REGULAR SESSION NO. 184

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Be it ordained by the City Council of Manila, in session assembled, THAT:

SECTION 1. Section 1 of Ordinance No. 8163 is hereby amended, which shall read as follows:

> "SECTION 1. Declaration of Policy. – It is hereby declared the policy of the City Government, cognizant of the State Policy on Human Rights and the protection of the rights of the citizenry, to deter both legitimate and bogus law enforcement operatives from preying or continuing to prey on local and foreign businessmen, pretending to be law enforcement agents serving search warrants, warrants of arrest, summons or mission orders and entering private property without legitimate orders, thus creating tension, chaos and confusion and sowing fear among innocent victims."

SEC. 2. Section 2 of Ordinance No. 8163 is hereby amended, which shall read as follows:

> "SEC. 2. Pursuant to this policy, it shall hereby be the duty of any member of the law enforcement agency to first coordinate with the OFFICE OF THE MAYOR in order for the office to confirm the veracity of the operations of the agencies concerned AND ASSIGN A REPRESENTATIVE to accompany or indorse the team or person enforcing the order to the barangay having jurisdiction over the area of operations and to the local police precinct.
>
> - The execution of any law enforcement operation by authorities who are covered by this Ordinance shall be witnessed by the local police, the duly authorized representative of the City Government under the Bureau of Permits where applicable, and the officials of the barangay having territorial jurisdiction over the place where the operation is conducted. During the operation, any person searched and/or arrested shall be informed by the authorities concerned of his rights and assisted by a lawyer.
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> - Immediately after the operation, the basic details of the person/s arrested, the place searched and the item/s seized shall be recorded in the log book of the Barangay where the operation was conducted, which shall also be witnessed by the local police, the representative of the City Government and the officials of the barangay WHO SHALL INFORM THE NEAREST KIN OF THE PERSON/S ARRESTED AS TO THE PLACE OF DETENTION.
>
> - Any law enforcement operation shall be conducted during regular office hours. If the operation is conducted beyond regular office hours, the person arrested or the item/s seized shall be under the legal custody of the local police. On the next working day, the police having custody of the person arrested or the item/s seized shall turn over the same to the law enforcement authorities concerned.
>
> - For failure on the part of the law enforcement authorities to coordinate with Barangay officials, the latter may refuse to honor the service of the search warrant, warrant of arrest, summons or mission order, which shall be considered as a legal defiance."

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SEC. 3. Section 3 of Ordinance No. 8163 is hereby amended, which shall read as follows:

"Sec. 3. The following law enforcement agencies are covered by this Ordinance, to wit:

a) Members of the Manila Police District (MPD)
b) Agents of the National Bureau of Investigation (NBI)
c) Members of the Special Action Force (SAF)
d) Member of the Investigation and Detection Group (CIDG)
e) Officials of the Department of Justice (DOJ)
f) Officials of the Bureau of Internal Revenue (BIR)
g) Officials of the Bureau of Immigration (BI)
h) Officials of the Bureau of Customs (BOC) and
i) Other similar law enforcement authorities.

Unless the incident will fall under the warrantless arrest, as provided under the law, proper service of summons, search warrants, warrants of arrest and/or mission orders shall be observed with due process."

SEC. 4. Section 4, second paragraph of Ordinance No. 8163 is hereby amended, to read as follows:

"Those covered under Section 3 hereof who shall violate the provisions of this Ordinance shall be punished with imprisonment of not less than eight (8) months but not more than one (1) year or a fine of Five Thousand Pesos (PhP.5,000.00), or both at the discretion of the court. This is without prejudice to the filing of other administrative or criminal cases provided under the law."

SEC. 5. Effectivity Clause. – This Ordinance shall take effect upon its approval.

This Ordinance was finally enacted by the City Council of Manila on November 3, 2015.

PRESIDED BY:

(Sgd.) ROLANDO M. VALERIANO
Acting Presiding Officer
City Council, Manila

ATTESTED:

(Sgd.) LUCH R. GEMPIS, JR.
City Government Department Head III
(Secretary to the City Council)

APPROVED BY HIS HONOR, THE MAYOR, ON 09 NOVEMBER 2015.

(Sgd.) JOSEPH EJERCITO ESTRADA
Mayor
City of Manila

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ATTESTED:

(Sgd.) EDWARD S. SERAPIO
City Government Department Head III
(Secretary to the Mayor)

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