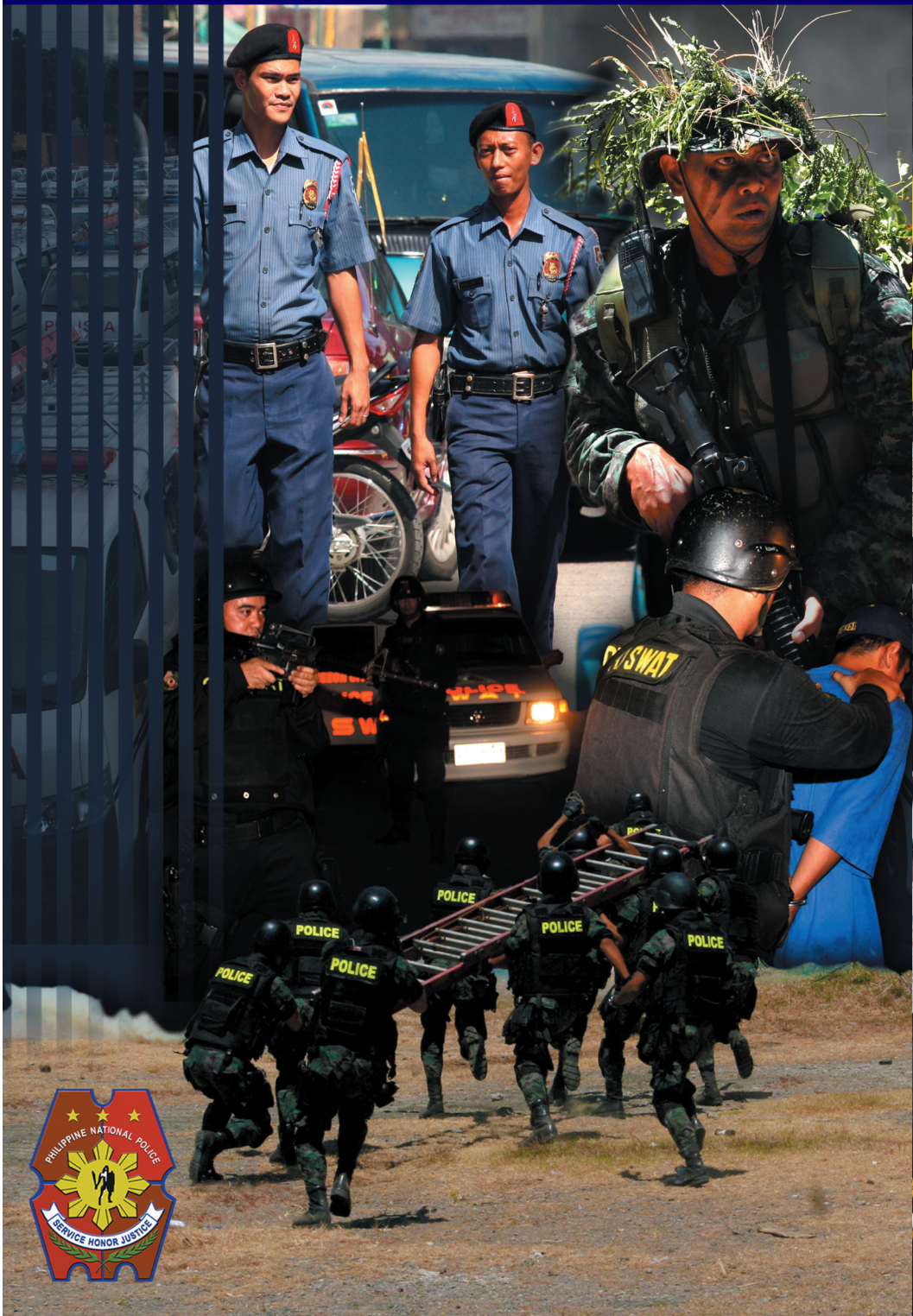


PHILIPPINE NATIONAL POLICE MANUAL
PNPM – DO – DS – 3 – 1



PHILIPPINE NATIONAL POLICE
OPERATIONAL PROCEDURES

MARCH 2010



MESSAGE

Republic of the Philippines
Department of the Interior and Local Government
NATIONAL POLICE COMMISSION
NATIONAL HEADQUARTERS,
PHILIPPINE NATIONAL POLICE
OFFICE OF THE CHIEF, PHILIPPINE NATIONAL POLICE
Camp Crame, Quezon City



I am pleased to extend my warmest greetings and congratulations to the Officers and personnel from the different PNP Units that comprised the Technical Working Group tasked in revising the PNP Operational Procedures (POP) Manual. This 2010 Edition of the POP Manual is part of the PNP's continuing effort to provide policies, guidelines and procedures to address the old and increasing new challenges and the enhanced opportunities that are available.

This Manual should be able to equip all police officers with the appropriate mechanics and procedures that will enable them to cope and respond efficiently and effectively to crimes everyone has become familiar with and the new wave of dramatic crisis situations related to terrorism, cyber crimes and economic downturns. Further, an effective Operations Manual should be able to clearly lay down all fundamental duties, functions and basic procedures to guide police officers. In this manner, clear command and individual responsibilities will be set and the public will be assured of accountability in delivery of public safety services.

The publication of this Manual comes at a best time when there is a need to improve the consistency and timeliness of our policies and procedures and align them with the relevant provisions of law and the principles of human rights and to provide better access to justice and gender equality. This is also part of our continuing endeavor to resolve organizational dysfunctions and improve the quality of police service with the end view of transforming the PNP into a More Capable, Effective and Credible Police Force.

With this modest contribution, the PNP expresses its total resolve to adapt its commitment to genuine public service that will best meet public expectation. Such that, in all police intervention operations, every PNP personnel shall be first and foremost be mindful and considerate of the protection of every citizen's honor, human rights and safety in the pursuit of its responsibility of law enforcement and mission accomplishment.


JESUS A VERZOSA, CEO VI
Police Director General
Chief, PNP

MESSAGE



Republic of the Philippines
Department of the Interior and Local Government
NATIONAL POLICE COMMISSION
NATIONAL HEADQUARTERS,
PHILIPPINE NATIONAL POLICE
OFFICE OF THE DEPUTY CHIEF PNP FOR ADMINISTRATION
Camp Crame, Quezon City

Revisiting and revising the PNP Operational Procedures Manual are imperatives in dynamic organizations like the Philippine National Police. The increasing sophistication of the methods used by criminal organizations forges the need for law enforcement to change operational concepts and paradigms. Furthermore, the universal demands for a heightened awareness of Human Rights in policing; and the dynamics of court proceedings demand the crafting of procedures which aid in the successful prosecution of cases in court and at the same time protects the police from unwanted legal entanglements. These are the underpinning rationale of this Manual.

At the cutting edge levels of policing, the manual spells out the necessary procedures to carry out specific operations of the police. As these are culled from the collective experience of past and present operatives, it is able to take into consideration most of the practical realities facing the police in the field; while strictly observing the demands and limits of the law.

The manual is also conscious of the level of “discretion” which a field commander needs to accomplish the mission; and as such guarantees the exercise of an intelligent estimate of the situation in the application of the procedures it contains.

As The Deputy Chief PNP for Administration, I exhort every police, worthy of the name, to be conversant with these POP’s as it would make them effective and efficient. I congratulate the accomplishment of this work by the members of the TWG even as I advise the sustained study and review of the procedures as the demand for it arises.

A handwritten signature in black ink, appearing to be "Jefferson P. Soriano".

ATTY JEFFERSON P SORIANO, PhD/CEO VI
Police Deputy Director General (DSC)
The Deputy Chief PNP for Administration

MESSAGE

Republic of the Philippines
Department of the Interior and Local Government
NATIONAL POLICE COMMISSION
NATIONAL HEADQUARTERS,
PHILIPPINE NATIONAL POLICE
OFFICE OF THE DEPUTY CHIEF PNP FOR OPERATIONS
Camp Crame, Quezon City

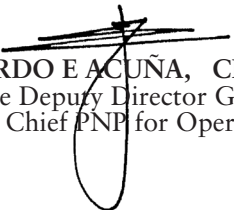


It is with pride that I congratulate the Technical Working Group tasked to revise the PNP Operational Procedures (POP) Manual. Indeed, this is another milestone for the Philippine National Police in our journey towards transforming the police into a highly capable, effective and credible police force

Through this manual, every police officer will be equipped with the necessary procedures and mechanics to efficiently carry out police operations. Furthermore, this Operations Manual contains a clear definition of all fundamental procedures, duties, and functions that will serve as a guide to all of us.

As the Deputy Chief, PNP for Operations, I would like to challenge everyone, to take everything stated in this manual seriously. An understanding of what and how we should function will lead us into an effective and efficient organization, accountable for public safety.

Congratulations and may God bless us all!


EDUARDO E. ACUÑA, CEO VI
Police Deputy Director General
The Deputy Chief PNP for Operations

MESSAGE



Republic of the Philippines
Department of the Interior and Local Government
NATIONAL POLICE COMMISSION
NATIONAL HEADQUARTERS,
PHILIPPINE NATIONAL POLICE
DIRECTORATE FOR OPERATIONS
Camp Crame, Quezon City

The leadership's guidance of developing leaders at all levels and enhancing police services where they matter most, led to the revision of the PNP Operational Procedures (POP) Manual initiated by the Directorate for Operations. The review and updating of the POP that was first published in September 2002, was carried out with the Directorate for Investigation and Detective Management, Legal Service, Human Rights Affairs Office, Criminal Investigation and Detection Group, and the Women and Children Protection Center.

The revised POP Manual seeks to improve and strengthen police operations that are geared towards patrol, law enforcement, internal security and public safety. Furthermore, it will prevent, if not eliminate operational lapses in the field and ensure the success of our operations; bring the right perpetrators of the crimes to the courts of justice; and encourage the public's full support and cooperation in our peace and order campaigns.

A POP Manual that is more responsive and attuned to the demands of law enforcement and peacekeeping will guide our police personnel, especially those on the ground, to ably address various peace and order concerns; faithfully observe the rule of law; and uphold the rights of victims and other individuals, including criminals.

We hope that this revised POP Manual will contribute to the advancement of our pursuit for a genuinely transformed PNP organization.

A handwritten signature in black ink, appearing to read 'ANDRES G. CARO II'.

ANDRES G. CARO II
Police Director
The Director for Operations

MESSAGE



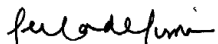
Republika ng Pilipinas

Komisyon ng Karapatang Pantao ng Pilipinas
(Commission on Human Rights of the Philippines)

Greetings to the brave men and women of the Philippine National Police (PNP).
The collaboration between the Commission on Human Rights (CHR) and the PNP in developing this operations manual underscores a very vital function and purpose of law enforcement – to protect, above all else, our human rights. The protection of life is a human right. The safety and security from all forms of danger is a human right. The protection of full enjoyment of all rights is, in itself, a human right.

Your duty to serve and protect the People is not fully encapsulated in your function of combating criminality. Verily, your function is only a means to one higher end – to ensure that the Filipino people lives free from unlawful and oppressive forces, thereby ensuring that all persons bask untrammelled in the enjoyment of their freedom and human rights.

Thus, there is no leaf from this operations manual that is not imbued with significance to human rights. Every procedure is designed for one purpose – to make our police force accountable for upholding human rights. Imbibe not only the contents, but the spirit behind this manual, so that the men and women of the PNP may fully become guardians of human rights and genuine protectors of the Filipino people.


LEILA M. DE LIMA
Chairperson

FOREWORD

The PNP Operational Procedures (POP) Manual provides guidance regarding the Philippine National Police's policy and procedures for its personnel, especially those in the field, which must be strictly adhered to in all aspects of police work.

This 2010 Edition of the POP Manual contains more comprehensive and in-depth procedures to specifically address in detail various modes of action every police officer shall observe in the performance of the general law enforcement function and basic police duties as well as the rules and methods to be observed in special police intervention operation. The demands of public safety service involve a wide range of issues and considerations and to be effective, PNP officers will have to rely not only on this manual but also upon their training and experience.

The revision of the POP Manual is also in consonance with our ongoing Transformation Program as we are improving one of the Key Result Areas, on PNP Operations, which involves reforms in the operating rules and procedures in police operations, providing the police units the appropriate work tools and strengthening crime research to support more effective crime management operations.

The PNP officers' value to the citizens and to the organization will be gauged not only by compliance with the procedures contained in this Manual, but also by demonstrations of good judgment, zeal and performance under widely variant conditions. It is therefore incumbent upon all officers to familiarize themselves with the contents of this PNP Operational Procedures Manual so that they may know their duties and perform them properly.

The Technical Working Group
PNP Operational Procedures Manual
2010 Edition

ACKNOWLEDGMENT

I would like to acknowledge several PCOs, PNCOs, NUPs and other members of the Technical Working Group who endeavored in the revision of the PNP Operational Procedures (POP) Manual.

Much of this work was supervised by PCSUPT ARNOLD R REVILLA, Deputy Director for Operations; PCSUPT AGER P ONTOG JR., Chief, NOC; and PCSUPT MARCELO P GARBO JR., Executive Officer.

The Secretariat headed by PSSUPT ROLANDO B FELIX, Chief, Law Enforcement Division, and composed of the following officers, PNCOs and NUP: PSUPT WILFREDO L RIÑON, PO3 Renante C Abang, NUP Annalyn B Cruz, NUP Grace E Balucanag and Ms Zheena Luz R Martin ensured that regular coordinating conferences were held, and that all revisions and inputs to the manuscript were consolidated.

The Division Chiefs of this Directorate, namely PSSUPT ANSELMO SIMEON P PINILI, Chief, Public Safety Division; PSSUPT EMMANUEL LUIS D LICUP, Chief, Special Operations Division and PSUPT BENJAMIN D SANTOS, JR, Chief of Budget and Fiscal who gave their valuable inputs to the improvement of the manuscript.

The Legal Service team headed by PCINSP ARLYN R AGTAY; PSINSP JUDITH L QUERIJERO; and PSINSP MELLANY B BASAÑEZ who rendered their legal expertise.

The team from the Commission on Human Rights led by Atty Flora C Atillano who ensured that the procedures outlined in the POP Manual protect the basic rights and civil liberties of individuals, including criminals.

May this POP Manual be continuously enriched to adapt to the demands of law enforcement and peacekeeping, and provide better community safety services.



ANDRES G CARO II
Police Director
The Director for Operations
January 2010

INTRODUCTION

Police Operations cover the mission-critical aspects of a police organization: policies, institutional arrangements, processes and resources for the performance of the policeman's main functions.

Police Operations encompass a wide range of activities, particularly patrol and traffic operations, implementation of special laws, command and control, civil disturbance, disaster management, terrorism, deployment of troops, internal security operations and community-oriented policing, with due regard to human rights.

Almost eight years after its initial publication in September 2002, the Police Operational Procedures (POP) Manual was revised and updated in consideration of developments in law enforcement and peacekeeping which is one of the projects under the PNP's Integrated Transformation Program spearheaded by the Chief, PNP. Among the most significant updates in operational processes and procedures is the inclusion of human rights protection which should be provided to both victims and criminals.

This PNP Operational Procedures (POP) Manual holds the key to successful police actions. And if faithfully followed to the letter, it would shield law enforcers from criminal and administrative liabilities as they fulfill their mandate to serve and protect the community.

TABLE OF CONTENTS

GENERAL PROCEDURES

RULE 1. POLICE BLOTTER	1
RULE 2. POLICE UNIFORM	1
RULE 3. POLICE NOTEBOOK AND PEN	1
RULE 4. INTER-UNIT COORDINATION	1
RULE 5. BASIC REQUIREMENTS OF POLICE INTERVENTION OPERATIONS	2
RULE 6. WARNING BY USE OF MEGAPHONES	2
RULE 7. WARNING SHOTS	2
RULE 8. USE OF FORCE	2
SEC. 1. ISSUANCE OF WARNING	2
SEC. 2. REASONABLE FORCE	3
SEC. 3. USE OF WEAPON	3
SEC. 4. REPORTORIAL REQUIREMENTS	3
RULE 9. MOVING VEHICLES	3
RULE 10. THINGS TO BE DONE AFTER AN ARMED CONFRONTATION	4
RULE 11. INVESTIGATION BY THE TERRITORIAL UNIT CONCERNED	4

BASIC PROCEDURES

RULE 12. PATROL PROCEDURES	4
SEC. 1. DUTIES AND RESPONSIBILITIES OF PATROL OFFICERS	4
SEC. 2. DUTIES OF PATROL SUPERVISORS	5
SEC. 3. PATROL GUIDELINES	6
SEC. 4. GUIDELINES AND PROCEDURES WHEN RESPONDING TO CALLS FOR POLICE ASSISTANCE	7
SEC. 5. PROTECTING AND PRESERVING THE CRIME SCENE	8
RULE 13. SPOT CHECKS/ACCOSTING AND PAT-DOWN SEARCHES	8
SEC. 1. GROUNDS FOR SPOT CHECK/ACCOSTING	8
SEC. 2. PROCEDURES AND GUIDELINES FOR SPOT CHECKS/ACCOSTING	9
SEC. 3. GROUNDS FOR BODY FRISK/PAT-DOWN SEARCH	9
SEC. 4. PROCEDURES FOR PAT-DOWN SEARCH	10
SEC. 5. REPORTING AFTER THE SPOT CHECK/ ACCOSTING OR PAT-DOWN SEARCH	11

RULE 14. ARREST	11
SEC. 1. ARREST	11
SEC. 2. WARRANT OF ARREST	11
SEC. 3. IMPLEMENTATION OF WARRANT OF ARREST	12
SEC. 4. TIME OF ARREST	12
SEC. 5. PROCEDURES IN SERVING WARRANT OF ARREST	12
SEC. 6. DUTIES OF THE ARRESTING OFFICER	13
SEC. 7. AUTHORITY GIVEN TO THE ARRESTING OFFICER WHEN MAKING AN ARREST	14
SEC. 8. ARREST WITHOUT A WARRANT	14
SEC. 9. PROCEDURES IN EFFECTING WARRANTLESS ARREST	14
SEC. 10. MEDICAL EXAMINATION OF ARRESTED PERSON/ SUSPECT	15
SEC. 11. RECORD CHECK	15
RULE 15. CUSTODIAL INVESTIGATION	15
SEC. 1. DUTIES OF THE POLICE DURING CUSTODIAL INVESTIGATION	15
SEC. 2. DETENTION	17
A. ADMISSION	
B. REQUIREMENTS FOR ADMISSION	
C. VISITATION	
D. TRANSFER OF CUSTODY	
E. RELEASE	
F. SEGREGATION OF DETAINEES	
SEC. 3. TRANSPORTING DETENTION PRISONER	19
RULE 16. INQUEST PROCEDURES	20
SEC. 1. COMMENCEMENT OF INQUEST	20
SEC. 2. DOCUMENTS TO BE SUBMITTED	21
SEC. 3. WAIVER OF RIGHTS	22
SEC. 4. MONITORING OF CASES	22
RULE 17. SEARCHES AND SEIZURES	23
SEC. 1. REQUISITES FOR ISSUANCE OF SEARCH WARRANT	23
SEC. 2. APPLICATIONS FOR SEARCH WARRANT	23
SEC. 3. TIME OF SEARCH	23
SEC. 4. AUTHORITY GIVEN TO OFFICERS WHEN CONDUCTING SEARCH	23
SEC. 5. PROHIBITED ACTS IN THE CONDUCT OF SEARCH BY VIRTUE OF A SEARCH WARRANT	24
SEC. 6. VALIDITY OF SEARCH WARRANT	24

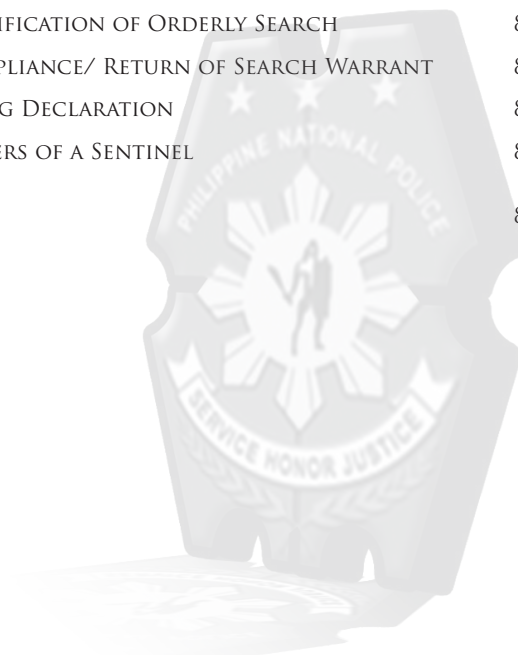
SEC. 7. PROPERTY SEIZED	24
SEC. 8. INVENTORY AND DELIVERY OF PROPERTY TO THE COURT	24
SEC. 9. VALID WARRANTLESS SEARCHES AND SEIZURES	25
A. SEARCH MADE INCIDENTAL TO A VALID ARREST	
B. SEARCH OF MOVING VEHICLES	
C. SEIZURE OF EVIDENCE IN PLAIN VIEW	
D. WHEN THERE IS WAIVER OF THE RIGHT OR THERE IS CONSENTED SEARCH	
E. SEARCHES UNDER STOP AND FRISK RULE	
F. EMERGENCY AND EXIGENT CIRCUMSTANCES	
H. TIPPED INFORMATION	
RULE 18. CRIME SCENE RESPONSE PROCEDURES	26
SEC. 1. DUTIES OF THE FIRST RESPONDER	26
SEC. 2. DUTIES OF THE INVESTIGATOR-ON-CASE (IOC)	27
A. MANDATORY BRIEFING	
B. INITIATION OF PRELIMINARY SURVEY	
C. CONDUCT OF INTERVIEW	
D. PREPARATION OF NARRATIVE REPORT	
E. RELEASE OF THE CRIME SCENE	
SEC. 3. GENERAL SOCO PROCEDURES	28
SEC. 4. DUTIES OF THE TERRITORIAL POLICE UNIT	28
SEC. 5. POLICY GUIDELINES ON PROCESSING OF PERSONS PRESENT AT THE CRIME SCENE	29
SPECIAL PROCEDURES	30
RULE 19. RULES ON LABOR DISPUTES	30
SEC. 1. APPLICABLE LEGAL PARAMETERS	30
SEC. 2. GENERAL POLICY	30
SEC. 3. PEACE-KEEPING	31
SEC. 4. SERVICE OF LAWFUL ORDERS OR WRIT	31
SEC. 5. PROHIBITED LABOR ACTIVITIES	31
SEC. 6. ADDITIONAL GUIDELINES	31
RULE 20. DEMOLITION, INJUNCTIONS, EVICTIONS AND OTHER SIMILAR ORDERS	32
SEC. 1. ROLE OF THE PNP IN THE ENFORCEMENT OF A DEMOLITION ORDER	32
SEC. 2. PROCEDURES IN THE ENFORCEMENT OF A DEMOLITION ORDER	32
RULE 21. POLICE ASSISTANCE IN THE IMPLEMENTATION OF FINAL DECISIONS OR ORDERS OF THE COURTS IN CIVIL CASES, OF QUASI-JUDICIAL BODIES AND OF ADMINISTRATIVE BODIES ON CONTROVERSIES WITHIN THEIR JURISDICTION	33

SEC. 1. POLICE ASSISTANCE IN THE IMPLEMENTATION OF FINAL DECISIONS OR ORDERS OF THE COURT IN CIVIL CASES AND QUASI-JUDICIAL BODIES	33
SEC. 2. REQUIREMENTS FOR POLICE ASSISTANCE	33
SEC. 3. REQUEST FOR POLICE ASSISTANCE	34
SEC. 4. PERIOD TO RENDER POLICE ASSISTANCE	34
SEC. 5. OFFICE OR UNIT THAT MAY BE TASKED TO RENDER POLICE ASSISTANCE	34
SEC. 6. EXTENT OF POLICE ASSISTANCE	34
SEC. 7. ROLE OF PNP PERSONNEL RENDERING POLICE ASSISTANCE	35
SEC. 8. AFTER-OPERATIONS REPORT	35
RULE 22. POLICE ASSISTANCE IN THE IMPLEMENTATION OF FINAL DECISIONS OR ORDERS OF THE COMELEC OR DILG OR LOCAL GOVERNMENT UNIT EXERCISING DISCIPLINARY POWERS IN ADMINISTRATIVE CASES OF ELECTED OFFICIALS	35
SEC. 1. REQUEST FOR POLICE ASSISTANCE	35
SEC. 2. REQUIREMENTS FOR THE REQUEST FOR POLICE ASSISTANCE	35
SEC. 3. PERIOD TO RENDER POLICE ASSISTANCE	36
SEC. 4. EXTENT OF POLICE ASSISTANCE	36
SEC. 5. ROLE OF PNP PERSONNEL RENDERING POLICE ASSISTANCE	36
SEC. 6. SUBMISSION OF REPORTS	36
RULE 23. RALLIES AND DEMONSTRATIONS	37
SEC. 1. POLICIES	37
SEC. 2. LIMITATIONS ON THE ROLE OF THE PNP	38
SEC. 3. GUIDELINES FOR CIVIL DISTURBANCE MANAGEMENT (CDM) CONTINGENT DURING RALLIES/ DEMONSTRATIONS	38
SEC. 4. DISPERSAL OF PUBLIC ASSEMBLY WITH PERMIT	39
SEC. 5. DISPERSAL OF PUBLIC ASSEMBLY WITHOUT PERMIT	39
SEC. 6. PROHIBITED ACTS	39
SEC. 7. POLICE RESPONSES DURING PUBLIC ASSEMBLY	40
A. DURING PLANNING STAGE	
B. DURING INITIAL AND PEACEFUL STAGE	
C. DURING BREACH OF PEACE/ CONFRONTATIONAL STAGE (WITH OR WITHOUT PERMIT)	
D. DURING VIOLENT STAGE	
E. POST OPERATION STAGE	

SEC. 8. GUIDELINES IN THE USE OF NON-LETHAL WEAPONS	42
A. SHIELD AND TRUNCHEON	
B. WATER CANONS	
C. TEAR GAS	
SEC. 9. SUPPLEMENTAL GUIDELINES IN DEALING WITH ASSEMBLIES, RALLIES, DEMONSTRATIONS AND MARCHES	42
A. CONFINED ASSEMBLIES IN PRIVATE PROPERTIES (CHURCHES, SCHOOLS, ETC)	
B. CONFINED ASSEMBLIES IN FREEDOM PARKS	
C. MOBILE ASSEMBLIES IN A PRIVATE AREA	
D. MARCHES AND MOTORCADES ALONG PUBLIC THOROUGHFARES	
SEC. 10. ADDITIONAL INSTRUCTIONS	43
RULE 24. CIVIL DISTURBANCE MANAGEMENT OPERATIONS	44
SEC. 1. GENERAL GUIDELINES	44
SEC. 2. SPECIFIC GUIDELINES	44
SEC. 3. CDM OPERATIONAL TASKS	44
SEC. 4. CDM OPERATIONAL APPROACHES	45
RULE 25. CHECKPOINTS	45
SEC. 1. AUTHORITY TO ESTABLISH CHECKPOINTS	45
SEC. 2. COMPOSITION	45
SEC. 3. GUIDELINES	46
SEC. 4. PROCEDURE IN THE CONDUCT OF REGULAR POLICE CHECKPOINT	48
SEC. 5. PROCEDURE IN THE CONDUCT OF HASTY CHECKPOINT	49
SEC. 6. GENERAL PROCEDURE TO BE FOLLOWED WHEN CHECKPOINTS ARE IGNORED	49
SEC. 7. PROCEDURE IN FLAGGING DOWN OR ACCOSTING VEHICLES WHILE IN MOBILE CAR	50
SEC. 8. DEALING WITH HOSTILE SITUATION	51
A. STOPPING VEHICLES	
B. FLEEING VEHICLES	
SEC. 9. HIGH RISK STOP AND HIGH RISK ARREST	53
A. INITIAL STAGE	
B. EFFECTING A HIGH RISK STOP	
C. DURING VIOLENT STAGE	
RULE 26. HOSTAGE SITUATION/ BARRICADED SITUATIONS	53
SEC. 1. PROCEDURE TO BE FOLLOWED IN A HOSTAGE SITUATION	53
SEC. 2. GROUND COMMANDER	54

SEC. 3. NEGOTIATORS	54
SEC. 4. ASSAULT TEAM	54
SEC. 5. ASSAULT PLAN	54
SEC. 6. SUPPORT PERSONNEL	54
SEC. 7. COORDINATION	54
SEC. 8. SAFETY OF HOSTAGE(S)	54
SEC. 9. GUIDELINES DURING NEGOTIATIONS	54
RULE 27. REPORTING AND INVESTIGATION OF CHILD ABUSE CASES	55
SEC. 1. INVESTIGATION OF ALL COMPLAINTS AND REPORTS INVOLVING ALL FORMS OF CHILD ABUSE	55
SEC. 2. RIGHT TO PRIVACY OF THE CHILD AND CONFIDENTIALITY OF RECORDS	56
SEC. 3. PROCEDURE IN THE RESCUE OF MINORS	56
A. PLANNING	
B. RESCUE EQUIPMENT AND FACILITIES	
C. RESCUE OPERATIONS	
SEC. 4. PROCEDURE TO BE OBSERVED IN THE HANDLING OF CHILDREN IN CONFLICT WITH THE LAW (CICL)	57
SEC. 5. GUIDELINES	59
RULE 28. INTERNAL SECURITY OPERATIONS	59
SEC. 1. GENERAL MANDATE	59
SEC. 2. THE PNP IN AN ACTIVE SUPPORT ROLE	59
SEC. 3. DEFENSIVE POSITION	60
RULE 29. BOMB, BOMB THREAT AND BOMB INCIDENT EMERGENCY RESPONSE PROCEDURES	60
SEC. 1. BOMB	60
SEC. 2. BOMB THREAT	61
SEC. 3. FIRST RESPONDER'S PROCEDURE ON BOMB THREAT	61
SEC. 4. FIRST RESPONDER'S PROCEDURE IN CASE OF ACTUAL BOMB EXPLOSION	63
A. UPON RECEIPT OF THE REPORT	
B. UPON ARRIVAL AT THE SCENE	
RULE 30. COMPUTER CRIME INCIDENT RESPONSE PROCEDURE	64
SEC. 1. COMPUTER CRIME RESPONSE	64
SEC. 2. GUIDELINES FOR COMPUTER CRIME INCIDENT FIRST RESPONDER	64
SEC. 3. SEARCH AND SEIZURE OF COMPUTER	64

SEC. 4. GUIDELINES IN TREATMENT OF OTHER ELECTRONIC STORAGE DEVICES	66
SEC. 5. SEARCH AND SEIZURE OF WIRELESS TELEPHONES	66
SEC. 6. SEARCH AND SEIZURE OF ELECTRONIC PAGING DEVICES	67
SEC. 7. SEARCH AND SEIZURE OF FACSIMILE MACHINES	67
SEC. 8. SEARCH AND SEIZURE OF CALLER ID DEVICES	67
SEC. 9. TRACING AN INTERNET E-MAIL	68
RULE 31. GENERAL RULES ON MEDIA RELATIONS	68
OTHER MISCELLANEOUS PROCEDURES	68
ANNEXES	
FORM "A" COORDINATION FORM	69
FORM "B" RETURN OF WARRANT	70
FORM "C" SWORN STATEMENT	71
FORM "D" REQUEST FOR PRELIMINARY INVESTIGATION AND WAIVER OF ARTICLE 125, REVISED PENAL CODE	74
FORM "E" APPLICATION FOR SEARCH WARRANT	75
FORM "E-1" JOINT AFFIDAVIT IN SUPPORT OF THE APPLICATION FOR SEARCH WARRANT	77
FORM "E-2" DEPOSITION OF WITNESSES IN SUPPORT OF THE APPLICATION FOR SEARCH WARRANT	79
FORM "F" RECEIPT FOR PROPERTY SEIZED	81
FORM "F-1" CERTIFICATION OF ORDERLY SEARCH	82
FORM "G" COMPLIANCE/ RETURN OF SEARCH WARRANT	83
FORM "H" DYING DECLARATION	85
ELEVEN GENERAL ORDERS OF A SENTINEL	86
GLOSSARY	87



**PHILIPPINE NATIONAL POLICE MANUAL
PNPM – DO – DS – 3 – 1**



**PHILIPPINE NATIONAL POLICE
OPERATIONAL PROCEDURES**

MARCH 2010

GENERAL PROCEDURES

Regardless of the type of function to be performed and/or police operations to be conducted, all PNP personnel must know by heart and shall comply and apply the following procedures:

Rule 1. POLICE BLOTTER

Each PNP operating unit shall maintain an official police blotter where all types of operational and undercover dispatches shall be recorded containing the five "Ws" (who, what, where, when and why) and one "H" (how) of an information.

A police blotter is a logbook that contains the daily registry of all crime incident reports, official summaries of arrest, and other significant events reported in a police station. A separate Police Blotter, however, shall be maintained for crime incident reports involving violence against women and children and those cases involving a child in conflict with the law to protect their privacy pursuant to Republic Act Number (R.A. No.) 9262 (Anti-Violence Against Women and Children Act of 2004) and R.A. No. 9344 (Juvenile Justice and Welfare Act of 2006), respectively. (Specifications of the police blotter shall be provided by the concerned PNP office).

Rule 2. POLICE UNIFORM

All members of the police force reporting for duty shall wear the authorized and prescribed uniform. A police officer shall, at all times, appear presentable, smart and well-groomed before the public.

Rule 3. POLICE NOTEBOOK AND PEN

Every police officer, either on board a mobile car, motorcycle or on foot patrol must always carry with him a police notebook, a pen and the Miranda Warning card. The notebook, which is approximately pocket-sized, will be used to inscribe important events that transpire during his tour of duty.¹

Rule 4. INTER-UNIT COORDINATION

Team Leaders (TL) of Local Police Units operating outside their territorial jurisdiction and National Support Units (NSUs) shall coordinate, personally or through an official representative, with the Police Office within whose jurisdiction the operation shall be conducted. Prior to the launching of the operation, except in cases where the formal (in writing) inter-unit coordination cannot be made due to the nature and/or urgency of the situation such as, but not limited to, cross jurisdictional pursuit operations, coordination should be made formally using the prescribed Coordination Form (Form "A" - Annexes).

¹ Under the Rules of Court, a police officer acting as witness on a case may glance at his notebook to refresh his memory during court hearings.

In cases where formal inter-unit coordination is not feasible, the Police Unit concerned shall endeavor to notify the territorial police office through any practical/available means of communication at anytime during the operation and, if not possible, shall accomplish and furnish the territorial Police Office a written incident report immediately after the termination of the operation.

Rule 5. BASIC REQUIREMENTS OF POLICE INTERVENTION OPERATIONS

All police intervention operations (arrest, raid, search and seizure, checkpoint, demolition, civil disturbance management) shall be conducted:

- a. with a marked police vehicle;
- b. preferably led by a Police Commissioned Officer (PCO); and
- c. with personnel in prescribed police uniform.

Rule 6. WARNING BY USE OF MEGAPHONES

During actual police intervention operations, the TL shall use peaceful means including the use of megaphones or any other similar instruments to influence/warn the offenders/suspects to stop and/or peacefully give up.

Rule 7. WARNING SHOTS

The police shall not use warning shots during police interventions.

Rule 8. USE OF FORCE

SECTION 1. Issuance of Warning

The police officer must first issue a warning before he could use force against an offender. The warning is issued for the police officer to identify himself and to give opportunity to the offender to surrender.

The duty to issue a warning is however not absolute. The directive to issue a warning is necessary only in situations where several options are still available to the police officer but in cases where the threat to the life of a police officer is already imminent, and there is no other option but to use force to subdue the offender, the law enforcer's failure to issue a warning is excusable.

SECTION 2. Reasonable Force

During an armed confrontation, only such necessary and reasonable force should be applied as would be sufficient to overcome resistance put up by the offender; subdue the clear and imminent danger posed by him; or to justify the force/act under the principles of self defense, defense of relative, or defense of stranger. The Officer-in-Charge of the operation shall, at all times, exercise control over his men in the area, and shall exhaust all possible means so that no innocent civilian is caught in the crossfire.

The reasonableness of the force employed will depend upon the number of aggressor, nature and characteristic of the weapon used, physical condition, size and other circumstances to include the place and occasion of the assault. A police officer, however, is not required to afford a person attacking him the opportunity for a fair or equal struggle. His duty requires him to overcome his opponent. In the lawful performance of his duty, the police officer must stand his ground to accomplish his mandated task of enforcing the law and maintenance of peace and order.

SECTION 3. Use of Weapon

The excessive use of force is prohibited. The use of weapon is justified if the suspect poses imminent danger of causing death or injury to the police officer or other persons.

The use of weapon is also justified under the Doctrines of Self-Defense, Defense of Relative, and Defense of Stranger. However, one who resorts to self-defense must face a real threat on his life, and the peril sought to be avoided must be actual, imminent and real.

Moreover, unlawful aggression should be present for self-defense to be considered as justifying circumstance.

SECTION 4. Reportorial Requirements

Any police officer who used his firearm against a suspect must submit an after-encounter report outlining the circumstances necessitating the use of weapon against the suspect.

Rule 9. MOVING VEHICLES

A moving vehicle shall not be fired upon except when its occupants pose imminent danger of causing death or injury to the police officer or any other person, and that the use of firearm does not create a danger to the public and outweighs the likely benefits of its non-use.

In firing upon a moving vehicle, the following parameters should be considered:

- a. the intent of the fleeing suspect/s to harm the police officer or other persons;
- b. the capability of the fleeing suspect/s to harm in certainty the police officer or other persons; and
- c. accessibility or the proximity of the fleeing suspect/s with the police officer and other persons.

Rule 10. THINGS TO BE DONE AFTER AN ARMED CONFRONTATION

Immediately after an armed confrontation, the Officer-in-Charge shall:

- a. Secure the site of confrontation;
- b. Take photographs;
- c. Check whether the situation still poses imminent danger;
- d. Evacuate the wounded to the nearest hospital;
- e. Ensure that all persons who died on the spot are not moved from their original position. Arrested suspects, on the other hand, should be kept in isolation;
- f. Conduct debriefing on all involved PNP operatives; and
- g. Submit After-Operations Report.

Rule 11. INVESTIGATION BY THE TERRITORIAL UNIT CONCERNED

The Police Unit which has territorial jurisdiction over the area where the armed confrontation occurred shall immediately undertake the necessary investigation and processing of the scene of the encounter. The Scene of the Crime Operation (SOCO) team shall conduct Crime Scene Processing upon request.

In cases of armed confrontation wherein a suspect dies, the TL of the operating unit shall submit the incident for inquest before the duty Inquest Prosecutor prior to the removal of the body from the scene except in areas where there are no Inquest Prosecutors. In which case, the territorial police unit can proceed with the investigation.

BASIC PROCEDURES

Rule 12. PATROL PROCEDURES

SECTION 1. Duties and Responsibilities of Patrol Officers

- a. Attend the Roll Call Formation before his Tour of Duty for briefing and likewise attend the after Tour of

- Duty formation for debriefing;
- b. Patrol the assigned beats, observe and check suspicious people, structures/buildings, compounds and vehicles;
- c. Respond to calls, entertain complaints, initiate the investigation and protection of the scene and minimize the after effects of accidents, fires and other catastrophes;
- d. Observe and monitor public gatherings, prevent disorders and disperse unlawful assemblies;
- e. Prevent crimes and arrest sighted law violators, assuring the public that peace is preserved;
- f. Inspect and/or conduct surveillance in various places of business establishments and other installation and remove hazards to public safety;
- g. Assist personnel of responsible agencies/unit in facilitating the flow of traffic at busy intersections/roads within his Area of Responsibility (AOR), assist and provide pedestrian information such as directions and street locations;
- h. Conduct home visitations when circumstances warrants, ugnayans/dialogues with the residents in their beat;
- i. Report occurrences and conditions which relate to crime, public peace, order and safety;
- j. Enforce city/municipal ordinances on liquor establishments and night clubs, cabarets and all houses of ill-reputes; and
- k. Check suspicious vehicles (private, public, or commercial/delivery vehicles) along the highways in the course of their patrol.
- l. Patrol Officers shall wear the prescribed patrol uniform.
- m. Patrol Officers must have the equipment necessary in the performance of their duty.

SECTION 2. Duties of Patrol Supervisors

- a. In any operation, careful planning is a must in order to avoid waste of time, effort and resources. Make a patrol plan with the following details:
 - 1) Area Coverage: safe haven, ambush areas and crime prone areas
 - 2) Organizational Detail of Personnel
 - 3) Duration
 - 4) Stand-by points
 - 5) Route plan
- b. Designate and select the members of the patrol team/s.
- c. Inspect the members of the patrol on the completeness

- of the uniforms, availability of personnel, and operational readiness of personnel and equipment.
- d. Conduct briefing, prior to dispatch, on the priority of activities to be undertaken during the patrol as the situation demands; remind the patrol on the strict observance of the PNP Operational Procedures.
 - e. Render hourly report of location and situation through radio/ telephone to Police Community Precinct (PCP)/Station Headquarters Tactical Operation Center (TOC).
 - f. Render after-patrol report duly signed by detailed personnel. PCP Commanders shall collate and submit significant details to the Station Patrol Supervisor, who in turn, will submit the same to the Provincial/District Patrol Supervisor.
 - g. Strictly observe "Buddy System" during the patrol operations.
 - h. Conduct debriefing after the patrol to assess its conduct and make necessary corrective measures on defects noted.

SECTION 3. Patrol Guidelines

- a. Observe precautionary measures and personal safety while on patrol.
- b. Practice defensive driving and follow traffic rules and regulations.
- c. Select routes which provide best visibility.
- d. Be observant of people, places, situations or conditions and develop a suspicious attitude especially if the subject appears to be slightly out of the ordinary.
- e. Use tact and persuasiveness when conducting spot inquiry or questioning individuals for information.
- f. When requiring a suspicious person or any individual for identification, avoid taking the wallet or bag in which the cards/documents are placed. Let the individual remove and hand them to you.
- g. Be familiar, as much as possible, with known criminals/ex-convicts residing in or frequenting the patrol beat.
- h. Be on the alert for loiters.
- i. Keep under close observation actions of juveniles, trouble makers/agitators and the mentally ill/retarded persons.
- j. Observe the practice of "shaking doors" of unguarded business establishments during night patrol. Check for signs of intrusion.
- k. When checking suspicious persons, places, buildings/ establishments and vehicles especially during nighttime, be prepared to use your service firearm. Flashlight should be held tightly away from the body to avoid making you a possible target.
- l. Be familiar with stay-in employees of business establishments in your beat.

- m. Establish good rapport with the people in your beat.
- n. Keep watch of uninhabited homes.
- o. Patrol members should avoid loitering in theaters, restaurants and other recreational places.
- p. Develop contacts by getting to know as many people as possible who can give factual information about crime condition in the patrol beat.
- q. Patrol members must be always on the look-out for indications of vices and other illegal activities in their beat.
- r. Patrol members must be knowledgeable of all conditions, events and details of places in their beat.

SECTION 4. Guidelines and Procedures when Responding to Calls for Police Assistance

- a. Gather and note down in your patrol logbook all available data as to the nature of the calls, date, time and name of the caller. It may be regular, urgent or emergency in nature.
- b. In all cases, the driver of the mobile patrol should avoid reckless driving.
- c. The manner of approach will be dependent on the nature of the call either with haste/secrecy or with/without flashing lights and sirens.
- d. Consider the pertinent factors like the time, condition of traffic, the possibility of greater damage and the neighborhood characteristics.
- e. Stop the car at some distance away from the scene.
- f. Approach the scene on foot in complete silence and exercising extreme caution.
- g. Immediately attend to the injured unless the other members of the patrol are in immediate danger.
- h. Focus all efforts to arrest criminals; however, priority shall be given to aiding the injured.
- i. Determine the crime committed, identify and question briefly the victim/complainant and possible witnesses at the scene.
- j. When the suspects or criminals have fled the scene before your arrival, immediately relay the composition, armament, appearance, and mode and direction of escape of the suspects to the Tactical Operation Center (TOC) for the conduct of dragnet operations.
- k. When responding to street fights/brawls, the patrol member should call for back-up before intervening. If there are no injuries and insufficient corroborative statements obtained to identify who started the fight, disperse the crowd and make complete notes.

- l. Never treat calls or complaints of loud noises caused by barking dogs, drunks, appliances and parties as negligible or a nuisance. They only need courteous and tactful intervention and not enforcement actions.
- m. When responding to call for police assistance due to planted or found explosives, never attempt to handle, move or lift the object. Instead contact TOC and request for Explosive Ordnance Disposal Team (EODT). On-lookers must be promptly led to a safe distance.
- n. When responding to calls from owners of beerhouses, bars or inns or any other similar establishments during night time, request the owner to put the lights on first before entering the establishments.
- o. Do not attempt to arbitrate and resolve conflicts/differences between neighbors, landlords/tenants, husband and wife. However, you should allow both sides to tell their stories.

SECTION 5. Protecting and Preserving the Crime Scene

- a. Respond as soon as possible. Record the time of arrival, weather condition and situation at the crime scene, and if possible, take photographs of the scene and its immediate vicinity.
- b. Establish the police lines and exclude unauthorized persons from the scene.
- c. Avoid touching or stepping on anything that may represent evidence.
- d. Check and protect adjacent areas from the scene where firearms, footprints, dropped articles and bloodstains could be found.
- e. Look for the presence of bloodstains and other body fluids.
- f. Turn over all initial information and pieces of evidence gathered to the responding investigation unit/elements.

Rule 13. SPOT CHECKS /ACOSTING AND PAT-DOWN SEARCHES

SECTION 1. Grounds for Spot Check/Accosting

The police officer may stop an individual for the purpose of conducting a spot check/accosting only when reasonable suspicion exists. Reasonable suspicion must be more than just a hunch or feeling. In justifying the stop, the police officer must be able to point to specific facts that, when taken together with rational inferences, reasonably warrant the stop. Such facts include, but are not limited to, the following:

- a. The appearance or demeanor of the individual suggests that he is part of a criminal enterprise or is engaged in a criminal act;
- b. The actions of the individual suggest that he is engaged in a criminal activity;
- c. Questionable presence of the individual in the area;
- d. The subject is carrying a suspicious object;
- e. The suspect's clothing bulges in a manner that suggests he is carrying a weapon;
- f. The suspect has been found in the time and place proximate to an alleged crime;
- g. The police officer has knowledge of the suspect's prior criminal record or involvement in criminal activity; and
- h. The individual flees at the sight of a police officer.

SECTION 2. Procedures and Guidelines for Spot Checks/Accosting

- a. When approaching the individual, the police officer shall clearly identify himself as a police officer. If not in uniform, by announcing his identity and displaying official identification card and/or badge.
- b. Police officers shall be courteous at all times but maintain caution and vigilance for suspicious movements like tending to retrieve weapon, conceal or discard contraband, or other similar actions.
- c. Before approaching more than one individual, police officers should determine whether the circumstances warrant a request for back-up and whether the spot check/ accosting can and should be delayed until such back-up arrives.
- d. Police officers shall confine their questions as to suspect's identity, place of residence, and other inquiries necessary to resolve the police officer's suspicion. However, in no instance shall a police officer hold a suspect longer than the period reasonably necessary to be able to make these limited inquiries and to resolve suspicions.
- e. Police officers are not required to give the suspect Miranda Warning unless the person is placed under arrest.

SECTION 3. Grounds for Body Frisk/Pat-Down Search

A police officer has the right to perform a pat-down search if the individual has been legitimately stopped with reasonable suspicion and when the police officer has reason to believe that the individual possesses weapon/s on his person and poses a threat to the police officer's or another person's safety. Circumstances which may justify pat-down search:

- a. The type of crime believed to be committed by the subject – particularly crimes of violence where the threat of use or use of deadly weapon is involved;
- b. Where the police officer handles several suspects;
- c. The time of the day and the location where the pat-down search took place;
- d. Prior knowledge by the police officer of the suspect's use of force and/or propensity to carry deadly weapons;
- e. The appearance and demeanor of the suspect;
- f. Visual indications suggesting that the suspect is carrying a firearm or other deadly weapon; and
- g. Whenever possible, pat-down searches should be performed by police officers of the same gender.

SECTION 4. Procedures for Pat-Down Search

When reasonable suspicion justifies a pat-down search, the search should be performed with due caution, restraint, and sensitivity. Pat-down searches should be conducted in the following manner:

- a. Whenever possible, pat-down searches should be conducted by at least two (2) police officers, one to perform the search while the other provides protective cover.
- b. Because pat-down searches are cursory in nature, they should be performed with the suspect in a standing position, or with hands placed against a stationary object, and feet spread apart. However, should an officer visually observe a weapon, a more secure search position may be used like the prone (lying face down) position.
- c. In a pat-down search, officers are permitted only to feel the outer clothing of the suspect. Police officers may not place their hands inside the pockets of the subject's clothing unless they feel an object that could probably be a weapon, such as a gun, knife, club, or the likes.
- d. If the suspect is carrying an object such as handbag, suitcase, briefcase, sack, or other similar items that may conceal a weapon, the police officer should not open the item but instead put it in a place out of the suspect's reach.
- e. If the external patting of the suspect's clothing fails to disclose evidence of a weapon, no further search may be made. If a weapon is found and the possession of which amounts to a violation of the law, the police officer shall arrest the suspect and conduct a complete search.

SECTION 5. Reporting after the Spot Check/Accosting or Pat-Down Search

If after conducting a spot check/accosting or pat-down search, the police officer has no basis for making an arrest, he should record the facts of such spot check/accosting or pat-down search and forward a report to the appropriate authority. If the spot check/accosting or pat-down search gives a justification for a valid warrantless arrest, then an arrest shall be made.

Rule 14. ARREST

SECTION 1. Arrest

All arrests should be made only on the basis of a valid Warrant of Arrest issued by a competent authority, except in instances where the law allows warrantless arrest.

No violence or unnecessary force shall be used in making an arrest, and the person to be arrested shall not be subjected to any greater restraint than what is necessary under the circumstances.

SECTION 2. Warrant of Arrest

a. Who Issues a Warrant of Arrest

Only judges are authorized to issue Warrants of Arrest and Search Warrants.

b. Commitment Order in lieu of Warrant of Arrest

A Warrant of Arrest is no longer needed if the accused is already under detention. An Order of Commitment is issued by the judge in lieu of the Warrant of Arrest.

c. Immunity from Arrest

The following are immune from arrest:

- 1) A Senator or Member of the House of the Representatives while Congress is in session for an offense punishable by not more than six years of imprisonment.
- 2) Diplomatic Agents, Under the Vienna Convention on Diplomatic Relations.²

² Under Section 4 of R.A. No. 75, any writ or process sued out or prosecuted by any person in any court of the Republic of the Philippines, or by any judges or justice, whereby the person of any ambassador or public minister of any foreign state, authorized and received as such by the President, or any domestic or domestic servant of any such ambassador or minister is arrested or imprisoned is void, and every person by whom the same is obtained or prosecuted, whether as party or as attorney, and every officer concerned in executing it is, upon conviction, "punished by imprisonment of not more than three years and a fine not exceeding two hundred pesos in the discretion of the court."

SECTION 3. Implementation of Warrant of Arrest

The head of the office to whom the warrant of arrest has been delivered for implementation shall cause the warrant to be implemented within ten (10) days from receipt. Within ten (10) days after the expiration of such period, the police officer to whom it was assigned for implementation shall make a report to the judge who issued the warrant and in case of his failure to implement the same, shall state the reasons thereof.

SECTION 4. Time of Arrest

As a general rule, arrests should be made on any day of the week and at any time of the day or night.

SECTION 5. Procedures in Serving Warrant of Arrest

- a. Verify the validity of the warrant and request for an authenticated copy from the issuing court ;
- b. In serving the warrant, the police officer should introduce himself and show proper identification;
- c. Make a manifestation of authority against the person to be arrested;
- d. If refused entry, the police officer may break into any residence, office, building, and other structure where the person to be arrested is in or is reasonably believed to be in, after announcing his purpose;
- e. The police officer need not have a copy of the warrant in his possession at the time of the arrest. If the person arrested so requires, the warrant shall be shown to the arrested person as soon as possible;
- f. Secure the person to be arrested;
- g. Conduct thorough search for weapons and other illegal materials on the person arrested and surroundings within his immediate control;
- h. Inform the person to be arrested of his rights under the Miranda Doctrine.
- i. No unnecessary force shall be used in making an arrest;
- j. Confiscated evidence shall be properly documented;
- k. Bring the arrested person to the Police Station for documentation;
- l. Make a Return of Warrant to the court of origin(Form "B" - Annexes); and
- m. Deliver the arrested person to jail/prison upon the issuance of a commitment order of the court.

SECTION 6. *Duties of the Arresting Officer*

- a. It shall be the duty of the police officer implementing the Warrant of Arrest to deliver the arrested person without delay to the nearest Police Station or jail to record the fact of the arrest;
- b. At the time of the arrest, it shall be the duty of the arresting officer to inform the person arrested of the cause of the arrest and the fact that a warrant had been issued for his arrest. The arresting officer need not have the warrant in his possession at the time of the arrest but after the arrest, if the person arrested so requires, the warrant shall be shown to him as soon as possible;
- c. In case of arrest without a warrant, it shall be the duty of the arresting officer to inform the person to be arrested of his authority and the cause of the arrest except when he flees or forcibly resists before the arresting officer has the opportunity to inform him or when the giving of such information will imperil the arrest;
- d. The person arrested, with or without warrant, shall be informed of his constitutional right to remain silent and that any statement he makes could be used against him. Also, that he has the right to communicate with his lawyer or his immediate family;
- e. A person arrested without a warrant shall be immediately brought to the proper Police Station for investigation without unnecessary delay. He shall be subjected to inquest proceedings within the time prescribed in Article 125 of the Revised Penal Code (RPC);
- f. No torture, force, violence, threat, intimidation, or any other means which vitiate the free will shall be used against an arrested person. The bringing of arrested persons to secret detention places, solitary confinement and the like is prohibited;
- g. If the person arrested without a warrant waives his right under the provisions of Art 125 of the Revised Penal Code, the arresting officer shall ensure that the former signs a waiver of detention in the presence of his counsel of choice;
- h. If the person arrested waives his right against self incrimination and opts to give his statement, the arresting officer shall ensure that the waiver is made in writing and signed by the person arrested in the presence of a counsel of his own choice or a competent and independent counsel provided by the government; and
- i. Arrest of female person and child in conflict with the law is covered by a special procedure. Refer to Rule 26 of this Manual.

SECTION 7. Authority Given to the Arresting Officer when Making an Arrest

- a. Police officer may summon assistance – A police officer making a lawful arrest may verbally summon as many persons as he deems necessary to assist him in effecting the arrest.
- b. Right of a police officer to break into building or enclosure – A police officer in order to make an arrest, with or without warrant, may break into building or enclosure where the person to be arrested is or is reasonably believed to be, if he is refused admittance thereto after announcing his authority and purpose.
- c. Right to break out from building or enclosure – Whenever a police officer has entered the building or enclosure to make an arrest, he may break out there from, when necessary, to liberate himself.
- d. Arrest after escape or rescue – If a person lawfully arrested escapes or is rescued, any person may immediately pursue to retake him without a warrant at anytime and in any place within the Philippines.

SECTION 8. Arrest Without a Warrant

A peace officer or a private person may, without a warrant, arrest a person:

- a. When, in his presence, the person to be arrested has committed, is actually committing, or is attempting to commit an offense;
- b. When an offense has just been committed and he has probable cause to believe, based on personal knowledge of facts or circumstances, that the person to be arrested has committed it; and
- c. When the person to be arrested is a prisoner who has escaped from a penal establishment or place where he is serving final judgment or temporarily confined while his case is pending, or has escaped while being transferred from one confinement area to another.

SECTION 9. Procedures in Effecting Warrantless Arrest -

- a. Freeze or restrain the suspect/s;
- b. Make proper introduction as to identity and authority to arrest;
- c. Inform the arrested person of the circumstances of his arrest and recite to him the Miranda Warning;

- d. Conduct thorough search for weapons and other illegal materials;
- e. As a general rule, no unnecessary force shall be used in making an arrest;
- f. Confiscated evidence shall be properly documented;
- g. Bring the arrested person to the Police Station for further investigation and disposition.

SECTION 10. Medical Examination of Arrested Person/Suspect

Before interrogation, the person arrested shall have the right to be informed of his right to demand physical examination by an independent and competent doctor of his own choice. If he cannot afford the services of a doctor of his own choice, he shall be provided by the State with a competent and independent doctor to conduct physical examination. If the person arrested is female, she shall be attended to preferably by a female doctor.

SECTION 11. Record Check

The investigating officer shall conduct a record check on the arrested person to determine the possibility that the latter may be liable for any other crime.

Rule 15. CUSTODIAL INVESTIGATION

SECTION 1. Duties of the Police During Custodial Investigation

- a. The arresting officer, or the investigator, as the case may be, shall ensure that a person arrested, detained or under custodial investigation shall, at all times, be assisted by counsel, preferably of his own choice;
- b. The arresting officer, or the investigator, as the case may be, must inform the person arrested, detained or under custodial investigation of the following rights under the Miranda Doctrine in a language or dialect known to and understood by him:
 - 1) That he has the right to remain silent;
 - 2) That if he waives his right to remain silent, anything he says can be used in evidence against him in court;
 - 3) That he has the right to counsel of his own choice; and
 - 4) That, if he cannot afford one, he shall be provided with an independent and competent counsel; and
 - 5) That he has the right to be informed of such rights.

- c. If the person arrested, detained, or under custodial investigation opted to give a sworn statement, the arresting officer, or the investigator, as the case may be, must reduce it in writing (Form "C" - Annexes);
- d. The arresting officer must ensure that, before the sworn statement is signed, or thumb marked, if there is inability to read and to write, the document shall be read and adequately explained to the person arrested, detained or under custodial investigation by his counsel of choice, or by the assisting counsel provided to him, in the language or dialect known to him;
- e. The arresting officer, or the investigator, as the case may be, must ensure that any extrajudicial confession made by a person arrested, detained or under custodial investigation shall be:
 - 1) In writing;
 - 2) Signed by such person in the presence of his counsel; or
 - 3) In the latter's absence, upon a valid waiver, and in the presence of any of the parents, elder brothers and sisters, his spouse, the municipal mayor, the municipal judge, district school supervisor, priest, imam or religious minister chosen by him.

Failure of the arresting officer, or the investigator, to observe the above mentioned procedures shall render the extrajudicial confession inadmissible as evidence in any proceeding;

- f. The arresting officer, or the investigator, as the case may be, must, under established regulations, allow the person arrested, detained, or under custodial investigation visits by or conferences with any member of his immediate family, any medical doctor, priest, imam or religious minister chosen by him or by any member of his immediate family or by his counsel, or by any local Non-Governmental Organization (NGO) duly accredited by the Commission on Human Rights (CHR) or by any international NGO duly accredited by the Office of the President. His "immediate family" shall include his spouse, parent or child, brother or sister, grandparent or grandchild, uncle or aunt, nephew or niece, and guardian or ward; and
- g. After interrogation, person under custodial investigation shall have the right to be informed of his right to demand physical examination by an independent and competent doctor

of his own choice. If he cannot afford the services of a doctor of his own choice, he shall be provided by the State with a competent and independent doctor to conduct physical examination. If the person arrested is female, she shall be attended to preferably by a female doctor.

The physical examination of the person under custodial investigation shall be contained in a medical report, which shall be attached to the custodial investigation report.

SECTION 2. Detention

The following are the policies and procedures in the admission, visitation and release of detainees:

a. Admission

The following can be detained/admitted in the PNP Detention/Custodial Center:

- 1) Any person arrested due to the commission of a crime/s;
- 2) Arrested suspects covered by a Commitment Order; and
- 3) Arrested suspects who are under custodial investigation. However, under no circumstances should the arrested suspects under custodial investigation be held in the detention center beyond the prescribed reglementary period, unless, while in custody, appropriate charges have been filed and Commitment Order has been issued by the court concerned or he signed the required waiver of the rights under the provisions of Article 125 of the RPC.

b. Requirements for Admission

Prior to the admission of arrested suspect, the following mandatory requirements shall be submitted to the Chief, Detention/Custodial Center:

- 1) Request for Custody of the arresting unit or the Commitment Order from the Court;
- 2) Proof of medical examination or medical certificate of the detainee to be provided by the arresting unit requesting for custody; and
- 3) Case folder of the detainee containing the accomplished booking sheet for the arrested suspect and the Information filed with the Prosecutor's Office.

c. Visitation

Any person arrested and detained at the PNP Detention/Custodial Center shall be allowed visits by or conferences with any member of his immediate family, or any medical doctor or priest or religious minister chosen by him or by any member of his immediate family or by his counsel, or by any local NGO duly accredited by the CHR or by any international NGO duly accredited by the Office of the President, subject to the following conditions:

- 1) The Chief, Detention/Custodial Center or his duly authorized representative is authorized to apportion the number of visitors per detainee at any given time as the space of the visitor's area may allow.
- 2) With respect to detainee's family members, public and or pertinent document must be presented to prove their relationship with the detainee.
- 3) Visitors wearing the color of the detainee's uniform shall be advised to wear other colors.
- 4) The Custodial Center, an informal and temporary penal facility for arrested suspects, shall not allow conjugal visits for detention prisoners.
- 5) The counsel of the accused has the right to visit the latter subject to the existing security rules and regulation of the Center.
- 6) No camera, video equipment, cellular phone and similar devices are allowed inside the visiting area.
- 7) All visitors shall be frisked for deadly weapons, firearms and other prohibited items.

d. Transfer of Custody

Upon receipt of the Commitment Order from the court, the Chief, Detention/Custodial Center shall personally coordinate with the issuing court to ascertain the validity of the order.

Upon confirmation, the Chief, Detention /Custodial Center must coordinate with the receiving detention facility for the immediate transfer of custody.

Prior to the transfer of custody, the arrested person shall be subjected to medical examination by a PNP medico-legal officer or any government physician in the absence of PNP medico-legal officer. Medical examination is mandatory before any transfer of custody of arrested person.

e. Release

- 1) The Chief of Office shall be the sole approving authority in releasing detention prisoner.
- 2) Upon receipt of the Release Order from the court, the Chief, Detention/Custodial Center shall personally coordinate with the issuing court to ascertain the validity of the order.
- 3) Upon confirmation, the Chief, Detention /Custodial Center must coordinate with the arresting unit if there are other legal impediments to the release.
- 4) The Chief, Detention/Custodial Center shall likewise check the Directorate for Investigation and Detective Management (DIDM)'s Arrest and Warrant Registry to determine if the detainee to be released has other pending warrants of arrest.
- 5) Granting that all documents are legally in order, the Chief, Detention/Custodial Center shall prepare the memorandum addressed to the Chief of Office for the approval of the release.
- 6) If there are valid grounds to sustain further detention, the Chief of Office in coordination with the arresting unit, will prepare the appropriate manifestation to the court containing therein the ground/s for objection.
- 7) Prior to the official release of the detainee, the Chief, Detention/Custodial Center must bring the detainee to the Office of the PNP Health Service or Rural Health Unit for medical examination, which shall form part of the records/case folder of the subject detainee.
- 8) The Property or Evidence Custodian Officer shall be responsible in the custody of all the properties seized from the detainee prior to his detention. The former shall release the same to the detainee immediately upon his discharge from detention.

f. Segregation of Detainees

As much as practicable, detainees must be segregated according to gender and to the classification of crimes committed.

SECTION 3. Transporting Detention Prisoner

- a. If transported by a patrol jeep, the subject must be seated on the right rear seat and a PNP escort shall sit at the

- rear on the left side facing the subject. Hands of the subject should be secured by handcuffs under his knees.
- b. If transported by a patrol car, subject must be seated on the right rear seat and the PNP escort personnel shall sit on the left rear seat. Hands of the subject should be secured by handcuffs under his knees.
 - c. In no case shall a Detention Prisoner be transported using public utility land vehicles that are not exclusively utilized for the purpose.
 - d. In no case shall a high-risk Detention Prisoner be transported without proper escort and handcuffs.
 - e. Female detainees shall not be transported in handcuffs but only with necessary restraint and proper escort, preferably aided by a police woman.
 - f. In no case shall a Detention Prisoner be allowed out of the Detention Cell without proper escort.
 - g. Transport and escort of Detention Prisoner shall be limited only from the detention cell to the proper office for inquest, or court for hearing, or to the nearest hospital/clinic in case of the mandatory medical examination prior to detention or during actual medical emergency, or in court-permitted transport.
 - h. In no case shall a Detention Prisoner be allowed travel and escort outside the detention cell to places devoted for recreation, worship, entertainment, meals and dining and others of similar and analogous description, unless upon lawful orders of the court.
 - i. Detention Prisoners shall as much as possible be transported wearing detention prisoner uniform or proper attire that may identify them as a detention prisoner.

Rule 16. INQUEST PROCEDURES

SECTION 1. Commencement of Inquest

The inquest proceedings shall commence upon the presentation of arrested person by the police officer before the inquest prosecutor. The concerned police officer shall also submit the following documents:

- a. Affidavit of Arrest;
- b. Statement(s) of the complainant(s);
- c. Affidavit(s) of the witness (es) if any; and
- d. Other supporting evidence gathered by law enforcement authorities in the course of their investigation of the criminal incident involving the arrested person.

SECTION 2. Documents to Be Submitted

The investigator shall ensure that, as far as practicable, the following documents shall be presented during the inquest proceedings:

- a. Murder, Homicide and Parricide
 - 1) Certified true/machine copy of the certificate of death of the victim; and
 - 2) Necropsy Report and the certificate of Post-Mortem Examination, if readily available.
- b. Frustrated or Attempted Homicide, Murder, Parricide, and Physical Injuries Cases
 - 1) Medical Certificate of the complaining witness showing the nature or extent of the injury;
 - 2) Certification or statement as to the duration of the treatment or medical attendance; and
 - 3) Certificate or statement as to duration of incapacity for work.
- c. Violations of the Dangerous Drugs Law
 - 1) Chemistry Report or Certificate of Laboratory Examination duly signed by the forensic chemist or other duly authorized officer;
 - 2) Machine copy or photograph of the buy-bust money; and
 - 3) Affidavit of Poseur-Buyer/Arresting Officer.
- d. Theft and Robbery Cases, Violation of the Anti-Piracy Law, Anti-Highway Robbery Law, and Violation of the Anti-Fencing Law
 - 1) List/Inventory of the articles and items subject of the offense; and
 - 2) Statement of their respective value.
- e. Rape, Seduction, and Forcible Abduction with Rape Cases
 - 1) Medico-Legal Report (Living Case Report), if the victim submitted herself for medical or physical examination.
- f. Violation of the Anti-Carnapping Law
 - 1) Machine copy of the certificate of motor vehicle registration;

- 2) Machine copy of the current official receipt of payment of the registration fees of the subject motor vehicle; and
 - 3) Other evidence of ownership.
- g. Violation of the Anti-Cattle Rustling Law
- 1) Machine copy of the cattle certificate of registration; and
 - 2) Picture of the cattle, if readily available.
- h. Violation of Illegal Gambling Law
- 1) Gambling paraphernalia;
 - 2) Cash money, if any.
- i. Illegal Possession of Firearms and Explosives
- 1) Chemistry Report duly signed by the forensic chemist; and Photograph of the explosives, if readily available.
 - 2) Certification from the Firearms and Explosives Office, Civil Security Group, PNP.
- j. Violation of the Fisheries Law
- 1) Photograph of the confiscated fish, if readily available;
 - 2) Certification of the Bureau of Fisheries and Aquatic Resource; and
 - 3) Paraphernalia and equipment used in illegal fishing.
- k. Violation of the Forestry Law
- 1) Scale sheets containing the volume and species of the forest products confiscated, number of pieces and other important details such as estimated value of the products confiscated;
 - 2) Certification of the Department of Environment and Natural Resources/Bureau of Forest Management; and
 - 3) Seizure Receipt.

SECTION 3. Waiver of Rights

The inquest shall proceed unless the arrested person opts for a preliminary investigation by executing the required waiver of rights under Article 125 of the RPC. (Form "D" - Annexes)

SECTION 4. Monitoring of Cases

An investigator's job does not end upon the filing of the case with the Prosecutor's Office. It is imperative that the case be continuously monitored up to its final resolution.

Rule 17. SEARCHES AND SEIZURES

SECTION 1. Requisites for Issuance of Search Warrant

A search warrant shall be issued only upon probable cause in connection with one specific offense to be determined personally by the judge after examination under oath or affirmation of the complainant and the witnesses he may produce. The search warrant shall particularly describe the place to be searched and the things to be seized which may be anywhere in the Philippines.

The following properties may be the objects of a search warrant:

- a. Properties which are the subject of the offense;
- b. Stolen, embezzled proceeds, or fruits of the offense;
- c. Objects including weapons, equipment, and other items used or intended to be used as the means of committing an offense;

Objects that are illegal per se, even if not particularly described in the search warrant, may be seized under the plain view doctrine.

SECTION 2. Applications for Search Warrant

All applications for Search Warrant shall be approved for filing by the Chief of Office. The application shall indicate the following data:

- a. Office applying for the Search Warrant;
- b. Name of officer-applicant;
- c. Name of the subject, if known;
- d. Address/place(s) to be searched;
- e. Specific statement of things/articles to be seized; and
- f. Sketch of the place to be searched.

All approved applications shall be recorded in a log book, duly maintained for the purpose, indicating the name of the applicant, name of the respondent, nature of the offense, and date of the application. (Form "E" - Annexes)

SECTION 3. Time of Search

The warrant should be served during daytime, unless there is a provision in the warrant allowing service at any time of the day or night.

SECTION 4. Authority Given to Police Officers when Conducting Search

In the conduct of search, if after giving notice of his purpose and authority, the police officer is refused admittance to the place of search,

he may break open any outer or inner door or window or any part of a house or anything therein to implement the warrant or liberate himself or any person lawfully aiding him when unlawfully detained therein.

SECTION 5. Prohibited Acts in the Conduct of Search by Virtue of a Search Warrant

- a. Houses, rooms, or other premises shall not be searched except in the presence of the lawful occupant thereof or any member of his family or, in the absence of the latter, in the presence of two (2) witnesses of sufficient age and discretion residing in the same locality.
- b. Lawful personal properties, papers, and other valuables not specifically indicated or particularly described in the search warrant shall not be taken.

SECTION 6. Validity of Search Warrant

The warrant shall be valid for ten (10) days from date of issuance and may be served at any day within the said period. Thereafter, it shall be void.

If, in the implementation of the search warrant, its object or purpose cannot be accomplished in one day, the search can be continued the following day, or days, until completed provided it is still within the ten (10) day validity period of the search warrant.

If the object or purpose of the search warrant cannot be accomplished within the ten (10) day validity period, the responsible police officer conducting the search must file, before the issuing court, an application for the extension of the validity period of said search warrant.

SECTION 7. Property Seized

The police officer who confiscates property under the warrant shall issue a detailed receipt of property seized to the lawful occupant of the premises, or in the absence of such occupant, shall, in the presence of at least two (2) witnesses of sufficient age and discretion residing in the same locality, leave a receipt in the place in which he found the seized property and a duplicate copy thereof with any barangay official having jurisdiction over the place searched. (Form "F" and "F-1" - Annexes)

The receipt shall likewise include items seized under the Plain View Doctrine.

SECTION 8. Inventory and Delivery of Property to the Court

The police officer must forthwith deliver the property seized to the judge who issued the warrant, together with an inventory thereof duly verified under oath. (Form "G" - Annexes)

SECTION 9. *Valid Warrantless Searches and Seizures*

a. Search made incidental to a valid arrest

Person lawfully arrested may be searched for dangerous weapons or anything which may be used or constitute proof in the commission of an offense without a search warrant. The warrantless search and seizure as an incident to a lawful arrest may extend beyond the person of the one arrested to include the premises or surroundings under his immediate control.

b. Search of moving vehicles

If the police officers who will conduct the search had reasonable or probable cause to believe, before the search, that either the motorist is a law offender or they will find the instrumentality or evidence pertaining to a crime in the vehicle to be searched, the vehicle may be stopped and subjected to an extensive search.

c. Seizure of evidence in plain view

Any object in the plain view is subject to seizure and may be introduced as evidence. Requirements under the Plain View Doctrine are:

- 1) The police officer must have prior justification for an intrusion or, otherwise, must be in a position from which he can view a particular area;
- 2) The discovery of the evidence in plain view is unintentional;
- 3) It is immediately apparent to the police officer that the item he observes may be evidence of a crime, contraband, or is a valid subject of seizure.

d. When there is waiver of the right or there is consented search

To constitute a waiver of this constitutional right, it must appear, first, that the right exists; second, that the person involved had knowledge, either actual or constructive, of the existence of such right; that said person had an actual intention to relinquish the right.

e. Searches Under Stop and Frisk Rule

The police officer has the right to stop a citizen on the street, interrogate him, and pat him for weapons whenever he observes unusual conduct which convinces him that a criminal activity exists.

f. Emergency and Exigent Circumstances

A search warrant could be validly dispensed with in cases of exigent and emergency situation, and the police officers have reasonable ground to believe that a crime was being committed, and they have no opportunity to apply for a search warrant from the courts because the latter were closed.

g. Tipped Information

If the police officers have reasonable grounds to believe that the subjects are engaged in illegal activities, the tipped information is sufficient to provide probable cause to effect a warrantless search and seizure.

Rule 18. CRIME SCENE RESPONSE PROCEDURES

SECTION 1. Duties of the First Responder (FR)

The FR shall protect and secure the crime scene through observance of the following:

- a. Cordon the crime scene with whatever available materials like ropes, straws, human barricade, police line, wood and chain;
- b. Evacuate injured persons to the nearest hospital;
- c. Prepare to take the "dying declaration" of severely injured person, if any;

Requisites of a "Dying Declaration" are:

1. That death is imminent and the declarant is conscious of that fact;
2. That the declaration refers to the cause and surrounding circumstances of such death;
3. That the declaration relates to facts which the victim is competent to testify to; and
4. That the declaration is offered in a case where in the declarant's death is the subject of the inquiry.
(Form "H" - Annexes).

- d. The FR shall stay in the crime scene to assist the Investigator-on-Case (IOC) in the maintenance of security, crowd control, preservation of evidence and custody of witness/suspects until such time the investigation is completed and temporarily turned over to the local Chief of Police (COP) for the continuance of crime scene security;

- e. The FR shall attend to court duties or answer inquiries from any investigative body to shed light and help the IOC in solving the case;
- f. Prevent entry/exit of persons within the cordoned area;
- g. Make note of names of possible witnesses or suspects; and
- h. Brief the IOC on the situation upon arrival.

SECTION 2. Duties of the Investigator-on-Case (IOC)

a. Mandatory Briefing

The IOC upon arrival at the crime scene shall be briefed by the FR and immediately call on the SOCO team for assistance.

b. Initiation of Preliminary Survey

- 1) The IOC shall initiate a general assessment of the scene; take a cautious walk-through of the crime scene; take down extensive notes to document important factors; and establish the evidence most likely to be encountered. He shall confer with the SOCO TL

in defining the extent of the search area, determining the personnel and equipment needed, and making specific assignments. The SOCO TL shall develop a general theory of the crime out of the joint assessment.

- 2) The IOC shall turn over the crime scene to the SOCO and assist the latter in securing the crime scene perimeter. The former shall not leave the place until such time that the SOCO, in writing and after processing, release permanently or temporarily the custody of the crime scene back to him. If the release is only temporary, he will not allow access to anyone on the crime scene until such time that the SOCO finally releases permanent custody of the same.

c. Conduct of Interview

While the crime scene is being processed, the IOC, using the valuable information given to him by the FR, shall look for witnesses, immediately conduct interview, and note down important facts for future reference.

d. Preparation of Narrative Report

The IOC shall use a systematic approach in making a narrative report. No item is insignificant to record if it catches one's attention.

e. Release of the Crime Scene

The release of the crime scene shall be done if the IOC is satisfied that all pieces of evidence have been recovered. Thus, he must evaluate the items recovered from the results of interrogation of the suspect/s and the interview of the witnesses.

SECTION 3. General SOCO Procedures

In cases where the evidence gathered needs special processing due to significant or sensational cases, the specialists from the Crime Laboratory shall be requested.

- a. In bombing cases, the EOD personnel should first clear the area and declare it "secured" prior to entry of the SOCO. The former, before entering the crime scene must submit to the latter for swabbing. All evidence collected must be pre-cleared by the EOD prior to documentation.
- b. In suspected or reported chemical, biological, radiological or nuclear (CBRN) situations, the SOCO shall directly coordinate with the Special Rescue Team of the Bureau of Fire and Protection before the conduct of the crime scene investigation.
- c. In mass victim situation, the SOCO, in addition to their function, shall act as the FR to the Interim Disaster Victim Identification Task Group (IDVI TG) of the PNP Crime Laboratory. The IDVI TG shall immediately assess the forensic specialists needed to be deployed at the crime scene and relay the requirements to the PNP Crime Laboratory Headquarters.
- d. The SOCO has motu proprio authority to direct all operating units involved in the police operation to submit their respective personnel for forensic examination; their service firearms for ballistic tests; and other pieces of evidence involved to expedite the investigation of the case.

SECTION 4. Duties of the Territorial Police Unit

- a. Provide assistance in the evacuation of the injured persons to the nearest hospital;
- b. Control the crowd at the crime scene;

c. Direct the flow of traffic away from the crime scene so as not to destroy and contaminate vital evidence; and

d. Provide security back-up to the SOCO.

SECTION 5. Policy Guidelines on Processing of Persons Present at the Crime Scene

These policy guidelines prescribe the operational procedures in processing and handling persons present at the crime scene; be they the suspects, victims or witnesses. The aim is to clearly define police courses of actions in dealing with persons who, for any reason and personal circumstance, are at the crime scene during the conduct of police operation.

a. Crisis Management

As soon as the perpetrators surrender, or when they are captured or neutralized, the On-Scene Commander shall ensure that the following are accomplished:

- 1) Processing and Debriefing
 - 1.1 Hostages/Victims
 - 1.2 Perpetrators
 - 1.3 Witnesses; and
 - 1.4 Key participants of the incident.

2) Documentation

Sworn Statement of the following:

- 2.1 Witnesses
- 2.2 Hostages
- 2.3 Perpetrators
- 2.4 Key participants in the incidents

3) Venue of Processing, Debriefing and Documentation

Considering the instability of the situation; the safety of the responders and persons found at the scene of the crime; and the preservation of the place of incident, the venue of the processing, debriefing and investigation shall be at a neutral and secured place,

b. Hostage Negotiation

The following procedure shall be followed during a Hostage Situation:

- 1) Crisis Management Task Group shall be activated immediately;
- 2) Incident scene shall be secured and isolated;
- 3) Unauthorized persons shall not be allowed entry and exit to the incident scene; and
- 4) Witnesses' names, addresses, and other information shall be recorded. Witnesses shall be directed to a safe location.

SPECIAL PROCEDURES

Rule 19. RULES ON LABOR DISPUTES

SECTION 1. Applicable Legal Parameters

The pertinent provisions of the Public Assembly Act of 1985 (Batas Pambansa Bilang 880), the Labor Code of the Philippines, as amended and other applicable laws, shall be observed during rallies, strikes, demonstrations or other public assemblies. Law enforcement agents shall, at all times:

- a. Exercise maximum tolerance.
- b. In case of unlawful aggression, only reasonable force may be employed to prevent or repel it.
- c. The employment of tear gas and water cannons shall be made under the control and supervision of the Ground Commander.
- d. No arrest of any leader, organizer, or participant shall be made during the public assembly, unless he violates any pertinent law as evidence warrants.

SECTION 2. General Policy

- a. The involvement of PNP personnel during strikes, lockouts and labor disputes in general shall be limited to the maintenance of peace and order, enforcement of laws, and implementation of legal orders of the duly constituted authorities.
- b. The PNP shall only render assistance to labor disputes upon written request addressed to the Chief of Police. In case of actual violence, the police can respond without the written request.
- c. Insofar as practicable, no PNP personnel shall be allowed to render police assistance in connection with a strike or lockout if there is question or complaint as regards his relationship by affinity or consanguinity to any official/leader of the parties in the controversy or if he has financial or pecuniary interest therein.

- d. PNP personnel detailed as peace-keeping force in strike or lockout areas shall be in prescribed uniform at all times.
- e. They shall exercise maximum tolerance and when called for by the situation or when all other peaceful and non-violent means have been exhausted, police officers may employ such means as may be necessary and reasonable to prevent or repel an aggression.

SECTION 3. Peace-keeping

The peace-keeping detail shall not be stationed in the picket line (or confrontation line) but should be stationed in such manner that their presence may deter the commission of criminal acts or any untoward incident from either side. The members of the peace-keeping detail shall stay outside a 50-meter radius from the picket line. In cases wherein the 50-meter radius includes a public thoroughfare, they may station themselves in such public thoroughfare for the purpose of ensuring the free flow of traffic.

SECTION 4. Service of Lawful Orders or Writ

The service of Department of Labor and Employment (DOLE), court, or other lawful orders or writs is the primary concern of the DOLE representative, sheriff, and representative of the government agency issuing the order, respectively. The role of the PNP is only supportive. Only when specifically stated and requested in the order or writ shall the PNP enforce such orders or writs.

SECTION 5. Prohibited Labor Activities

No personnel of the PNP shall:

- a. Bring in, introduce or escort in any manner, any individual who seeks to replace strikers in entering or leaving the premises or a strike area, or
- b. Work in replacement of the strikers.

SECTION 6. Additional Guidelines

- a. The matter of determining whether a strike, picket or lockout is legal or not should be left to Department of Labor and Employment (DOLE) and its appropriate agencies. PNP personnel should not interfere in a strike, picket or lockout, except as herein provided.
- b. No personal escort shall be provided to any of the parties to the controversy unless upon written request from DOLE. Whenever

escorts are to be provided, the other party shall be informed accordingly. All escorts shall be in prescribed uniform at all times.

- c. During the pendency of a strike/lockout, the police personnel concerned are prohibited from socializing with any of the parties involved in the controversy.
- d. Liaison shall be established and maintained with the representatives of DOLE, management and the union in the strike/lockout area for the purpose of maintaining peace and order, as well as to maintain a continuing peaceful dialogue between the parties to the strike/lockout.

Rule 20. DEMOLITIONS, INJUNCTIONS AND OTHER SIMILAR ORDERS

SECTION 1. Role of the PNP in the Enforcement of a Demolition Order

- a. Police assistance in the enforcement or implementation of a demolition or injunction order shall be granted only upon a written request of the Sheriff and accompanied by a valid order issued by a competent court and, when required, with written permission from the Presidential Commission for Urban Poor. Moreover, said police assistance shall be coordinated with the concerned mayor before its enforcement.
- b. The duties of PNP personnel in any demolition activity shall be limited to the maintenance of peace and order, protection of life and property, enforcement of laws and legal orders.
- c. PNP personnel tasked to provide police assistance shall be in prescribed uniform during the actual and legal relocation phase. They shall be limited only to occupying the first line of law enforcement and civil disturbance control; shall not participate in the physical dismantling of any structure subject of demolition; and shall use only necessary and reasonable force.

SECTION 2. Procedures in the Enforcement of a Demolition Order

- a. PNP personnel should be informed of the prevailing situation, their tasks, and strict observance of Human Rights.
- b. As much as practicable, the Chief of Police (COP) shall lead the PNP contingent detailed to assist the Sheriff during the demolition activity.
- c. All PNP personnel involved shall be in prescribed uniform and shall desist from the use of any unnecessary force or any act that may harm, harass, or terrorize the affected parties.

- d. The mode of participation shall be limited to the maintenance of peace and order during the entire demolition/ejection activity, ensuring the protection of all parties from harm and injury.
- e. Tear gas, water cannon, and reasonable force shall be used only when all other peaceful and non-violent means have been exhausted.

Rule 21. POLICE ASSISTANCE IN THE IMPLEMENTATION OF FINAL DECISIONS OR ORDERS OF THE COURTS IN CIVIL CASES, OF QUASI-JUDICIAL BODIES AND OF ADMINISTRATIVE BODIES ON CONTROVERSIES WITHIN THEIR JURISDICTION

SECTION 1. Police Assistance in the Implementation of Final Decisions or Orders or Resolutions of the Courts in Civil Cases, of Quasi-Judicial Bodies and of Administrative Bodies

Police assistance in the implementation of final decisions or orders in civil cases, as well as final decisions/orders/resolutions of quasi-judicial and administrative bodies on controversies within their jurisdiction, shall be rendered only upon the written order (Order) issued by the courts, quasi-judicial or administrative bodies. A written request submitted by the Sheriff or equivalent officer in quasi-judicial and administrative bodies seeking police assistance without the Order and the necessary attachments, such as final decisions/orders/resolutions, writ of execution/possession /demolition shall not be acted upon.

SECTION 2. Requirements for Police Assistance

Request for police assistance based on the Order shall be acted upon by the appropriate police office only if the following conditions are complied with:

- a. The request for police assistance is based on an order of the court, quasi-judicial or administrative bodies directing the PNP to extend police assistance in the implementation of its final decision/order/resolution.
- b. The request is filed at least five (5) days prior to the actual implementation.
- c. The original document of the final decision/order/resolution must be presented. In the absence of the same, a copy duly authenticated by the Clerk of Court or other authorized representative of the court, quasi-judicial or administrative body will suffice.

SECTION 3. Request for Police Assistance

The request for police assistance shall be submitted to the Office of the Chief, PNP in case the final decision or order to be implemented is rendered by the Supreme Court, the Court of Appeals, the Court of Tax Appeals or the Sandiganbayan.

If the final decision or order is rendered by the Regional Trial Court or the Municipal Trial Court, the request shall be submitted to the Office of the Regional Director of the Police Regional Office (RD, PRO) having territorial jurisdiction over the requesting court. The request for police assistance of quasi-judicial or administrative bodies shall be submitted to the Office of the Chief, PNP regardless of the place where the police assistance should be rendered.

SECTION 4. Period to Render Police Assistance

If the request for police assistance satisfies all the requirements, police assistance shall be rendered within three (3) working days from receipt of the directive from the C, PNP or RD, PRO, unless a specific period is written in the order or due to inherent impossibility of rendering assistance, a longer period is required.

SECTION 5. Office or Unit That May Be Tasked to Render Police Assistance

The Chief, PNP as may be recommended by the Director for Operations, may task any operational support unit of the PNP or the PRO that has jurisdiction in the area where the decision/order/resolution shall be implemented to render police assistance.

In case of request to the RD, PRO, the latter may task the Police Provincial Office (PPO), City Police Office/Station (CPS) or Municipal Police Station (MPS) within his jurisdiction to render police assistance. In case of direct filing or request to local police units or operational support units, the request shall be referred to the OCPNP or RD, PRO, as appropriate, and in the meantime, no police assistance shall be rendered until the C, PNP or RD, PRO shall have acted on the request.

SECTION 6. Extent of Police Assistance

The head of office or unit tasked to render police assistance shall have the discretion to employ sufficient number of PNP uniformed personnel after taking into consideration the importance of the case, the scope of the resistance to be encountered, if there is any, and the general peace and order condition in the area. Unless a higher ranking Officer is necessary and more PNP personnel shall be required, the police team that will render police assistance shall be led by a Police Commissioned Officer (PCO) with the rank of Police Senior Inspector. All the team members shall be in prescribed uniform while rendering assistance.

SECTION 7. Role of PNP Personnel Rendering Police Assistance

PNP personnel shall observe maximum tolerance and respect for individual rights at all times. Dialogue with those who may be affected by the implementation of the decision/order/resolution is encouraged to obviate violence and the assistance of local public officials, when warranted, should be requested. However, the Sheriff or the equivalent officer of quasi-judicial or administrative bodies shall have the final disposition whether to proceed with the implementation of the decision/order/resolution or not. The use of reasonable force shall only be resorted to for self-defense and defense of strangers.

The role of the PNP shall be limited to the maintenance of peace and order, crowd control, and the security of the Sheriff or equivalent officer of quasi-judicial or administrative body. In no case shall PNP personnel participate in the implementation of the decision/order/resolution by performing acts not herein mentioned, such as, but not limited to, dismantling, hauling of personal properties and other analogous acts.

SECTION 8. After Operations Report

The police officer or unit that rendered police assistance shall submit After Operations Report to the Chief, PNP or RD, PRO, as the case may be, stating therein the following:

- a. the names and number of PNP personnel involved;
- b. the place, time and date, as well as the duration of the police operation; and
- c. The acts performed and any intervening untoward incident if there be any. Copy of the After Operations Report shall also be submitted to the court, quasi-judicial or administrative body that requested for police assistance.

Rule 22. POLICE ASSISTANCE IN THE IMPLEMENTATION OF FINAL DECISIONS OR ORDERS OR RESOLUTIONS OF THE COMELEC OR DILG OR LOCAL GOVERNMENT UNIT EXERCISING DISCIPLINARY POWERS IN ADMINISTRATIVE CASES OF ELECTED OFFICIALS

SECTION 1. Request for Police Assistance

The police assistance is based on a written final decision or order or resolution issued either by the COMELEC or the DILG or the Local Government Unit exercising the disciplinary power in administrative cases of elected officials, for the PNP to extend police assistance in the implementation of the final decision or order or resolution.

SECTION 2. Requirements for the Request for Police Assistance

The police assistance requested shall not be acted upon without the written request personally submitted by the duly authorized officer of the COMELEC, DILG or Local Government Unit exercising disciplinary power together with the original document or, in its absence, the duly authenticated copy of the final decision/order/resolution to be implemented.

SECTION 3. Period To Render Police Assistance

If the request for police assistance satisfies all the requirements and the clearance to render police assistance is approved by the C, PNP the police assistance requested shall be rendered within three (3) working days from receipt of the of the directive from the concerned Director, DIPO or due to inherent impossibility of rendering assistance, a longer period is required;

SECTION 4. Extent of Police Assistance

The Special Task Group Commander tasked to render police assistance shall have the discretion to employ sufficient number of PNP uniformed personnel after taking into consideration the importance of the case, the scope of the resistance to be encountered, if there is any, and the general peace and order condition in the area. Unless a higher ranking Officer is necessary and more PNP personnel are be required, the Special Task Group that will render police assistance should be led by a Police Commissioned Officer (PCO) with the rank of Police Senior Inspector. All members of the Special Task Group shall be in prescribed uniform when rendering police assistance.

SECTION 5. Role of PNP Personnel Rendering Police Assistance

The role of the PNP when rendering police assistance shall be limited to the maintenance of peace and order, crowd control, and the security of the duly authorized officer of the COMELEC, DILG or the Local Government Unit implementing the decision/order/resolution. In no case shall PNP members participate in the implementation of the decision/order/resolution which shall be undertaken by the duly authorized officer of the COMELEC or DILG or the Local Government Unit concerned.

In performing their role, the PNP personnel should observe maximum tolerance and respect for individual rights at all times. The use of reasonable force should only be resorted to for self-defense and defense of strangers. Moreover, the PNP personnel should always exercise utmost impartiality and neutrality in effecting its role.

The duly authorized officer of the COMELEC or DILG or the Local Government Unit personally leading the implementation of the said decision/order/resolution shall have the final disposition whether to proceed or not with the implementation of the decision/order/resolution.

SECTION 6. Submission of Reports

The Special Task Group Commander must submit the list of the members of his Group to the concerned Director, DIPO before they render the police assistance. Likewise, after the police assistance is rendered, the Special Task Group Commander shall submit to the Chief, PNP, through channel, an After Operations Report stating therein the following:

- a. the names and number of PNP personnel involved;
- b. the place, time and date, as well as the duration of the police operation; and
- c. The acts performed and any intervening untoward incident if there be any.

Copy of the After Operations Report shall also be submitted to the COMELEC or DILG or the LGU that requested the police assistance.

Rule 23. RALLIES AND DEMONSTRATIONS

SECTION 1. Policies

- a. The PNP adheres to the Code of Conduct for Law Enforcement Officials adopted by the General Assembly of the United Nations which requires law enforcement officials to respect and protect human dignity, maintain and uphold the human rights of all persons, and limit the use of force to situations where it is strictly necessary and to the extent required for the performance of their duty.
- b. Public assemblies held in freedom parks or in private properties do not need a permit for the activity. Public assembly with permit or one held in a freedom park or private property shall not be dispersed as long as it remains peaceful and no incident of violence occurs.
- c. The PNP shall provide police assistance only when requested by the leaders or organizers for maintenance of peace and order or to ensure the safety of those participating in the public assemblies held in freedom parks or in private properties.
- d. A public assembly held in a public place must have a permit from the mayor of the city or municipality exercising jurisdiction over the place where it will be held.

- e. A public assembly held with or without a permit may be peacefully dispersed. A public assembly with a permit may be dispersed if the same is being held in violation of the terms and conditions imposed in the permit. In both cases, before conducting any dispersal operation, the PNP shall notify the concerned organizers and leaders of the public assembly.
- f. Lightning demonstrations or rallies in areas where public assembly is prohibited shall be dispersed peacefully. However, should any of the participants refuse to disperse voluntarily or violate any law or ordinance during an unauthorized public assembly, they shall be taken into police custody and be charged accordingly.
- g. Ground Commanders are responsible in determining whether there is a permit for the holding of the public assembly.
- h. Close coordination with the mayor of the city or municipality, or his representative where the public assembly is being held should always be maintained especially when a permit has not been issued but an application has been filed prior to the holding of the public assembly.
- i. Maximum tolerance shall be exercised in the conduct of dispersal operations. Violators of the law shall be apprehended and brought to the nearest Police Station for proper disposition.

SECTION 2. Limitations on the Role of the PNP

The PNP shall not interfere with the holding of a public assembly. However, to ensure public safety and to maintain peace and order during the assembly, the police contingent under the command of a PCO preferably with the rank of Police Senior Inspector may be detailed and stationed in a place at least one hundred (100) meters away from the area of activity.

SECTION 3. Guidelines for Civil Disturbance Management (CDM) Contingent During Rallies/Demonstrations

- a. CDM contingent shall be in prescribed uniform and without firearm.
- b. Tear gas, smoke grenades, water cannons, or any similar anti-riot device shall be used only when the public assembly is attended by actual violence or serious threats of violence, or deliberate destruction of property.

SECTION 4. Dispersal of Public Assembly with Permit

All public assembly with a permit shall not be dispersed. However, when an assembly becomes violent, the police may disperse such public assembly in the following manner:

- a. At the first sign of impending violence, the Ground Commander of the PNP contingent shall call the attention of the leaders of the public assembly and ask the latter to prevent any possible disturbance;
- b. If actual violence reaches a point where rocks or other harmful objects from the participants are thrown at the police officers or at the non-participants, or at any property causing damage to it, the Ground Commander of the PNP contingent shall audibly warn the participants that if the disturbance persists, the public assembly will be dispersed;
- c. If the violence or disturbance does not stop, the Ground Commander of the PNP contingent shall audibly issue a warning to the participants of the public assembly, and after allowing a reasonable period of time to lapse, he shall immediately order it to disperse; and
- d. No arrest of any leader, organizer or participant shall be made unless he violates during the assembly a law, statute, or ordinance.

SECTION 5. Dispersal of Public Assembly Without Permit

When the public assembly is held without a permit where a permit is required, the said public assembly may be peacefully dispersed. However, when the leaders or organizers of public assembly can show an application for permit duly filed at the Office of the Mayor which has jurisdiction over the place where the rally will be held, at least five (5) days prior to the intended activity and the Mayor did not act on the same, the grant of the permit being then presumed under the law, and it will be the burden of the authorities to show that there has been a denial of the application, in which case, the rally may be peacefully dispersed following the procedure of maximum tolerance prescribed by law.

SECTION 6. Prohibited Acts

It shall be prohibited for a police officer to commit the following acts during peaceful assembly:

- a. Obstructing, impeding, disrupting or otherwise denying the exercise of the right to peaceful assembly;
- b. The unnecessary firing of firearms to disperse the public assembly;

- c. Acts in violation of Section 5 hereof;
- d. Acts described hereunder if committed within one hundred (100) meters from the area of activity of the public assembly;
 - 1) The carrying of a deadly or offensive weapon or device such as firearm, pillbox, bomb, and the like;
 - 2) The carrying of a bladed weapon;
 - 3) The malicious burning of any object in the streets or thoroughfares;
 - 4) The carrying of firearms by CDM contingents;
 - 5) The interfering with or intentionally disturbing the holding of a public assembly by the use of a motor vehicle, its horns and loud sound systems;
 - 6) The drinking of liquors or alcoholic beverages; and
 - 7) Gambling of any kind.

SECTION 7. Police Responses During Public Assembly

The following are the police responses during the planning stage, initial and peaceful stage, confrontational stage, violent stage and post operation stage:

- a. During Planning Stage
 - 1) Initiate dialogue with the leaders/organizers to ensure the peaceful holding of a public assembly, including among others, the detail of police escorts.
 - 2) Prepare appropriate security and CDM contingency plans.
- b. During Initial and Peaceful Stage
 - 1) With Permit or Held in Freedom Parks/ Private Properties

1.1 The PNP shall not interfere with the holding of a public assembly. However, to adequately ensure public safety, a CDM contingent, under the control and supervision of a PCO shall be stationed at least one hundred (100) meters away from the area where the public assembly is being held.

1.2 Monitor the activities at the public assembly area and respond to any request for police assistance.

- 2) Without Permit or Permit has been Revoked

2.1 As soon as it becomes apparent that an assembly is being held in a public place, the Ground Commander shall immediately conduct an inquiry whether the assembly is covered with a permit or not.

If a permit could not be shown, verification should immediately be done with the Office of the Mayor having jurisdiction over the place where the public assembly is being held. Should the Office of the Mayor confirm that a permit has not been issued, the leaders/organizers shall be informed of the fact that they are violating the law and will be asked to disperse peacefully.

2.2 The PNP shall exhaust all peaceful remedies to persuade the demonstrators to disperse. This may include the involvement of Local Chief Executives / community leaders when available to intervene in the situation so that dispersal operations could be avoided.

2.3. Should negotiation fail and the demonstrators refuse to disperse voluntarily and peacefully, thereby causing public inconvenience, CDM contingents may commence dispersal operations.

- c. During Breach of Peace/Confrontational Stage (With or without permit)

No public assembly with a permit shall be dispersed. However, when a public assembly becomes violent, the CDM contingents may disperse such public assembly in the following manner:

- 1) At the first sign of impending violence, the Ground Commander shall call the attention of the leaders/organizers of the public assembly and ask the latter to prevent any possible disturbance. CDM contingents shall hold the line to prevent demonstrators from proceeding to other areas where the holding of a public assembly is prohibited.
- 2) If actual violence reaches a point where rocks or other harmful objects from the participants are thrown at the CDM contingents or the non-participants, or at any property causing damage to it, the Ground Commander shall audibly warn the participants that if the disturbance persists, the public assembly will be dispersed;
- 3) If the violence or disturbance does not stop, the Ground Commander shall audibly issue a warning to the participants of the public assembly, and after allowing a reasonable period of time to lapse, shall immediately order it to disperse. With the use of CDM formations, the rank of demonstrators shall be disbanded, contained, and isolated from each other, and should be prevented from regrouping.
- 4) Water cannons and riot sticks maybe used to repel aggression and to disperse demonstrators and

reserve CDM contingents may be employed when situation requires.

- 5) No arrest of any leader, organizer or participant shall be made unless he violates during the assembly a law, statute, or ordinance.

d. During Violent Stage

- 1) Non-lethal weapons and equipment may be used to suppress violence, to protect lives and prevent further damage to properties.
- 2) The PNP security elements shall be tactically deployed to provide immediate assistance to the CDM contingents.

e. Post-Operation Stage:

- 1) CDM contingents shall be withdrawn after the area has been cleared of possible danger to public safety.
- 2) Sufficient police force shall be maintained to ensure peace and order in the area.

SECTION 8. Guidelines in the Use of Non-Lethal Weapons

a. Shield and Truncheon

During the confrontational stage, truncheon may be utilized only to push back demonstrators and not as an instrument to strike individuals. However, when demonstrators become aggressive, truncheon shall be the principal non-lethal weapon for dispersal. In such situation, CDM contingents shall nonetheless, use the same with caution and due diligence to avoid unnecessary injury.

b. Water Cannons

Water cannons may be utilized when demonstrators become unruly and aggressive forcing troops to fall back to their secondary positions.

c. Tear Gas

Tear gas may be utilized to break up formations or groupings of demonstrators who continue to be aggressive and refused to disperse despite earlier efforts.

SECTION 9. Supplemental Guidelines in dealing with Assemblies, Rallies, Demonstrations and Marches

To ensure the protection, safety and welfare of the public and demonstrators as well, the following must be observed:

- a. Confined Assemblies in Private Properties (Churches, Schools, etc)
 - 1) Initiate the conduct of dialogue with the leaders/organizers.
 - 2) Secure and maintain order within the perimeter.

- b. Confined Assemblies in Freedom Parks
 - 1) Initiate the conduct of dialogue with the leaders/organizers.
 - 2) Request for the permit from the leaders/organizers if the local ordinance of the area requires one.
 - 3) Secure and contain the area within the limits of the permit to ensure the orderly and peaceful conduct of the assembly.

- c. Mobile Assemblies in a Private Area
 - 1) Initiate the conduct of dialogue with the leaders/organizers.
 - 2) Secure and maintain order within the perimeter.

- d. Marches and Motorcades along Public Thoroughfares
 - 1) Initiate the conduct of dialogue with the leaders/organizers.
 - 2) Request for the permit from the leaders/organizers if the local ordinance of the area requires one.
 - 3) Ensure the orderly and peaceful conduct of the marches and motorcades to ensure public safety and to prevent compromise of public convenience.

SECTION 10. Additional Instructions

- a. There shall always be a designated Ground Commander at the rally site;
- b. Apply slow dispersal technique whenever it is applicable. Take the ground inch by inch. Ground Commander shall refrain from using water cannon and tear gas as much as possible;
- c. If necessary, provide a medical team to extend assistance;
- d. All CDM operations shall be properly documented by video and photo coverage;

- e. Respect for human rights and equal treatment and protection for everybody shall be strictly observed; and
- f. PNP personnel shall observe maximum tolerance.

Rule 24. CIVIL DISTURBANCE MANAGEMENT OPERATIONS

SECTION 1. General Guidelines

The PNP units tasked to maintain peace and order shall not interfere with the holding of public assembly. To ensure public safety, a Civil Disturbance Management (CDM) contingent under the command of a Police Commissioned Officer (PCO) with the rank of Police Senior Inspector or higher shall be detailed and stationed at least 100 meters away from the place where the public assembly is being held. In the absence of any permit from the LGU concerned, the PCO in command should exert effort in persuading the demonstrators to disperse peacefully and vacate the public place.

In lightning rallies or demonstrations, the Ground Commander shall exhaust efforts through dialogue with the leaders/organizers for voluntary dispersal. In case of failure, orderly dispersal to include apprehension of those responsible is resorted to.

SECTION 2. Specific Guidelines

- a. When assistance is requested by the leaders/organizers, it shall be imperative for the CDM contingent to perform their duties while observing the rights of demonstrators. Further, the members of the CDM contingent dealing with the demonstrators shall be in prescribed uniform.
- b. The CDM contingent shall not carry any kind of firearms but maybe equipped with baton or riot sticks, crash helmets with visor, gas masks, boots or ankle-high shoes with shin guards.
- c. Tear gas, smoke grenades, water cannons, or any similar anti-riot device shall not be used unless the public assembly is attended by actual violence or serious threats of violence, or deliberate destruction of property. Maximum tolerance shall always be observed.
- d. The organization and membership of CDM contingents, as well as their deployment and employment, shall be in accordance with existing PNP rules and regulations.

SECTION 3. CDM Operational Tasks

- a. Isolate the area
- b. Secure likely targets

- c. Control crowds
- d. Establish area control
- e. Neutralize special threats

SECTION 4. CDM Operational Approaches

- a. The commitment of CDM contingent must be viewed as a last resort. Their role, therefore, should never be greater than what is necessary under the circumstances. This does not mean though that the number of troops employed should be minimized. Doubts concerning the number of troops required should normally be resolved in favor of deployment of large number since the presence of such large number may prevent the development of situations in which the use of excessive force would be necessary. A large reserve of troops should be maintained during civil disturbance operations.
- b. In selecting an operational approach to a civil disturbance situation, the Ground Commander and his personnel must adhere to the "minimum necessary force" principle.
- c. Efforts should be exerted to create the image of a restrained and well-disciplined force, the sole purpose of which is to assist in the restoration of law and order. Further, while CDM contingent should be visible, any activity which might excite rather than calm should be avoided when possible.
- d. Consistent with the controlling principle "that he must use the minimum necessary force to accomplish his mission", the Ground Commander shall equip the CDM contingent only with rattan stick, shield, Kevlar helmet and handcuffs.

Rule 25. CHECKPOINTS

SECTION 1. Authority to Establish Checkpoints

The establishment of checkpoints must always be authorized by the PNP and manned by uniformed PNP personnel assigned in the area. Other units directly involved in an operation may establish mobile checkpoints in coordination with the Commander of the Unit/Station in the area.

SECTION 2. Composition

In the conduct of checkpoint proper, the checkpoint team shall be composed of, but not limited to, the following:

- a. Team Leader (TL) - shall lead and take responsibility in the conduct of checkpoint preferably an officer with the rank of at least Police Inspector;

- b. Spotter - PNP personnel who will point/profile suspected vehicle subject for checkpoint;
- c. Spokesperson - TL or member who is solely in charge of communicating with the motorists subject for checkpoint;
- d. Investigation Sub-team - in charge of investigation and documentation of possible incidents in the checkpoint to include issuance of Traffic Citation Ticket (TCT) or Traffic Violation Report (TVR);
- e. Search/Arresting Sub-Team - designated to conduct search, seizure and arrest, if necessary;
- f. Security Sub-Team - tasked to provide security in the checkpoint area; and
- g. Blocking/Pursuing Sub-Team - team tasked to block/pursue fleeing suspects/vehicle.

SECTION 3. Guidelines

- a. Mobile checkpoints are authorized only when established in conjunction with ongoing police operations. Only officially marked vehicles shall be used in establishing mobile checkpoints.
- b. Checkpoints may be established when there is a need to arrest a criminal or fugitive from justice.
- c. The composition of the personnel manning the checkpoint shall be left to the sound discretion of the PNP unit commander.
- d. Encourage the participation of, but not limited to, the Local Government Units (LGUs), Civil Society Groups, Non-Governmental Organizations (NGOs), business organizations, other civic groups, media and other stakeholders during the conduct of Police Checkpoint.
- e. The participation of the civilians and the presence of the media in the conduct of checkpoint must be confined only as observers to give police additional eyes and promote transparency of activities in the area.
- f. All civic groups or organizations to include the media, who are inclined to participate in police checkpoints, must be duly registered and accredited by the PNP for such purpose. The accreditation of the civilian groups to join in the conduct of checkpoint shall be administered by the Police Regional and Provincial Offices.
- g. PNP personnel manning the checkpoint must have a presentable appearance, wearing the prescribed PNP uniform. Likewise, the civilian members must also be in their organization's uniform with their names conspicuously displayed for identification. In no case shall the civilian components be allowed to bear firearms during the checkpoint.

- h. In Metro Manila and other major cities, police officers manning the checkpoints should not wear Field Service Uniforms (FSU) or black fatigues in lieu of the PNP General Office Attire unless the conduct of checkpoint is a result of a Hot Pursuit Operation or a High Risk Checkpoint. The use of mixed uniforms (GOA, FSU, black fatigue) in the conduct of checkpoint is strictly prohibited.
- i. As much as possible, the area where the checkpoints shall be established must be properly lighted, with a noticeable signage bearing the name of the PNP unit and the participating organization/s visibly displayed in the checkpoint site, to prevent any apprehension from the public of the existence of the same.
- j. Due courtesy must be accorded to the motorists, traders and the commuters during the conduct of checkpoint.
- k. The spokesperson must greet the people subject for inspection, ask apology for the inconvenience, appeal for understanding and state the reasons of the operation. Thank the person/s searched.
- l. Except in the actual commission of crime during checkpoints or in a hot pursuit operation, the conduct of inspection of vehicle during a routine checkpoint is limited to a visual search and therefore must be done with due respect to innocent passersby, commuters, or bystanders and be conducted in a manner that is least inconvenient to the public. Searches, seizures, and arrest made during checkpoints shall be within the ambit of the law.
- m. Violations/Infractions of the law discovered during the checkpoint operation shall be expeditiously disposed of following legal procedures. Arrested persons must be apprised of their rights in reference to the Miranda Doctrine.
- n. The security of the PNP personnel, and most especially that of the civilians participating in the checkpoint operation, must be given due consideration in the planning stage of the operation.
- o. Only the security sub-team and blocking/pursuing sub-team members are allowed to display high-powered firearms and are positioned where they can best provide security to the Checkpoint team including themselves.
- p. Checkpoint personnel must not limit their task in law enforcement and crime deterrence. They should also be ready to provide police assistance in the vicinity e.g., giving directions to inquiring motorists or passersby.
- q. The PNP operating units must provide their own logistical and financial requirements to avoid soliciting support from the civilians for their personal or operational needs.
- r. Police personnel assigned in the checkpoint shall not mulct, extort, or harass drivers, passengers, and traders. Designated TL

- assigned at the checkpoint shall be responsible for the actions and behavior of his personnel and shall be accountable under the doctrine of Command Responsibility.
- s. Voluntary offers of cash or in kind from the traders/motorists passing the checkpoint should be absolutely refused because the offer might be misconstrued as a bribe.
 - t. The police and the civilian component must separately submit their After Checkpoint Operation Report to their respective units or organization for proper evaluation of the efficacy of the operation.

SECTION 4. Procedure in the Conduct of Regular Police Checkpoint

- a. Unit Commanders should inform Higher Headquarters (HHQs) Tactical Operations Center (TOC) and coordinate with adjacent units, such as, MPS, CPS, NSUs, Public Safety Management Forces and other friendly forces, personally or through an official representative, before commencing with the checkpoint to avoid misencounter and any untoward incident;
- b. The TL shall brief the PNP personnel, as well as the civilian components present, including the media regarding the proper conduct of the checkpoint and their assigned tasks prior to their deployment;
- c. The TL shall initially account for the PNP personnel and check if they are in the prescribed uniform. PNP personnel conducting the checkpoint shall display their nameplates at all times. If wearing a jacket, the flap of the jacket bearing their names should also be displayed. Likewise, the equipment will include, but not limited to, the following:
 - 1) Marked Patrol vehicles;
 - 2) Firearms with basic load of ammunition;
 - 3) Handheld and vehicle base radios;
 - 4) Flashlights;
 - 5) Megaphone; and
 - 6) Signage

6.1 Warning signs: (e.g., Slowdown Checkpoint Ahead, Checkpoint 20 Meters Ahead, etc); and

6.2 Information signs: Name of the Unit and TL.

- d. The Spotter of the team will be pre-positioned in a place where he can best point/profile suspected vehicles prior to their approach to the checkpoint;
- e. Search/Arresting Sub-Team shall flag down suspected vehicles and conduct search, seizure and arrest if necessary;

- f. Arrested persons and seized items shall be turned-over to the investigation sub-team for documentation and proper disposition;
- g. In the event that the checkpoint is ignored, and the occupants of the vehicle open fire on the personnel manning the checkpoint, reasonable force to overcome the suspects' aggression may be employed;
- h. Inform Higher Headquarters before terminating the conduct of Checkpoint;
- i. The TL shall conduct debriefing of personnel after termination of the Checkpoint; and
- j. Unit Commander shall submit After Activity Report to Higher Headquarters.

SECTION 5. Procedure in the Conduct of Hasty Checkpoints

- a. PNP personnel conducting mobile patrols on board patrol vehicles will initially man the checkpoint, to be complemented by additional personnel upon arrival of reinforcement. A collapsible signage with markings: "Stop, Police Checkpoint", indicating also the name of the concerned police office/unit conducting the operations, will be used for the purpose;
- b. In the case of PNP personnel conducting Internal Security Operation (ISO) or foot patrol, where a vehicle and collapsible signage is not readily available, the checkpoint shall be manned initially by said personnel;
- c. The team shall immediately inform Higher Headquarters of the exact location of the Hasty Checkpoint to include personnel involved and available equipment;
- d. In a hasty checkpoint, where there is a possibility of high risk stop and high risk arrest, and that there is an urgency for troop deployment and that public safety might be at risk, the participation of the civilian component and the presence of the media in the checkpoint operation shall not be allowed;
- e. The Unit Commander of the personnel manning the hasty checkpoint shall immediately send additional personnel, equipment and signage to the area in order to convert the Hasty Checkpoint into a Regular Checkpoint; and
- f. As soon as the Hasty Checkpoint is converted into a Regular Checkpoint, TL shall follow the procedures on Section 4 paragraph c of this Rule.

SECTION 6. General Procedure to be Followed When Checkpoints are Ignored

When checkpoints are ignored, the following shall be observed:

- a. In the event that checkpoints/roadblocks are ignored and the motorists/suspects bumped the roadblock in an attempt to elude arrest or avoid inspection, the TL shall immediately contact adjacent units to inform them of the situation so that these units can conduct dragnet operation, while the members of the blocking/pursuing team shall block or pursue the errant fleeing motorist;
- b. Warning shots shall not be allowed due to the confusion it may create to the driver and passengers of the vehicle. Megaphones or police sirens shall be used instead during the pursuit. The plate number of the vehicle shall be noted and given to other units in adjacent areas to prevent the possibility that the vehicle may elude the pursuit operation; and
- c. In the event that the occupants of the vehicle open fire on the personnel manning the checkpoint, reasonable force to overcome the suspects' aggression may be employed.

SECTION 7. Procedure in Flagging Down or Accosting Vehicles While in Mobile Car

This rule is a general concept and will not apply in hot pursuit operations. The mobile car crew shall undertake the following, when applicable:

- a. Call Headquarters to inform of the make or type and plate number of the motor vehicle to be accosted including the number and, if possible, identity of occupants;
- b. State the reason(s) for the planned intervention of the suspected motor vehicle;
- c. Give mobile car's location and its direction before making actual intervention;
- d. Try to get alongside the suspects' vehicle and check the occupants without alarming them of your purpose. You can even overtake the vehicle and wait for it at an advantageous location before stopping the suspects' vehicle;
- e. Determine whether the suspects are hostile or not;
- f. Make known to the suspect that you are after them through the use of a siren or megaphone;
- g. Instruct the driver to pull over or stop on the side of the road;
- h. Park behind the suspect's vehicle at an appropriate distance and cautiously approach the vehicle on the driver's side;
- i. If the vehicle's windows are heavily tinted and the occupants cannot be seen, instruct the driver to open all windows to have a clear view of the interior of the vehicle;

- j. Instruct the driver to turn off the ignition, if this was not done when the vehicle stopped;
- k. The other members of the team must be on guard for any eventuality while the vehicle is being approached;
- l. Talk to the driver in a most courteous manner and inform him of the nature of his violation. Demand to see the driver's license, photocopies of the certificate of registration and the official receipt. Examine these documents and counter-check the driver on the information reflected therein;
- m. If it concerns traffic violations, immediately issue a Traffic Citation Ticket (TCT) or Traffic Violation Report (TVR). Never indulge in prolonged, unnecessary conversation or argument with the driver or any of the vehicle's occupants;
- n. In cases of other violations that require the impounding of the vehicle, inform the driver regarding this situation and instruct him to follow you, after issuing the TCT/TVR; and,
- o. Before moving out, inform Headquarters regarding the situation/ status and disposition of the person and motor vehicle accosted.

SECTION 8. *Dealing with Hostile Situation*

The following are the procedures to be followed in dealing with hostile drivers:

a. Stopping Vehicles

- 1) Follow the procedure stated in paragraphs a to c of Section 7;
- 2) Immediately request for back-up;
- 3) Follow the suspect and always keep him within visual range;
- 4) Expect that the suspect will notice your action at any time. Be prepared for a car chase or actual hostile confrontation;
- 5) If the back-up is already in the vicinity, inform Headquarters that you are proceeding to accost the suspect;
- 6) Inform the suspects that you are after them through the use of siren or megaphone and instruct the driver to pull over or stop on the side of the street;
- 7) Park at an appropriate distance behind the suspect's vehicle;
- 8) While the vehicle is being approached, the other members of the crew and back-up must be on guard for any eventuality. Overreactions should be avoided;

- 9) If the vehicle's windows are heavily tinted and the occupants cannot be seen, instruct the driver to open all windows for a clear view of the vehicle's interior;
- 10) Direct the driver and other occupants of the vehicle not to make unnecessary movements and to show their hands outside the car;
- 11) Instruct the driver to turn off the ignition and toss the key to the ground. Demand to see the Driver's License and photocopies of the vehicle's certificate of registration and the official receipt. Examine the documents and counter-check the driver on the information reflected therein; and,
- 12) If there are other suspects aside from the driver, separate them from one another.

b. Fleeing Vehicles

- 1) In the event that the motor vehicle did not stop despite the warning given, inform Headquarters or adjacent units so that roadblocks or hasty checkpoints can be set-up;
- 2) Call Headquarters to inform of the make or type, plate number and color of the motor vehicle to be accosted including the number of occupants and, if possible, their identity;
- 3) State the reason(s) for flagging down the suspected motor vehicle;
- 4) Give mobile car's location and its direction before making actual intervention;
- 5) When the vehicle of the suspect is cornered or stopped, instruct the driver and other occupants in a clear and commanding voice to follow specifically what you will require of them. Failure on their part to follow will be construed as a hostile act on their part. Execute instructions on the use of reasonable force;
- 6) Instruct the driver to turn off the ignition and toss the key to the ground, open the door and step out of the vehicle, followed by his hands to be placed on top of the vehicle, or to move towards you with his hands up;
- 7) Instruct other occupants of the vehicle, if any, to come out one by one, and follow what the driver has been instructed to do earlier;
- 8) Arrest, handcuff and search the suspects and bring them to Headquarters for proper disposition; and

- 9) Before moving out, inform Headquarters about the situation, status and disposition of the suspects and motor vehicle accosted.

SECTION 9. High Risk Stop and High Risk Arrest

a. Initial Stage

Upon receipt of information involving movement of armed person or persons, either singly or in group, including unauthorized movement of government troops, or in immediate response to a reported commission of crime perpetrated by armed persons, the PNP shall immediately:

- 1) Organize appropriate tactical security forces utilizing maximum firepower and armor assets;
- 2) Deploy the security forces to stopping zones in defensive position; and
- 3) Seal off the area and establish strong roadblocks/barricades.

b. Effecting a High Risk Stop

When effecting high-risk stop, the police officer shall:

- 1) Exert utmost effort to persuade the suspects to halt or stop their movement.
- 2) Start with the procedural conduct of regular warrantless arrest where arrest is inevitable.
- 3) Ensure proper documentation of the process.
- 4) Respect the rights of all the persons involved.

c. During Violent Stage

The PNP shall strictly adhere to the PNP Operational Procedures (POP) particularly on the use of reasonable force (Rule 8).

Rule 26. HOSTAGE SITUATION/BARRICADED SITUATIONS

SECTION 1. Procedure to be followed in a Hostage Situation

The following steps shall be undertaken:

- a. A Crisis Management Task Group shall be activated immediately.
- b. Incident scene shall be secured and isolated.
- c. Unauthorized persons shall not be allowed entry and exit to the incident scene.

- d. Witnesses' names, addresses, and other information shall be recorded. Witnesses shall be directed to a safe location.

SECTION 2. Ground Commander

There shall be only one Ground Commander in the area. Until such time that he officially designates a spokesperson, he may issue appropriate press statements and continue to perform the role of the spokesperson.

SECTION 3. Negotiators

Negotiators shall be designated by the Ground Commander. No one shall be allowed to talk to the hostage-taker without clearance from the negotiator or Ground Commander.

SECTION 4. Assault Team

An assault team shall be alerted for deployment in case the negotiation fails. Members of the assault team shall wear authorized and easily recognizable uniform during the conduct of the operation.

SECTION 5. Assault Plan

The assault shall be planned to ensure minimal threat to life for all parties.

SECTION 6. Support Personnel

An ambulance with medical crew and a fire truck shall be detailed at the incident area.

SECTION 7. Coordination

Proper coordination with all participating elements shall be done to consolidate efforts in solving the crisis.

SECTION 8. Safety of Hostage(s)

In negotiating for the release of a hostage, the safety of the hostage shall always be paramount.

SECTION 9. Guidelines during Negotiations

- a. Situation must be stabilized first and contained before the start of the negotiation;
- b. Do not introduce outsiders (non-law enforcement officers) into the negotiation process, unless their presence is extremely necessary in the solution of the crisis. If so introduced, they shall be properly advised on the do's and don'ts of hostage negotiations; and

- c. Police officers without proper training shall not be allowed to participate in hostage negotiations.

Rule 27. REPORTING AND INVESTIGATION OF CHILD ABUSE CASES

SECTION 1. Investigation of All Complaints and Reports Involving All Forms of Child Abuse

Police officers shall, in coordination with stakeholders, conduct a timely, thorough and comprehensive investigation of all child abuse cases, committed within their respective area of responsibility, consistent with domestic laws, rules and regulations, and international human rights standards. They shall observe the following rules of procedures:

- a. Police officers shall, upon receipt of a complaint or report or information that a child has been or is being abused, maltreated, discriminated, exploited, neglected, or abandoned, or is under imminent danger of being abused or exploited, shall take immediate action thereon, but under no circumstance shall be beyond forty-eight (48) hours;
- b. Police officers shall immediately coordinate with and report the matter to the Local Social Welfare Development Office (LSWDO) and stakeholders concerned, and ensure the provision of the necessary protection measures to the child-victim;
- c. In situations where immediate rescue operations is necessary, the police officers within whose area of responsibility the incident of child abuse is taking place shall, without delay, coordinate with the LSWDO and other stakeholders and prepare the corresponding rescue operations plan;
- d. The police officers, together with the other stakeholders/ authorities mandated to promote and protect the rights of the child such as the LSWDO, the Barangay or Municipal or City Health Officer, Barangay Officials in the place where the incident occurred or is taking place, the Barangay Human Rights Action Officer or any officer of the Commission on Human Rights (CHR) in or near the area of operation shall, without delay, proceed to the place where the child-victim is located and execute the rescue operations plan;
- e. Upon rescue of the child-victim, the law enforcers shall turn over the child-victim to the LSWDO for protective custody;
- f. The police officer, together with the LSWDO, shall ensure that the child-victim shall be immediately taken to the nearest government medical center or hospital

- or clinic for physical and psychological examination, treatment and/or confinement;
- g. The police officer, in coordination with the LSWDO, shall gather the necessary / relevant and material data and evidence to support the filing of appropriate charges before the Prosecutor's Office and trial of the child-abuse case/s before the court;
 - h. The police officer shall ensure that the child-victim shall not be subjected or exposed to multi-victimization in the course of investigation. Hence, the police officer shall see to it that the interviews and statements of the victim shall be recorded and/or video-taped; and
 - i. Investigation of child abuse cases shall be assigned preferably to members of the Women and Children Protection Desk (WCPD) or in their absence, the police officer of the same gender who has appropriate trainings on child rights and investigation and handling of child-abuse cases.

SECTION 2. Right to Privacy of the Child and Confidentiality of Records

The police officer shall at all times respect the right to privacy of the child and shall observe confidentiality of information and records pertaining to child rights cases he investigated or is investigating, from the beginning of the investigation and/or initial custody of the child-victim and at all times thereafter, except when the release of any information about the child's case is pursuant to an Order issued by a competent court.

SECTION 3. Procedure in the Rescue of Minors

a. Planning

All police operations regarding rescue of minors who are victims or subject of physical, sexual, psychological abuse, exploitation, discrimination, negligence, and other forms of abuse, shall be properly planned, in coordination with stakeholders concerned. The plan shall be drawn and discussed in a pre-conference with national and/or local authorities such as: the Department of Social Work and Development (DSWD) or the LSWDO, female Police Investigator, preferably from the WCPD or one trained in the handling of investigation of child rights cases, the local police units, police photographer, Public Attorneys' Office (PAO), barangay officials, City and Municipal Licensing and Permit Division, the Department of Health or the City or Municipal Health Office, Barangay Human Rights Action Officer or officer of the CHR, and/or the DOLE.

For this purpose, the PNP shall activate a Rescue Team to be headed by officer/s of the WCPD, in coordination with concerned national and/or local authorities mentioned above.

b. Rescue Equipment and Facilities

In the implementation of rescue operations, the police officers or the rescue team shall ensure that the necessary facilities and provisions are available and ready at the scene of operation such as the following:

- 1) Ambulance
- 2) Portable oxygen concentrator
- 3) Complete first aid kit
- 4) Food and sanitary needs
- 5) Potable water
- 6) Back-up Vehicle
- 7) Blankets
- 8) Flashlights
- 9) Rope

c. Rescue operations

All police officers participating in the rescue operations shall be in prescribed uniform. Should circumstances require that certain police officer/s be in civilian clothes during the actual operations, he must have the official identification card which he must show when required.

Upon arrival at the operation scene, the police officers shall properly introduce themselves and inform the people in the area where the child-victim is located as to the purpose of their operation.

Police officer shall not use force unless necessary under the circumstance. In circumstances where reasonable force is allowed, the police officers/ rescue team shall ensure and/or avoid collateral damage or hitting innocent civilians within the vicinity of operations.

The child-victim shall be handled preferably by a police officer of the same gender as the victim, who has appropriate trainings on child rights, and in the investigation and handling of child-abuse cases;

SECTION 4. Procedure to be Observed in the Handling of Children in Conflict with the Law (CICL)

- a. Explain to the child, in simple language and in the dialect that he can understand, the reason why he is being taken into custody and the offense he allegedly committed;
- b. Inform the child of the reason for such custody and advise the child of his constitutional rights in a language or dialect clearly understood by him;
- c. Properly identify himself as police officer and present the proper identification to the child;
- d. Refrain from using vulgar or profane words and from sexually harassing or abusing, or making sexual advances on the child in conflict with the law;

- e. Avoid displaying or using any firearm, weapon, handcuffs or another instruments of force or restraint, unless absolutely necessary and only after all other methods of control have been exhausted and have failed;
- f. Refrain from subjecting the child in conflict with the law to greater restraint than is necessary for his apprehension;
- g. Avoid the use of unnecessary force;
- h. Search on a child in conflict with the law shall only be done by a police officer of the same gender;
- i. Determine the age of the child;
- j. Turn over custody of the child to the LSWDO or other accredited NGOs immediately but not later than eight (8) hours after apprehension and notify the child's parents/guardians and the PAO of the child's apprehension;
- k. Take the child immediately to the proper medical and health officer for a thorough physical and mental examination. The examination results shall be kept confidential unless otherwise ordered by the Family Court. Whenever the medical treatment is required, steps shall be immediately undertaken to provide the same;
- l. Ensure that should detention of the child in conflict with the law be necessary, the child shall be secured in quarters separate from that of the opposite sex and adult offenders. The child shall not be locked up in a detention cell;
- m. Take the statement of the child in the presence of (1) the child's counsel of choice or in the absence thereof, a lawyer from the PAO; (2) the child's parents, guardian, or nearest relative, and (3) LSWDO;
- n. In the absence of the child's parents, guardian, or nearest relative, and the LSWDO, the investigation shall be conducted in the presence of an NGO, religious group, or member of the Barangay Council for the Protection of Children (BCPC).
- o. Ensure that all statements signed by the child during investigation shall be witnessed by the child's parents or guardian, social worker, or legal counsel in attendance who shall affix his signature to the said statement;
- p. Record the following in the initial investigation:
 - 1) Whether handcuffs or other instruments of restraint were used, and if so, the reason for such;
 - 2) That the parents or guardians of a child, the DSWD, and the PAO have been duly informed of the apprehension and the details thereof; and
 - 3) The exhaustion of measures to determine the age of a

child and the precise details of the physical and medical examination or the failure to submit a child to such examination;

SECTION 5. Guidelines

The police officer shall at all times ensure respect for the rights of the child in conflict with the law, including but not limited to:

- a. The right not to be subjected to torture or other cruel, inhuman or degrading treatment or punishment;
- b. The right to remain silent and to counsel, and to be informed of such right;
- c. The right to prompt access to legal and other appropriate assistance, as well as the right to challenge the legality of the deprivation of his liberty;
- d. The right to privacy in all stages of the proceedings;
- e. The right to be treated as an individual with distinct and separate personality under the law;
- f. The right to be treated with respect, taking into account the inherent dignity of his person and the needs of a person of his age;
- g. All other rights as guaranteed under the Philippine Constitution, domestic laws, the Convention on the Rights of the Child and other related international human rights instruments.

Rule 28. INTERNAL SECURITY OPERATIONS

SECTION 1. General Mandate

The PNP is mandated to provide active support to the Armed Forces of the Philippines (AFP) in Internal Security Operations (ISO) for the suppression of the Communist Terrorist Movement (CTM) and other serious threats to national security.

SECTION 2. The PNP in an Active Support Role

The PNP shall perform the following:

- a. Conduct sustained law enforcement actions against CTM atrocities;
- b. In urban areas, the PNP may assume the lead role in ISO against the CTM, other threat groups and organized crime groups engaged in armed offensives;
- c. The PNP units may either operate as a single force or as a part of joint PNP-AFP combat operations. In both cases, lateral coordination is a must;

- d. The PNP units in CTM-affected areas may be placed under Operational Control (OPCON) of AFP units but shall continue to perform law enforcement functions.
- e. Specific areas where armed confrontation such as encounter, ambush, raid, liquidation and other similar atrocities, between government forces (PNP or AFP) and the Communist Terrorists (CTs) occur shall be treated as a crime scene. The police unit that has jurisdiction over the areas shall conduct the Crime Scene Investigation (CSI).

SECTION 3. Defensive Position

Police Stations especially those located in far-flung areas are priority targets of attacks. As such, security measures against CT atrocities must be undertaken as follows:

- a. Continuously remind all PNP personnel to be extra vigilant and security conscious in their day-to-day activities and during troop movements.
- b. Duty station guards shall memorize, internalize and put into practice the 11 General Orders of a Sentinel. Likewise, they shall always carry their issued long firearms and ammunition rig/bandoliers with basic load.
- c. Vigorously implement added security measures in all Police Stations and Police Community Precincts.
- d. Conduct sustained inspection of the operational readiness of PNP field units/stations.
- e. Always keep in mind the modus operandi, strategies and tactics being practiced/employed by the CTM and other threat groups.
- f. Enhance the establishment of Advance Security Control Points (ASCPs) to control the ingress and egress of people in Police Stations.
- g. Exercise sustained vigilance and maintenance of law, order and public safety in respective AOR through the intensified conduct of police visibility patrols.
- h. Carry out Police Community Relation (PCR)/Barangay Peacekeeping Operations (BPO) activities in areas that are prone to influence, infiltration and infestation of CTM fronts organization.

Rule 29. BOMB, BOMB THREAT AND BOMB INCIDENT EMERGENCY RESPONSE PROCEDURES

60

SECTION 1. Bomb

A bomb can appear obvious or concealed and can vary in size, shape or sophistication and may not necessarily explode such as in the case of incendiary and dirty bombs. It may be referred to as Improvised Explosives Device (IED) or ordnance.

SECTION 2. Bomb Threat

Bomb threat is either a written or verbal threat communicated through electronic means, oral or other means that threatens to place or uses an IED at a certain time, date, or place against any specific person or place. The FR, the police investigator, and the police detective must remember the following basic facts on bomb threat:

- a. A threat is considered only a threat until something visible is found;
- b. Determined bombers do not frequently give warnings of a possible explosion/incendiary attack;
- c. Threats are an excellent way to disrupt productivity without actually risking life, limb and/or property; and
- d. The consequences of conviction for “threatening” are not necessarily as serious as those that could result from actual placement/initiation of a bomb.

SECTION 3. First Responder’s Procedure on Bomb Threat

The following are the guidelines for FRs during a bomb threat:

- a. Upon receipt of the information:
 - 1) Treat all threats as serious until proven otherwise;
 - 2) Determine the exact location of the establishment under threat;
 - 3) Assess or analyze the threat whether it is a long term or a short term threat;
 - 4) Consider evacuation options such as:
 - 4.1 Option 1 - Do Nothing
 - 4.2 Option 2 - Search with partial evacuation
 - 4.3 Option 3 - Search and evacuation
 - 4.4 Option 4 - Evacuate immediately
 - 5) Alert Explosives Ordnance Demolition Team (EODT) for bomb search mission and emergency readiness before going to the crime scene;
 - 6) Proceed immediately to the scene; and
 - 7) Notify Higher Headquarters of any development.

b. Upon arrival at the scene:

- 1) Confirm the reported bomb threat and notify EODT for the conduct of a bomb sweep;
- 2) Conduct or cause a search for suspicious device together with persons familiar with the location; and
- 3) Unless a bomb is found, personnel may not order an evacuation of the affected area, but may inform the person in-charge of the property of the need to evacuate.

The following procedures shall be followed during evacuation:

- 3.1 Evacuation and assembly point routes must be searched to ensure that personnel are not unnecessarily exposed to danger during the evacuation;
- 3.2 Designate a "safe" assembly area, well away from the threatened structure, out of line-of-sight of the building and well clear of windows. A minimum distance of 150 meters is recommended;
- 3.3 Never assemble personnel in front of or directly below glassed areas;
- 3.4 Advise employees and visitors to take their personal belongings to eliminate superfluous "suspicious objects" and to reduce the number of items to be "checked out";
- 3.5 Select safe and climatically acceptable assembly areas where evacuees may wait for a considerable period;
- 3.6 Avoid car parks as assembly areas and be mindful of the car bomb potential;
- 3.7 Install procedures to ensure that escape routes are clear. Evacuation routes and assembly areas must be searched before evacuation;
- 3.8 Install procedures to ensure windows and doors are left open and lights left on;
- 3.9 Include a procedure for machinery shut-down. This can include plant and equipment, electronics, computer equipment, securing files and correspondence; and
- 4) If a suspected device is discovered, cause the evacuation of people in the affected area to a distance of at least 300 meters away, and maintain security for the protection of life and property:
 - 4.1 Any discovered device shall be isolated;
 - 4.2 Do not touch, tamper with or disarm any suspected bomb or IED;

- 4.3 Report discovery of suspected device;
- 4.4 Do not permit radio transmission within the premises/building;
- 4.5 Turn off all electricity and gas units within the premises/building;
- 4.6 Secure the area and prevent people from approaching;
- 4.7 Establish traffic control;
- 4.8 Summon ambulance and fire trucks to the scene;
- 4.9 Await the arrival of bomb disposal team; and
- 4.10 Notify Higher Headquarters of the situation.

SECTION 4. First Responder's Procedure in Case of Actual Bomb Explosion

The following are guidelines for FRs during cases of actual bomb explosions:

- a. Upon receipt of the report:
 - 1) Identify exact location of the incident;
 - 2) Alert EOD teams and direct them to proceed to the area;
 - 3) Notify Higher Headquarters of the situation;
 - 4) Request assistance of medical personnel; and
 - 5) Proceed to the scene immediately.

- b. Upon arrival at the scene:
 - 1) Cause immediate evacuation of the injured;
 - 2) Direct occupants of the establishment to evacuate;
 - 3) Maintain order and control crowd;
 - 4) Notify Higher Headquarters of the situation;
 - 5) Seal off location until EOD Team determines if a secondary device exists;
 - 6) Conduct rescue operations at the scene when necessary;
 - 7) Initiate immediate investigation if investigators have not yet arrived and determine the following :
 - 7.1 Time of detonation/explosion;
 - 7.2 Time when the call for bomb threat was received; and
 - 7.3 Type of device.
 - 8) Submit incident report immediately; and
 - 9) Avoid issuing "speculative" press releases or statements.

Rule 30. COMPUTER CRIME INCIDENT RESPONSE PROCEDURE

SECTION 1. Computer Crime Response

Computer Crime Response is the actual police intervention in a computer crime incident where the acquisition of matters of evidentiary value is traceable within the computer's hardware, software, and its network.

SECTION 2. Guidelines for Computer Crime Incident First Responder

a. When responding to a computer crime incident, or to a scene of the crime where computers (or electronic device, digital media, and other similar devices) are present, it is imperative for the FR to be able to protect, seize, and search the same and to be able to recognize potential evidence, using the following questions as guidelines to determine its role in the commission of the crime:

- 1) Is it a contraband or fruit of a crime?
- 2) Is it a tool used for the commission of the crime?
- 3) Is it only incidental to the crime, i.e. being used to store evidence of the crime?
- 4) Is it both instrumental to the crime and a storage device for evidence?

b. After identifying the theories as to the role of the computer in the commission of the crime, the following questions essential to any further police intervention should be considered by the first responder:

- 1) Is there probable cause to seize the hardware?
 - 2) Is there probable cause to seize the software?
 - 3) Is there probable cause to seize the data?
 - 4) Where will the search and seizure be conducted?
- c. Search of computers (or electronic device, digital media, and other similar devices) and seizure of data there from require a warrant issued by the court.
- d. Appropriate collection techniques shall be used to preserve the data sought to be seized.
- e. The evidence seized shall be subjected to forensic examination by trained personnel. The result of the forensic examination, as well as the testimony of the forensic expert, shall be made available during the trial.

SECTION 3. Search and Seizure of Computer

Upon determination of how the computer was utilized in the commission of the crime, and the legal requirements have been complied with, the following are the guidelines for the conduct of search and seizure:

- a. Secure the Scene.
 - 1) Officer's safety is always paramount.
 - 2) Preserve the area for potential fingerprints.
 - 3) Immediately restrict access to the computer.
 - 4) Isolate from phone lines.
- b. Secure the computer as evidence.
 - 1) If the computer is "OFF", do not turn it "ON".
 - 2) If the computer is "ON", do not turn it "OFF", nor touch its mouse or its keyboard.
- c. For Stand-Alone Computer (non-networked).
 - 1) Consult computer specialist.
 - 2) If specialist is not available:
 - 2.1 Photograph screen and disconnect all power sources and plugs including those at the back of the computer;
 - 2.2 Place evidence tape over each drive slot;
 - 2.3 Photograph (or make a diagram) and label parts located at the back of the computer including its connections;
 - 2.4 Label all connectors and cable end to allow reassembly as needed (Example: "Socket" marked "A" and the "cable End" also marked "A");
 - 2.5 If transport is required, pack the components as "fragile cargo" prior to transport;
 - 2.6 Keep it away from magnets, radio transmitters, and from other hostile environment;
 - 2.7 Ensure that only a computer forensic expert conducts the search for any evidence contained in the computer hardware; and
 - 2.8 Ensure that the computer hard disk is duplicated by the forensic expert and the original is kept by the evidence custodian for future court presentation. Further search and analysis shall be undertaken using only the imaged disk.
- d. For Networked Computers (or business computers)
 - 1) Consult a Computer Specialist for assistance.
 - 2) Do not immediately pull the plug to prevent:
 - 2.1 Severe damage to the system;
 - 2.2 Disrupting the legitimate business; and
 - 2.3 Possible liability of the officers.

SECTION 4. Guidelines in Treatment of Other Electronic Storage Devices

The FR should understand that other electronic devices may contain viable evidence associated with the crime. The FR must ensure that, unless an emergency exists, the device should not be accessed. Should it be necessary to access the device, the FR should ensure that all actions associated with the manipulation of the device should be noted in order to document the chain of custody and ensure its admission as evidence in court.

SECTION 5. Search and Seizure of Wireless Telephones

a. The FR should be able to recognize the following potential evidence contained in wireless telephone devices:

- 1) Numbers called;
- 2) Numbers stored for speed dial;
- 3) Caller ID for incoming calls; and
- 4) Other information contained in its memory:
 - 4.1 Phone/pager numbers
 - 4.2 Names and addresses
 - 4.3 PIN numbers
 - 4.4 Voice mail access number
 - 4.5 Voice mail password
 - 4.6 Debit card numbers
 - 4.7 Calling card numbers
 - 4.8 E-mail/Internet access information
 - 4.9 The on screen image

b. Upon determination of how the wireless telephone device was utilized in the commission of the crime, and the legal requirements have been complied with, the following are the guidelines for the conduct of search and seizure:

- 1) If the device is "ON", do not turn it "OFF".
 - 1.1 Turning it "OFF" could activate lockout feature.
 - 1.2 Write down all information on display and, if possible, secure a photograph.
 - 1.3 Power down prior to transport (bring all power supply cords found in the scene).
- 2) If the device is "OFF", leave it "OFF".
 - 2.1 Turning it on could alter evidence in the device.
 - 2.2 Upon seizure, take it to an expert as soon as possible, or contact local service provider.
 - 2.3 Exert an effort to locate any instructions manual pertaining to the device.

SECTION 6. Search and Seizure of Electronic Paging Devices

a. The FR should be able to recognize the following potential evidence contained in electronic paging devices:

- 1) for numeric pagers: Numeric digits and numbers and code being communicated;
- 2) for alpha numeric pagers: Numbers, letters, full text stored;
- 3) for voice pagers: Voice communications transmitted and alpha numeric codes stored;
- 4) for 2-way pagers: Incoming and outgoing messages stored;

b. The FR should remember that search of stored data in an electronic paging device can be made only when incidental to a lawful arrest, when consent has been given, and when a warrant has been issued.

SECTION 7. Search and Seizure of Facsimile Machines

a. The FR should be able to recognize the following potential evidence contained in electronic paging devices:

- 1) Speed dial lists
- 2) Stored faxes (incoming and outgoing)
- 3) Fax transmission logs (incoming and outgoing)
- 4) Header line
- 5) Clock setting

b. The FR should remember that, if the fax machine is "ON", powering it down may cause loss of the last number dialed or other stored fax numbers. The FR should also remember that the header line should be the same as the phone line, and that if possible, all manuals should be seized along with the machine.

SECTION 8. Search and Seizure of Caller ID Devices

- a. The FR should be able to recognize potential evidence contained in caller ID devices such as telephone numbers and subscriber's information from incoming phone calls.
- b. The FR should remember that interruption of the power supply of the caller ID device may cause loss of data if not protected by an internal battery back-up.
- c. The FR must also ensure to document all stored data prior to seizure of the device, otherwise, loss of data may occur.

SECTION 9. Tracing an Internet E-mail

The FR should remember that, with respect to Sent internet e-mail messages, the user typically controls only the recipient line (s) (To and Bcc) and the subject line, while the mail software adds the rest of the header information as it is processed.

Rule 31. GENERAL RULES ON MEDIA RELATIONS

- a. It is the responsibility of any Unit Head/Chief or Ground Commander to respond to queries raised by the press, as well as decide on what stories or press releases would be given out to the media unless, he delegates this responsibility to the unit PIO or spokesperson.
- b. No information regarding the incident shall be released without clearance from the Ground Commander.
- c. Ground Commander must designate / establish a media area for pooled coverage and ensure safety of all media personnel covering the incident.
- d. Media personnel shall not be allowed to cross the police line at all times.
- e. Suspect/s arrested for any violation of the law shall in no case be presented in a 'firing line' to the media.

OTHER MISCELLANEOUS PROCEDURES

This Manual hereby adopts the existing PNP Manuals as hereunder indicated:

- a. PACER Procedures in Responding to Kidnapping Cases
- b. Training Manual on the Investigation of Crimes Involving Women and Children
- c. PSPG Manual
- d. HPG Traffic Management and Investigation Manual
- e. CIDG Investigation Manual
- f. Maritime Group Manual
- g. PNP CL SOCO Manual
- h. Inter – Agency Protocol for Explosives Related Incidents Investigation
- i. Decentralization of the Functions of the Public Information Office
- j. Airport Security Operational Procedures

(Coordination Form)

(Letterhead of Coordinating Unit)

- I. (To be accomplished by Coordinating Unit)
 - a. Date/Time of Coordination: _____
 - b. Coordinating Unit: _____
 - c. Team Leader: _____
(Rank/Surname/First Name/MI/Designation)
 - d. Number of Personnel Involved: _____
 - e. Description of Vehicles Involved:

TYPE	MAKE	COLOR	PLATE NR
1.			
2.			
3.			

- f. Nature of Operations: _____
 - g. Duration of Operations: _____

- Signature

- II. (To be accomplished by receiving Territorial Police Unit)
 - a. Date/Time Received: _____
 - b. Name of Receiving Personnel: _____
(Rank/Surname/First Name/Designation)
 - c. Name of Receiving Unit: _____

Signature

Note: (To be accomplished in three (3) copies).



(Return of Warrant)



Republic of the Philippines
NATIONAL POLICE COMMISSION
PHILIPPINE NATIONAL POLICE
SAN FELIPE POLICE STATION
San Felipe, Zambales



Date

Honorable _____
Presiding Judge

Sir/Madam:

Respectfully return the attached Warrant of Arrest in Criminal Case No. _____ for Violation of _____ [**Annex "A"**] issued by the Honorable Court on _____ with the information that accused, _____ was arrested by elements of this unit led by _____ inside the residence of _____.

Arrested person was apprised of his constitutional rights during the arrest and then brought to the _____ for documentation and proper disposition. [**Annex "B"**]. He was referred to the PNP Crime Laboratory Group for physical and medical examination [**Annex "C"**] and subsequently turned over to _____ for temporary commitment [**Annex "D"**] pending the issuance of a Commitment Order by the Honorable Court.

Request acknowledge receipt.

Very truly yours,

Incls:

- A – Warrant of Arrest in CC No. _____
- B – Booking Sheets
- C – Request for Physical Exam
- D – Request for temporary commitment
- E – Photo of accused

MALAYA AT KUSANG LOOB NA SALAYSAY NI _____ NA
BINIGAY KAY _____ DITO SA HIMPILAN
NG _____ NGAYONG _____
HUMIGIT KUMULANG _____ NG _____ SA HARAPAN NI
_____ AT _____.

x-----
-----x

PASUBALI: _____, ikaw ngayon ay nahaharap sa isang pagsisiyasatnamaykaugnayansakasongpaglabagsa_____. Bago natin ipagpatuloy ang pagsisiyasat na ito, nais ko munang ipaalam sa iyo ang iyong mga karapatan alinsunod sa itinadhana ng umiiral na Bagong Saligang Batas ng Republika ng Pilipinas na nagsasaad ng mga sumusunod na karapatan:

a. Na ikaw ay may karapatang manahimik o di kaya huwag sumagot sa lahat ng aking itatanong sa iyo. Naiintindihan mo ba ito?

SAGOT: Opo. _____

b. Na ikaw ay may karapatang kumuha ng isang abogado na iyong pinili at kung wala kang makuhang sarili mong abogado, ang opisining ito ay nakahandang bigyan ka ng isang libreng abogado upang siya ang iyong maging gabay o patnubay sa imbestigasyong ito. Naiintindihan mo ba ito?

SAGOT: Opo. _____

c. Na ikaw ay may karapatang malaman na ang iyong mga karapatang itinadhana ng ating Bagong Saligang Batas at ang dahilan ng imbestigasyon na ito at ang lahat ng iyong sasabihin dito ay maaring gamitin pabor o laban sa iyo sa lahat ng hukuman dito sa Pilipinas.

SAGOT: Opo. _____

TANONG 1: _____, matapos kong maipabatid sa iyo ang iyong mga karapatan pantao na naaayon sa ating Bagong Saligang Batas, ang mga ito ba ay iyong nauunawaan?

SAGOT 1: Opo. _____

T2: Nais mo bang ipagpatuloy ang pagsisiyasat na ito?

SAGOT 2: Opo. _____

T3: Kung gayon, ikaw ba ay nakahandang magbigay ng iyong malaya at kusang loob na salaysay na ito sa harap ng mga saksi?

SAGOT3 : Opo. _____

T4: Kailangang mo pa ba ang patnubayan ng isang abogado sa pagsisiyasat na ito?

SAGOT 4: Opo. _____

T5: Mayroon ka bang napiling abogado na siyang gagabay sa iyo sa pagsisiyasat na ito?

SAGOT 5: Opo. _____

T6: Sino naman ang abogadong napili mo?

SAGOT 6: Si Atty. _____ po.

T7: Nakahanda ka bang lumagda sa isang pagpapatunay na ikaw ay magbibigay ng iyong malaya at kusang loob na salaysay sa harapan ng iyong piling abogado na si Atty. _____, na hindi ka pinilit, tinakot, o di kaya ay pinangakuan ng ano pa mang pabuya kapalit ng gagawain mong salaysay?

SAGOT 7: Opo. _____

T8: Ikaw ba ay nakahandang magsabi ng katotohanan at pawang katotohanan lamang?

SAGOT 8: Opo. _____

PAGPAPATUNAY

Ako, si _____, _____ taong, nakatira sa _____, ay pinaliwanawagan ni _____ ng aking mga karapatan na itinadhana alinsunod sa ating Bagong Saligang Batas at ang lahat ng ito ay naganap sa harap ng aking piling abogado na si Atty. _____.

Ang lahat ng ito ay aking naunawaan. Ako ay hindi tinakot, pinilit, o di kaya ay pinangakuan ng ano pa mang bagay of pabuya kapalit ng aking salaysay.

Nagsasalaysay

Nagbigay ng Patnubay:

Atty. _____

Republic of the Philippines
Department of Justice
OFFICE OF THE CITY/PROVINCIAL PROSECUTOR
City/Province of _____

Complainant,

I.S. No. _____
FOR: Violation of Article____, RPC
(State the Specific Violations)

-versus-

Respondent
x-----x

**REQUEST FOR PRELIMINARY INVESTIGATION
AND WAIVER OF ARTICLE 125, REVISED PENAL CODE**

I, _____, respondent in the above entitled complaint, and with the assistance of my counsel, wish to avail myself of my right to a preliminary investigation and for this purpose, I hereby voluntarily waive my rights under the provisions of Article 125 of the Revised Penal Code. Pending the completion of the preliminary investigation proceedings, I agree to remain under police custody.

_____, Philippines _____, 20__

Respondent
(Signature over printed name)

ASSISTED BY:

Counsel
(Signature over printed name)

Address _____
Tel No. _____
Rolls of Attorney No. _____



Republic of the Philippines
REGIONAL TRIAL COURT
NATIONAL CAPITAL JUDICIAL REGION
Branch _____, City of _____

PEOPLE OF THE PHILIPPINES,
Plaintiff,

SEARCH WARRANT NO. _____
FOR: Violation of Article __, RPC
(State the Specific Violations)

-versus-

Respondent

x-----x

APPLICATION FOR SEARCH WARRANT

COMES NOW, the undersigned, _____
presently assigned at _____ and
having been duly sworn to in accordance with law do hereby depose and
state the following under oath:

1. That he was informed and verily believes that _____
(name of the person to be searched), who may be found at the premises
_____ (complete address of the place to be searched), is in
possession or has in his control a property (subject of the offense; stolen
or embezzled and other proceeds or fruits of the offense; used or intended
to be used as a means of committing an offense), which he is keeping and
concealing in the premises above described.

2. That the undersigned has verified the report and found
it to be a fact and was confirmed to him by his witnesses, Police Officer
_____ and Police Officer _____, who were
able to gain entry into the aforementioned premises of the respondent,
and has therefore reason to believe that search warrant should be issued
to enable the undersigned to take possession and bring to this Court the
following described property:

- a.
- b. (Complete and detailed description of the property to
be seized)

3. WHEREFORE, the undersigned prays to this Honorable
Court to issue a search warrant authorizing him and or his men or any



peace officer to search the premises and if machines are attached to the ground, padlock the premises described in this application and to seize and bring to this Honorable Court the personal property above described to be dealt with the full accord with existing laws.

City of _____, Philippines, ___ day of _____, 20__.

Applicant

RECOMMEND APPROVAL FOR FILING: APPROVED FOR FILING:

(Unit Head)

(Chief of Office)

Republic of the Philippines)
_____)
x _____x

JOINT AFFIDAVIT

We, PO1 _____ and PO1 _____, both of legal age, bonafide members of the Philippines National Police and presently assigned with _____ after having been duly sworn to in accordance with law, hereby depose and declare the following:

That we were the investigators/operatives tasked to conduct necessary surveillance on (state the purpose or reasons for such surveillance) located at _____.

That on _____, at around _____, in order to ascertain the veracity of the report, we proceeded to (the exact location of the place intended to be searched), where we were able to gain entry inside the said premises (state the means employed in gaining entry into the premises) and we were able to see for ourselves the properties (subject of the offense; stolen or embezzled and other proceeds or fruits of the offense; used or intended to be used as a means of committing an offense), being kept and concealed in the above stated premises and particularly described as follows:

- a.
- b. (Complete and detailed description of the properties)

That having confirmed the presence of said properties on the above stated premises, we are executing this affidavit to support our application for the issuance of a Search Warrant for the projected search and seizure of (state the properties intended to be seized) at the aforementioned address and the arrest of suspects for violation of _____.

IN WITNESS HEREOF, we affixed our signatures over our printed names below this _____ day of _____ 20__ at Camp Crame, Quezon City.

Affiant

Affiant



SUBSCRIBED AND SWORN to before me this _____ day of
_____ at _____.

Administering Officer

This further certifies that I personally examined both affiants and I am personally satisfied that they fully read and understood its contents and that they freely and voluntarily executed the same.

Administering Officer

Republic of the Philippines
REGIONAL TRIAL COURT
Branch _____, City of _____

PEOPLE OF THE PHILIPPINES,
Plaintiff,

-versus-

SEARCH WARRANT NO. ____
FOR: Violation of Article __, RPC
(State the Specific Violation)

Respondent
x-----x

DEPOSITION OF WITNESSES

We, _____ after having been duly sworn to testifies, as follows:

Q - What are your names and other personal circumstances?

A-We are _____ and _____ both of legal ages, and married and single, respectively, bonafide members of the Philippine National Police and presently assigned with the _____.

Q - Do you know _____, the applicant for search warrant?

A - Yes Sir, he is presently assigned with _____.

Q - Do you know the premises of _____ in _____?

A - Yes Sir.

Q - Do you have personal knowledge that in said premises the following properties are being kept, being used or intended to be used without proper document?: _____

A - Yes Sir.

Q - Do you personally know who is/are the person/s who has/have control of the above-described properties?

A - Yes Sir.



Q - How did you know that the said properties are kept in his/her premises which are subject of the offense?

A - We conducted discreet surveillance and it was confirmed that _____ is keeping _____ in his/her premises/residence.

Deponent

Deponent

SUBSCRIBED AND SWORN to before me this _____ day of _____ 20__ at _____.

Administering Officer

Date

RECEIPT FOR PROPERTY SEIZED

THIS IS TO CERTIFY that the undersigned has seized and taken possession of the property herein below described from Mr./Ms._____, at _____ in accordance with Search Warrant No. _____ issued by Honorable Judge _____ of RTC Branch _____, dated _____ which seizure was done in the presence of Mr./Ms._____ to whom the original of this receipt was given, in the presence of _____ and _____ as witnesses, on _____ 20__.

QUANTITY	DESCRIPTION	REMARKS
_____	_____	_____
_____	_____	_____
_____	_____	_____

Signature over printed name
Seizing Officer

WITNESS TO SEIZURE AND INVENTORY:

1. _____
Signature over printed name

2. _____
Signature over printed name

Address

Date/Time



CERTIFICATION OF ORDERLY SEARCH

TO WHOM IT MAY CONCERN:

THIS IS TO CERTIFY that at about _____ of _____ 20__, a team from _____ led by _____ conducted search in my residence/premises at _____ by virtue of Search Warrant No. _____ issued by Judge _____ of RTC Branch Quezon City _____ on 20__.

That I was present at all times and has witnessed the conduct of the search which was done in an orderly manner, no unnecessary force was employed, nobody was hurt nor was there anything lost nor property taken without official receipt.

That the search was conducted in accordance with law and in view hereof, I do not have any complaint whatsoever against any member of the _____ team that conducted the search.

IN WITNESS WHEREOF, I/WE have hereunto affixed my/our signature this _____ 20__ at _____.

Owner/Custodian of Property Subject of Search

WITNESSES:

SUBSCRIBED AND SWORN to before me this _____ day of _____ 20__ at _____.

CERTIFICATION

THIS IS TO CERTIFY that I have personally examined the herein affiant and I am fully satisfied that he/she voluntarily executed and understood his/her statement.



Administering Officer

Republic of the Philippines
REGIONAL TRIAL COURT
Branch _____, City of _____

PEOPLE OF THE PHILIPPINES,
Plaintiff,
-versus-

SEARCH WARRANT NO. _____
FOR: Violation of Article __, RPC
(State the Specific Violations)

_____/_____
Respondent.
x-----x

COMPLIANCE/RETURN OF SEARCH WARRANT

COMESNOW, the undersigned Police Inspector _____ of the _____, and unto this Honorable Court, most respectfully return the original Search Warrant No. _____ duly issued by this Honorable Court dated _____ and manifest that:

On _____, at about _____, a Search Warrant issued by this Honorable Court was served at the premises of the above-named respondent at _____. (Annex A)

The following articles, subject of the warrant, were found by the said office during the search:

- a.
- b.
- c.

All the articles confiscated were under proper receipts and are now in the custody of the undersigned.

WHEREOF, it is respectfully prayed of this Honorable Court that the return of the Search Warrant No. _____ be accepted and granting the undersigned to have the custody of the afore-cited articles until the termination of the investigation.

Camp Crame, Quezon City, this _____.

Applicant



REPUBLIC OF THE PHILIPPINES)

_____)

x-----x

VERIFICATION

I, _____, after having been sworn to in accordance with law, hereby depose and say:

That all the allegation contained on the Compliance/Return of the Search Warrant are true and correct and are of my personal knowledge.

Applicant

SUBSCRIBED AND SWORN to before me this ____ day of _____ at _____.

Administering Officer

DYING DECLARATION

Contents of the Declaration:

1. Identity of the assailant
2. Consciousness of an impending death
3. Surrounding circumstances of the incident

Questions to be asked when the victim can identify the assailant:

1. Sino po ang sumaksak (bumaril, pumalo, etc) sa inyo?
2. Naniniwala po ba kayo na kayo ay mamamatay na dahil sa tinamo ninyong sugat?
3. Ano po ba ang nangyari at sinaksak (binaril, pinalo etc.) kayo?

Questions to be asked when the victim cannot identify the assailant:

1. a. Ano po ang suot niyang damit?
b. Gaano po siya kataas?
c. Mga ilang taon na po siya?
d. Hugis ng mukha?
e. Tabas ng buhok?
f. Mga ibang pagakakilanlan?
g. Saan po siya tumakbo?
2. Naniniwala po ba kayo na kayo ay mamamatay na dahil sa tinamo ninyong sugat?
3. Ano po ba ang nangyari at sinaksak (binaril, pinalo etc.) kayo?

Eleven General Orders of a Sentinel

1. To take charge of this post and all government property in view.
2. To walk my post in a military manner, keeping always on the alert and observing everything that takes place within sight or hearing.
3. To report all violations of orders I am instructed to enforce.
4. To repeat all calls from post more distant from the guardhouse than my own.
5. To quit my post only when properly relieved.
6. To receive, obey, and pass on to the sentinel who relieves me all orders from the Commanding Officer, Officer of the Day, and officers and noncommissioned officers of the guard only.
7. To talk to no one except in the line of duty.
8. To give the alarm in case of fire or disorder.
9. To call the commander of the relief on any case not covered by instructions.
10. To salute all officers, and all colors and standards not cased.
11. To be especially watchful at night and during the time for challenging to challenge all persons on or near my post and to allow no one to pass without proper authority.

GLOSSARY



Arrest - is the taking of a person into custody in order that he may be bound to answer for the commission of an offense.

Child Abuse - refers to the maltreatment, whether habitual or not, of the child which includes any of the following:

- a. Psychological and physical abuse, neglect, cruelty, sexual abuse and emotional maltreatment;
- b. Any act by deeds or words which debases, degrades or demeans the intrinsic worth and dignity of a child as a human being;
- c. Unreasonable deprivation of his basic needs for survival, such as food and shelter; or
- d. Failure to immediately give medical treatment to an injured child resulting in serious impairment of his growth and development or in his permanent incapacity or death.

Child in conflict with the law - refers to a child who is alleged as, accused of, or adjudged as, having committed an offense under Philippine laws.

A "child at risk" refers to a child who is vulnerable to and at the risk of committing criminal offenses because of personal, family and social circumstances, such as, but not limited to, the following:

- being abused by any person through sexual, physical, psychological, mental, economic or any other means and the parents or guardian refuse, are unwilling, or, unable to provide protection for the child;
- being exploited including sexually or economically;
- being abandoned or neglected, and after diligent search and inquiry, the parent or guardian cannot be found;
- coming from a dysfunctional or broken family or without a parent or guardian;
- being out of school;



- being a streetchild;
- being a member of a gang;
- living in a community with a high level of criminality or drug abuse;
- living in situations of armed conflict;
- being in any other similar situation.

Children - refers to persons below eighteen years of age or older but are unable to fully take care of themselves from abuse, neglect, cruelty, exploitation or discrimination because of a physical or mental disability or condition.

Conjugal Visit - refers to the visit of the spouse of the detainee for the purpose of fulfilling marital obligation.

Crime Scene - is the place from which most physical evidence associated with crime will be obtained.

Crime Scene Investigation - is the conduct of processes more particularly the recognition, search, collection, handling, preservation and documentation of physical evidence to include identification of witnesses and arrest of suspect at the crime scene.

Custodial Investigation - investigation conducted by law enforcement officers after a person has been arrested or deprived of his freedom of action. It includes invitation to a person who is investigated in connection with an offense.

Detainee/Detention Prisoner - refers to a person arrested due to the commission of a crime/offence by the arresting unit for custodial investigation. It likewise includes person arrested for crimes which are heinous in nature, against national security and high profile crimes.

Detention - a restraint of personal liberty or deprivation of freedom of action in any significant manner.

Detention/Custodial Center - an institution secured by the PNP Units for the purpose of providing short term custody of detention

prisoner thereby affording his safety and preventing escape while awaiting the court's disposition of the case or transfer to appropriate penal institution.

Detention Officer - a Police Commission Officer (PCO) or Police Non-Commission Officer (PNCO) directly responsible for the administration and management of the detention facility and the detainees housed therein.

Dragnet Operation - is a police operation purposely to seal-off the probable exit points of fleeing suspects from the crime scene to prevent their escape.

Electronic blotter - is a computerized system that is now being used in Davao City Police Office which was accepted by the courts, prosecutors' office and the public in general. Coordination with Supreme Court administrator disclosed that they are amenable to the idea of using e-blotter for the PNP but the project is stalled because of its prohibitive costs.

First Responder - refers to a Police Officer who is the first to arrive at the crime scene to provide initial police actions on the information or complaint received.

Freedom park - shall mean the venue or place established or designated by local government units within their respective jurisdictions where a public assembly could be held without securing any permit for such purpose from the local government unit concerned.

Hasty Checkpoint - is an immediate response to block the escape of lawless elements from a crime scene, and is also established when nearby checkpoints are ignored or during hot pursuit operations. It is set up by police personnel conducting mobile patrol on board a marked police vehicle, or those conducting ISO and foot patrol operations within the vicinity/periphery of the national or provincial highways.

High Risk Arrest - is the actual restraint of armed persons following a high-risk stop.

High Risk Stop - is the actual stopping or accosting of armed and dangerous person or persons, aboard a vehicle or on foot, including the power to use all necessary and legal means to accomplish such end.

Hot Pursuit (Cross Jurisdictional Pursuit) - (also termed in the US as fresh pursuit) shall mean an immediate, recent chase or follow-up without material interval for the purpose of taking into custody any person wanted by virtue of a warrant, or one suspected to have committed a recent offense while fleeing from one police jurisdictional boundary to another that will normally require prior official inter-unit coordination but which the pursuing unit cannot, at that moment, comply due to the urgency of the situation.

Immediate Family Members - shall refer to the detainee's spouse, fiancé or fiancée, parent or child, brother or sister, grandparent or grandchild, uncle or aunt, nephew or niece, and guardian or ward.

Imminent Danger - the danger is "imminent" if it is on the point of happening. It is not required that the attack already begins, for it may be too late. (The Revised Penal Code, Book I, JBL Reyes). The elements of imminent danger are the following:

1. Intent of the suspect to harm the policeman;
2. The capability of the suspect to harm the policeman or other persons; and,
3. Accessibility or the proximity of the suspect in harming the policeman and other persons.

Inquest Proceedings - is the informal and summary investigation conducted by a public prosecutor (called the inquest prosecutor) in criminal cases involving a person arrested, without the benefit of a warrant issued by the court, and thereafter detained, for the purpose of determining whether or not the warrantless arrest is valid, said arrested person should remain under custody, and be correspondingly charged in court.

Investigator-on-Case (IOC) - is the police officer who determines the cause or motive of the crime, identify and interview witnesses, and effects arrest of suspect/s.

Maximum tolerance - means the highest degree of restraint that the police, military and other peace keeping authorities shall observe during a public assembly or in the dispersal of the same.

Miranda Doctrine - a principle on the rights of a suspect from forced self-incrimination during police interrogation as enshrined in the 1987 Philippine Constitution's Bill of Rights (Article III, Sec. 12).

Necessary and Legal means - as used in the definition shall include, but not limited to, the employment of appropriate number of troops, armor assets and tactical or special units to effectively and permanently quell the threat or present danger, or to swiftly restrain or arrest the suspect or suspects.

Pat-down Search - is a "frisk" or external feeling of the outer garments of an individual for weapons only.

Police Checkpoint - a location where the search, which is duly authorized by the PNP, is conducted to deter/prevent the commission of crimes, enforce the law, and for other legitimate purposes.

Pre-Determined Area - is the specific or projected spot where the armed and dangerous person or persons would pass or likely to pass and so tactically located as to gain calculated advantage against said person or persons.

Public assembly - means any rally, demonstration, march, parade, procession or any other form of mass or concerted action held in a public place for the purpose of presenting a lawful cause; or expressing an opinion to the general public on any particular issue; or protesting or influencing any state of affairs whether political, economic or social; or petitioning the government for redress of grievances.

Public place - shall include any highway, boulevard, avenue, road, street, bridge or other thoroughfare, park, plaza, square, and/or any open space of public ownership where the people are allowed access.

Reasonable Suspicion - facts that, within totality of the circumstances, lead an officer to reasonably suspect, or to have probable cause to believe, that criminal activity has been, is being, or is about to be committed.

Scene of the Crime Operation (SOCO) - is a forensic procedure performed by trained personnel of the PNP Crime Laboratory through scientific methods of investigation for the purpose of preserving

the crime scene, gathering information, documentation, collection and examination of all physical evidence.

Search Warrant - is an order in writing issued in the name of the People of the Philippines, signed by a judge and directed to a peace officer, commanding him to search for personal property described therein and bring it before the court.

Security Officer - a properly trained and cleared officer whose appointment is covered by appropriate orders with the concurrence of the Directorate for Intelligence and possesses the following qualifications: (1) Cleared in accordance with provision of PNPRG 200-012 dated 29 June 1991, for access to the highest classified material his office is authorized to handle; (2) Possess a certificate of training in a regular Security Course or its equivalent In-Service Training Security Course with POI patterned after an approved Security Training Course; (3) Be conversant with the provisions of PNPRG 200-012 and all other publications pertinent to the duties and responsibilities of a security officer.

Spot Check/Accosting - is the brief stopping of an individual, whether on foot or in a vehicle, based on reasonable suspicion/probable cause, for the purpose of determining the individual's identity and resolving the officer's suspicion concerning criminal activity.

Stopping Zone - is the strategic predetermined area strongly sealed off, barricaded and occupied by tactical forces in a lawful display of authority to maintain law and order or in defensive response to an event of criminal nature or of such gravity that occurred or likely to occur calling for a high risk stop or arrest.

Unlawful aggression - refers to an attack amounting to actual or eminent threat to the life, limb, or right of the person claiming self-defense.

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Go Further...

