutralize terrorist acts.
9. **Respect for Human Rights.** All government personnel responding to any crisis situation shall at all times respect human rights of people, including those of suspects of terrorist activities.

D. TASKING

As a general rule, management of terrorist-related crises shall be part of the mandated tasks of concerned national agencies and local government units (LGUs), as indicated below. Agencies and LGUs must, therefore, be capable of taking proactive action upon cognizance of terrorist activities in their respective areas of jurisdiction. If experiencing deficiencies, agencies and LGUs must endeavor to remedy such deficiencies and build the capabilities of their personnel and logistics to a level where they can effectively and promptly orchestrate crisis management efforts with minimal supervision from the national government.

1. **Role of the Philippine National Police (PNP)**
 - a. In line with the policy that terrorist activities are basically within police concerns, the local commander of the PNP should, at the first instance, immediately take all necessary steps to resolve the crisis and/or prevent it from escalating. The police commander ensures that a crisis is resolved by peaceful means but at the same time, sets up a contingency plan for the appropriate police and/or supporting military action. The police commander, in close coordination with the LGU



concerned, also ensures that all necessary law enforcement steps such as arrest and prosecution of perpetrators, are taken.

- b. If the crisis is beyond the operational capability of the local PNP unit, a higher PNP unit such as the provincial or regional command should immediately take full control and responsibility of the situation, when its judgment calls for such an action.
- c. All urban, provincial and regional units of the PNP must have within their ranks trained negotiators for hostage-taking situations. Negotiators are preferably non-commissioned officers whose training in negotiation and mediation should constantly be upgraded as part of PNP policy.
- d. The PNP and DILG shall make it a policy to continue the development and improvement of the skills of the existing pool of trained negotiators within the police force to keep the PNP constantly prepared to effectively handle hostage-crisis situations.

2. Role of **Local Government Units (LGUs)** and **Peace and Order Councils (POCs)**

- a. If a crisis is not resolved at the local police level, the POC of the municipality or province affected by the crisis immediately convenes and forthwith organizes/ activates a CMC headed by the concerned local chief executive (the mayor or governor as the case may be) with guidance from the national government, in accordance with the Crisis Management Manual.
- b. The CMC orchestrates all efforts to resolve a crisis through careful coordination of all agencies concerned. The CMC is not the negotiating team. Thus, local executives or CMC members shall refrain from acting as negotiators or mediators so as not to raise the stakes in a hostage-crisis situation. The CMC, instead, designates an official negotiator preferably from the pool of trained negotiators from the PNP or AFP.



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- c. At the same time, the CMC tasks the police and/or the military to craft and prepare a contingency plan for the use of reasonable force if peaceful measures are exhausted.
- d. The local CMC ensures the continuity of all government actions and efforts on the ground until its responsibility has been assumed by a higher CMC or agency of the national government.

3. Role of the **Armed Forces of the Philippines (AFP)**

- a. When a crisis has evolved into a military situation where the perpetrators have preponderant military capability, the AFP unit having jurisdiction over the affected municipality or province shall take a proactive role to assist the PNP and LGU concerned in resolving the crisis.
- b. In accordance with RA 8551, the AFP takes the lead in the preparation of a contingency plan over a crisis that arises from insurgency or secessionism, or internal security threats, and therefore, one that warrants the deployment of military force, subject to the approval of the CMC and the guidance of the national government.
- c. As the lead agency in internal security operations, the AFP shall also make it a policy to develop its own pool of trained negotiators for hostage-taking situations arising from insurgency or secessionism. It shall also develop and train a special contingency force that can be deployed for anti-terrorism operations where military capability is needed. It shall endeavor to make hostage-taking negotiation a part of military training so as to complement the capabilities of the PNP.

4. **CMC at the National Level**

- a. The Cabinet Cluster "E" (Cabinet Cluster on Security and Political Development) is designated as the national CMC if a situation arises from internal security threats, and evolves into a national security concern. Incidents arising from public law and order problems are normally handled by the National Peace and Order Council (NPOC) as



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mandated by Executive Order 320 (series of 1988) and Executive Order 309 as amended (series of 1988).

- b. As the national level CMC, the Cabinet Cluster "E" takes the ultimate and overall guidance from the President in the implementation of its mandate.
- c. The Cluster "E" may take over the responsibilities of the local CMC, or give strategic and policy guidance in support of the efforts of the local CMC.
- d. The Cluster "E" may designate a lead Cabinet member who is the head of the lead agency or the office of primary responsibility (OPR) that is addressing the situation on the ground, to oversee the implementation of the Policy or strategic guidance of the Cluster "E." The OPR and its head shall have the flexibility to configure the task units/entities and utilize the resources and agencies of the departments concerned to effectively ensure unity of command. The PNP, in coordination with the AFP and the Provincial/City Prosecutors, shall undertake the necessary and complementary investigation and other legal actions to bring the perpetrators to justice.

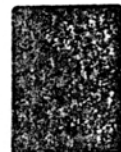
5. Other government agencies

- a. Other government agencies, when requested, shall render assistance to the local or national CMC according to their mandates and expertise at all stages of a crisis.
- b. Concerned public information agencies, upon request and coordination with the CMC or agency handling a crisis, shall undertake advocacy measures to help generate support for government efforts to resolve a crisis and mitigate its effects.

SECTION 2. CRISIS MANAGEMENT MANUAL. The provisions of this Memorandum shall be incorporated in the Crisis Management Manual as amended. The Manual shall be circulated to all government agencies for their guidance, compliance and reference. Special training or orientation on crisis management shall be conducted by the DND/AFP for its agencies and units, and likewise by the DILG/PNP for its bureaus and LGUs.



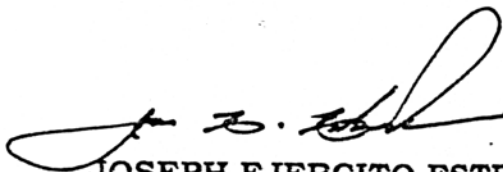
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SECTION 3. RESCISSION CLAUSE. All other Memorandum Orders and issuances inconsistent with this Order or any parts thereof are hereby rescinded or modified accordingly.

SECTION 4. EFFECTIVITY. This Memorandum shall take effect immediately.

DONE in the City of Manila, this 31st of October, in the Year of Our Lord, Two Thousand.



JOSEPH EJERCITO ESTRADA

By the President:



RONALDO B. ZAMORA
Executive Secretary

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Date



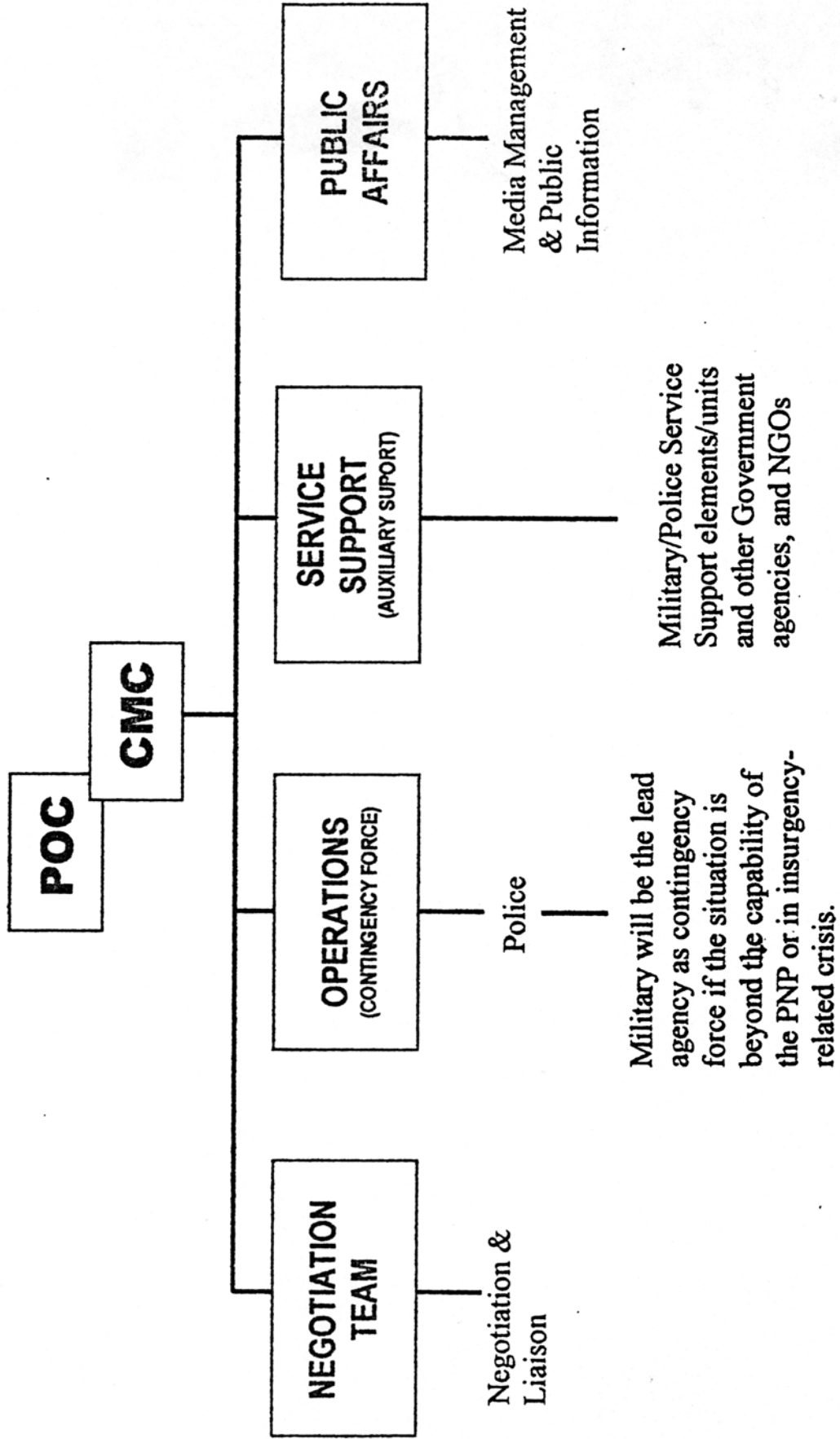
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A MODEL ORGANIZATION FOR CRISIS MANAGEMENT



POC: Peace and Order Council

CMC: Crisis Management Committee