

VESTING ADDITIONAL AUTHORITY AND RESPONSIBILITY IN BARANGAYS (CITIZENS' ASSEMBLIES)

PRESIDENTIAL DECREE NO. 528, August 05, 1974

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WHEREAS, to broaden the base of citizen participation in nation building, Presidential Decree No. 86, dated December 31, 1972, was promulgated creating Barangay (Citizen Assembly) in each barrio in every municipality and municipal district and in each district in every chartered city:

WHEREAS, pursuant to Presidential Decree No. 299, dated September 19, 1973 a barangay chairman shall be deemed a person in authority while a barangay leader shall be deemed an agent of a person in authority;

WHEREAS, to improve peace and order and enhance the security of life and property at the local level, it is imperative that barangay officials participate more actively in the vital task of preserving public order and repressing criminality, commensurate with their status as persons in authority or agents of such persons;

WHEREAS, to avoid possible ambiguity about the role of barrio and barangay officials in the maintenance of peace and order, there is need to amend further Article 152 of Act No. 3815, otherwise known as the Revised Penal Code as amended;

NOW, THEREFORE, I FERDINAND E. MARCOS, President of the Republic of the Philippines, by virtue of the powers vested in me by the Constitution, and pursuant to Proclamation No. 1081, dated September 21, 1972 and No. 1104, dated January 17, 1973 and General Order No. 1, dated September 22, 1972, do hereby order and decree as follows:

SECTION 1. The barangay Chairman, barrio captain, barangay leader and barrio council members shall, within their respective districts or barrios, assist the regular police agencies in the maintenance of peace and order. For this purpose, such barangay or barrio officials shall, in addition to their other functions, discharge or perform their following responsibilities or duties.

- To report immediately to the law enforcement police authorities concerned, the occurrence of any crime, accident, public disturbance or public nuisance of which he has personal knowledge or which may have been brought to his attention.
- To report immediately to the law enforcement police authorities the presence of any known criminal or suspicious character in his jurisdiction;
- To conduct surveillance on suspicious activities or group movements in his district or barrio or to report immediately to the police authorities any positive finding or information he might gather;
- To conduct surveillance of crime breeding areas in the barangay and report his observation to the law enforcement/police authorities.
- To assist law enforcement/police authorities in tracing the whereabouts of missing persons, arresting escaped prisoners and other fugitives from justice and in recovering stolen properties or confiscating contrabands.

- To assist law enforcement/police authorities and other competent authorities in the service or execution of warrants and other judicial processes; and
- To coordinate closely with and actively assist law enforcement/police authorities in the drive against all forms of vices, smuggling, carnapping, drug traffic and addiction, juvenile delinquency, violation of special laws and all other forms of lawlessness.

SEC. 2. The Secretary of National Defense and the Secretary of Local Government and Community Development shall jointly exercise functional control and supervision over the above-mentioned barangay and barrio leaders in the discharge or performance of their responsibilities and duties for the maintenance of peace and order and shall jointly issue implementing instructions for this purpose.

SEC. 3. Any barangay or barrio official or leader who willfully and deliberately fails, without any justifiable cause, to discharge or perform the aforestated responsibilities and duties shall, upon conviction by competent court, be punished by imprisonment for not less than six (6) months nor more than one (1) year and shall be disqualified from holding any other public office or employment for life.

SEC. 4. Article one hundred and fifty-two, of Act Numbered thirty-eight hundred and fifteen, as amended, is hereby further amended to read as follows:

"ART. 152. Persons in Authority and Agents of Persons in Authority.—Who shall be deemed as such.—In applying the provisions of the preceding and other articles of this Code, any person directly vested with jurisdiction, whether as an individual or as member of some court or governmental corporation, board, or commission, shall be deemed a person in authority. A barrio captain and a barangay chairman shall also be deemed a person in authority.

"Any person who, by direct provision of law or by election or by appointment by competent authority, is charged with the maintenance of public order and the protection and security of life and property, such as a barrio councilman, and barangay leader and any person who comes to the aid of persons in authority, shall be deemed an agent of a person in authority.

"In applying the provisions of Articles 148 and 151 of this Code, teachers, professors, and persons charged with the supervision of public or duly recognized private schools, colleges and universities, shall be deemed persons in authority."

SEC. 5. This Decree shall take effect immediately.

Done in the City of Manila, this 5th day of August in the year of Our Lord, nineteen hundred and seventy-four.

(Sgd.)

FERDINAND E. MARCOS

President of the Philippines

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