

PROCEDURES IN RENDERING POLICE ASSISTANCE IN THE IMPLEMENTATION OF FINAL DECISIONS OR ORDERS OR RESOLUTIONS ISSUED BY THE COMMISSION ON ELECTIONS (COMELEC) OR THE DEPARTMENT OF ...

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/c5a8612e4458/>

1. References:

- a. Police Operational Procedures Manual;
- b. Revised Rules of Court of the Philippines;
- c. Local Government Code of the Philippines (RA 7160);
- d. OMNIBUS Election Code of the Philippines;
- e. COMELEC Rule of Procedures; and
- f. Memorandum from TDCO dated January 28, 2010 regarding the inclusion of procedures in the implementation of COMELEC/DILG Resolutions or Decisions on Political Disputes.

2. Purpose:

These Standard Operating Procedures prescribe the rules and regulations in rendering police assistance to final decisions or orders or resolutions of the COMELEC, DILG, and local government body exercising disciplinary powers in administrative cases of elected officials.

3. Scope of Application:

This SOP is issued as a supplemental measures to reinforce Rule 21 of the PNP Operational Procedures. The following guidelines shall be strictly applied:

- a. The request for police assistance shall be acted upon by the appropriate police unit only if the following conditions are complied with:
 - 1) The request for police assistance is based on an order issued by the COMELEC, the DILG and the local government body exercising the disciplinary power, whichever is the appropriate body to issue, directing the PNP to extend police assistance in the implementation of its final decision or order or resolution;
 - 2) There must be a written request submitted by the Bailiff or the concerned DILG Officer seeking police assistance;
 - 3) The request for police assistance, along with the copy of the order, should be personally filed by the Bailiff or DILG Officer authorized to implement the decision or order; and
 - 4) The original document or, in its absence, the duly authenticated copy of the final decision/order/resolution to be implemented must be presented.
- b. 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 concerned to render police assistance unless a specific period is written in the order or due to inherent impossibility of rendering assistance, a longer

period is required;

c. The Director, DIPO concerned shall supervise the implementation of the directives to render police assistance. Special Task Groups shall be formed at the DIPO, PRO or PPO levels as appropriate, to implement the directives. Correspondingly, the DIPO Special Task Group shall render police assistance in the implementation of decisions/orders/ resolution affecting national and regional level officials; PRO Task Group for provincial level officials and PPO Task Group for municipal level officials;

d. In all cases, the agency that rendered the final decision/order/resolution to be implemented shall bear the operational cost of rendering police assistance which shall include, but not limited to, transportation expenses of PNP personnel in going to and from the place where the decision/order/resolution shall be enforced and meal allowance for the duration of the enforcement operation;

e. Special Task Group Commanders directed 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;

f. Unless a higher ranking officer is necessary and more PNP personnel shall be required, the Special Task Group to render police assistance shall be led by at least a Police Senior Inspector and all of its members shall be in police uniform while rendering police assistance;

g. PNP personnel rendering police assistance should always observe maximum tolerance and respect for individual rights at all times. The use of reasonable force should only be employed as a last resort for self-defense and defense of strangers;

h. The role of the PNP shall be limited to the maintenance of peace and order, crowd control, and security of the duly authorized officer of the COMELEC or the DILG or the Local Government Unit. In no case shall PNP members participate in the implementation of the decision/order/resolution by performing acts not mentioned herein, such as, but not limited to, breaking open any door or window to gain entry to the seat of office of the concerned elected government official and bodily removing the latter;

i. The PNP personnel rendering the police assistance should always exercise utmost impartiality and neutrality in effecting its role of maintaining peace and order; and

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

4. Procedures:

a. Upon receipt of the final decision or order or resolution, verify if it is authentic coming from the COMELEC or DILG or the LGU exercising disciplinary powers in administrative cases of elected officials.

b. Conduct discreet verification to have a better grasp about the subject of the decision/order/resolution.

c. Request clearance from the C, PNP through channel before rendering police assistance or acting on the request.

d. Upon receipt of the C, PNP clearance to render police assistance, the Director, DIPO concerned shall direct the appropriate level Command to organize the Special Task Group led by a responsible officer. The concerned level of Command shall then submit the list of the members of the Special Task Group to the Director, DIPO before they render the police assistance. Through a briefing, the Special Task Group Commander shall see to it that each member clearly understands his/her role in the impending task/operation.

e. The Special Task Group should secure the availability of an ambulance with medical crew, fire truck with crew and CDM contingent to be positioned where they can best provide immediate assistance if the need arises.

f. The Special Task Group Commander directed to render police assistance should coordinate with the concerned territorial units prior to rendering the police assistance needed in the implementation of the final decision/order/resolution.

g. The Special Task Group Commander should coordinate with the duly authorized officer of the COMELEC or DILG or Local Government Unit concerned who shall personally lead the implementation of the said decision/order/resolution.

h. Video coverage should be used as essential part of documentation and as far as practicable, encourage the presence of the media.

i. In any case, where jurisdiction over the area is vested in another, the Special Task Group rendering police assistance shall immediately turn over any arrested person to the nearest precinct/police station for investigation and proper disposition.

j. Convene the Crisis Committee if need arises.

k. In case of doubt, consult your next higher commander on the ground.

l. The Special Task Group that rendered police assistance shall submit after activity report to the C, PNP through channel, detailing therein the following:

- 1) The names and number of PNP personnel involved;
- 2) The place, time and date, as well as the duration of the operation; and
- 3) The acts performed and any intervening untoward incident, if there be any.

m. Copy of the after activity report shall also be submitted to the COMELEC, or the DILG, or the Local Government Unit that requested for police assistance.

5. Flow Chart: (Annex "A")[*]

6. Liability Clause:

Any violation of this SOP shall be dealt with administratively as may be warranted by evidence. Unit commanders shall be included in the investigation under the principle of command responsibility. If evidence further warrants, criminal complaints shall also be filed against those who may have committed acts or omissions contrary to the Revised Penal Code or any special penal statute.

7. Repealing Clause:

Any issuance, memoranda, rules and regulations issued by the PNP inconsistent herewith are deemed repealed or amended accordingly.

8. Effectivity:

This SOP shall take effect fifteen (15) days from filing of a copy thereof at the University of the Philippines Law Center in consonance with Sections 3 and 4, Chapter 2, Book VII of Executive Order No 292, otherwise known as "The Revised Administrative Code of 1987".

(SGD.) JESUS A VERZOSA, CEO VI

Police Director General
Chief, PNP

[*] Text Available at Office of the National Administrative Register, U.P. Law Complex, Diliman, Quezon City

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