MEMORANDUM CIRCULAR

TOPIC
REGULATION ON TATTOOS

SUB-TOPIC
REGULATION ON HAVING AN INDELIBLE MARK OR FIGURE FIXED UPON ANY PART OF THE BODY BY INSERTION OF PIGMENT UNDER THE SKIN

I. PURPOSE

This Memorandum Circular regulates having an indelible mark or figure fixed upon any part of the body by insertion of pigment under the skin whether it be purely decorative with no specific meaning, symbolic with a specific meaning pertinent to the wearer or pictorial with a depiction of a specific person or item.

II. REFERENCES

A. Legal Opinion on the Proposed “No Tattoo Rule” in the Bureau of Jail Management and Penology (BJMP) dated June 11, 2018;

B. Pronouncement of HON. EDUARDO M. AÑO, Officer-in-Charge, Department of the Interior and Local Government (DILG) retaining the “No Tattoo” requirement for Police Officer Applicants dated April 4, 2018;

C. Memorandum on the Inclusion of Bodily Scrutiny for Tattoo/Marks in the Annual Medical and Physical Examination dated November 11, 2016; and


III. BACKGROUND/RATIONALE

Responding to the pronouncement of HON. EDUARDO M. AÑO, Officer-in-Charge, Department of the Interior and Local Government (DILG) retaining the “No Tattoo Rule” in the Philippine National Police (PNP), JAIL DIRECTOR DEOGRACIAS C TAPAYAN, CESE, Chief, BJMP instructed the Legal Service Office (LSO) to study the policy of the Jail Bureau concerning tattoos which may be well said as an exercise of freedom of expression.

Freedom of speech and of expression, like all constitutional freedoms, is not absolute. It can be regulated in order to accommodate equally important public interests. One of which is the maintenance of the integrity and orderly functioning of the administration of justice. This freedom is also subject to the police power of the State for the protection of public peace, morals, order, safety and general welfare.

The image of any organization affects the esprit de corps, moral and welfare, and sense of pride of its members. Therefore, all BJMP personnel should conduct themselves in a manner that would not place the Jail Bureau in a bad light, live in accordance with the adopted core principles.
values and possess virtues of honor, integrity and valor, justice, humility, charity and loyalty to the Jail Service.

Having a tattoo does not hinder the exercise of a BJMP personnel’s duties. However, it cannot be discounted that it creates an impression associated with thugs and law offenders. In the words of OIC, DILG EDUARDO M. AÑO, tattoos create an impression of being associated with hooligans or gangsters. The BJMP could not gamble and afford that its personnel will be branded as such. The espirit de’ corps, moral and welfare, and sense of pride of its members will erode. Hence, in order to maintain the integrity of the Jail Bureau and maintain a dignified looking Jail Officer and personnel, the need to regulate having tattoos is imperative.

Moreover, the image of the Jail Bureau must forever be preserved and protected like a Philippine flag hoisted to the highest tip of the pole, dignified, exalted and emboldened with pride and honor. Therefore, it must be the bounden duty of every BJMP personnel to protect and defend the Jail Bureau’s image for it is the espirit de’ corps that uplifts the moral and welfare of its members. It boosts the sense of pride of all BJMP personnel.

IV. DEFINITION OF TERMS

For purposes of this Memorandum Circular:

A. “Tattoo” shall refer to a permanent picture, pattern, or word on the surface of skin, created by using needles to put colors under the skin (Cambridge Dictionary). It shall also refer to a design made by inserting ink, dyes and pigments, either indelible or temporary, into the dermis layer of the skin to change the pigment (Wikipedia, The Free Encyclopedia);

B. “Curtail” shall mean reduce, cut, cut down, decrease, lessen, pare down or trim. It means reduce in extent or quantity; and

C. “Extensive” shall mean covering or affecting a large area. It shall also mean large, large-scale, sizable, substantial, considerable, ample, expansive, great or vast.

V. GUIDELINES

A. The BJMP shall implement a “No Tattoo Rule” in the appointment of personnel whether it be in the regular hiring such as in the case of Jail Officer-1 applicants, lateral entry of officers or in the hiring of non-uniformed personnel;
B. The BJMP shall curtail the display of tattoo by all personnel through the observance of the following:

1. All tattoos that are visible while wearing the prescribed uniform must be removed;
2. All tattoos that can be concealed while in uniform can be retained;
3. All tattoos even if it can be concealed while in uniform but associated with gang affiliations must be removed;
4. Extensive tattoos must be removed immediately; and

C. The BJMP Health Service Office (HSO) shall conduct inventory and recording of all tattoos that may be found on any part of the body of every personnel and thereafter submit the same to the Committee on Tattoos herein constituted;

D. The Committee on Tattoos shall have the sole jurisdiction to determine what constitutes an extensive tattoo for removal or gang affiliated tattoo for disciplinary action;

E. Any additional tattoo after the inventory by the HSO are deemed prohibited and considered as an administrative offense under the 2017 BJMP-ADM;

F. Any violation arising from this Circular shall be endorsed by the Committee on Tattoos to the Directorate for Investigation and Prosecution (DIP) for the filing of the appropriate administrative charges;

G. The BJMP Community Relations Service (CRS) shall conduct a massive information campaign regarding the “No Tattoo Rule” of the Jail Bureau herein adopted; and

H. The BJMP Health Service Office (HSO) shall conduct inventory and recording of all tattoos that may be found on any part of the body of every personnel annually which may be simultaneously done during the conduct of Annual Medical Examination (AME). All records shall then be forwarded to the Committee on Tattoos.
VI. COMMITTEE ON TATTOOS

A. Composition

The Committee shall be composed of the following:

- Chairperson: Directorate for Personnel and Records Management
- Vice-Chairperson: Directorate for Intelligence
- Member: Directorate for Inmate's Welfare and Development
- - Health Service Office
- - Legal Service Office
- - Community Relations Service

B. Duties and Responsibilities

1. The Committee shall act as the sole recommendatory authority which will determine extensive tattoos for removal or gang affiliated tattoos for disciplinary action;
2. The Committee shall act as the sole recommendatory authority to the DIP as regards violation of any provision of this Circular for prosecution; and
3. The Committee, together with the Health Service Office, shall keep an inventory and record of all tattoos that may be found on any part of the body of every personnel which shall be updated annually.

VII. SEPARABILITY CLAUSE

If any provision of this Memorandum Circular is declared invalid or unconstitutional, the other provisions not affected thereby shall remain valid and subsisting.

VIII. REPEALING CLAUSE

All other existing BJMP issuances which are inconsistent with this Memorandum Circular are hereby rescinded or modified accordingly.

IX. EFFECTIVITY

This Memorandum Circular shall take effect fifteen (15) days from filing thereof with the Office of the National Administrative Register (ONAR), University of the Philippines Law Center (UPLC) in accordance with Sections 3 and 4, Chapter II, Book VII of Executive Order No. 292 otherwise known as the "Administrative Code of 1987".