



Key LS Personnel

(As of October 2012)

- Director, LS : PCSUPT FRANCISCO A UYAMI JR
 - Deputy Director, LS : PSSUPT PHILIP GIL M PHILLIPPS
 - Chief of Staff, LS : PSSUPT AURELIO C TRAMPE JR
 - Chief, Legal Assistance Div: PSUPT GEORGE L ALMADEN
 - Chief , Special Cases Div. : PSUPT ARTHUR R LLAMAS
 - Chief, Administrative & Resource Mgt. Div : PSUPT ARLYN R AGTAY
 - OIC, Legal Research & Evaluation Div. : PCINSP LYRA STELLA C VALERA
 - Supervisor, Legal Advice : PSINSP AMADO C GAZMIN
- 24/7

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LEGAL ADVICE 24/7

Globe: 09178562801
 Smart: 09199907385
 Telefax: (02) 470-12-97
 Website: www.pnplegalservice.org.ph



LEGAL ADVISORIES



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CHECKPOINT

In preparation to the upcoming 2013 National Election, the PNP will be establishing more checkpoints, thus, it is deemed necessary for us to guide our PNP personnel in conducting checkpoints in accordance with our existing Police Operational Procedure, laws and jurisprudence.

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.

Q. What is Checkpoint?

A. It is the place where the military or police check vehicular or pedestrian traffic in order to enforce circulation control measures and other laws, orders, and regulations which involves only a brief detention of travellers during which the vehicle's occupants are required to answer a brief question or two.



Q. What is Hasty Checkpoint?

A. It 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.

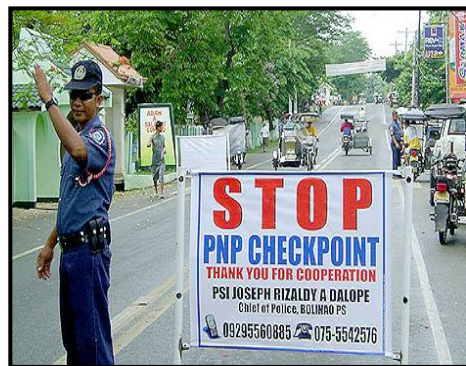
Q. What is the composition of Checkpoint Team?

A. It shall be composed of, but not limited to, the following: Team Leader, Spotter, Spokesperson, Investigation Sub-Team, Search/Arresting Sub-Team, Security Sub-Team and Blocking/ Pursuing Sub-Team.

Q. What procedures to be followed in conducting Regular Police Checkpoint?

A. 1) 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;

2) The Team Leader 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;



3) The Team Leader 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: Marked Patrol vehicles; Firearms with basic load of ammunition; Handheld and vehicle base radios; Flashlights; Megaphone; and Signage. The signage contains the warning signs (e.g. Slow Down Checkpoint Ahead, Checkpoint 20 Meters Ahead, etc...) and Information Signs such as Name of the Unit and Team Leader, etc...);

4) 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;

5) Search/Arresting Sub-Team shall flag down suspected vehicles and conduct search, seizure and arrest if necessary;

6) Arrested persons and seized items shall be turned-over to the investigation sub-team for documentation and proper disposition;

7) In the event that the checkpoint is ignored, and the occupant of the vehicle open fire on the personnel manning the checkpoint, reasonable force to overcome the suspects' aggression may be employed;

8) Inform Higher Headquarters before terminating the conduct of Checkpoint;

9) The Team Leader shall conduct debriefing of personnel after termination of the Checkpoint; and

10) Unit Commander shall submit After Activity Report to Higher Headquarters.

Q. What procedures to be followed in conducting Hasty Checkpoint?

A. 1) 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;

2) 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;

3) The team shall immediately inform Higher Headquarters of the exact location of the Hasty Checkpoint to include personnel involved and available equipment;

4) 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;

5) 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

6) As soon as the Hasty Checkpoint is converted into a Regular Checkpoint, Team Leader shall follow the procedures on Section 4 paragraph c of the Police Operational Procedure.

Q. What procedures to be followed when checkpoints are ignored?

A. When checkpoints are ignored, the following shall be observed:

1) 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 Team Leader 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;

2) 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

3) 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.

Q. What procedures to be followed in Flagging Down or Accosting Vehicles while in Mobile Car?

A. 1) 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;

2) State the reason(s) for the planned intervention of the suspected motor vehicle;

3) Give mobile car's location and its direction before making actual intervention;

4) 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;

5) Determine whether the suspects are hostile or not;

6) Make known to the suspect that you are after them through the use of a siren or megaphone;

7) Instruct the driver to pull over or stop on the side of the road;

8) Park behind the suspect's vehicle at an appropriate distance and cautiously approach the vehicle on the driver's side;



9) 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;

10) Instruct the driver to turn off the ignition, if this was not done when the vehicle stopped;

11) The other members of the team must be on guard for any eventuality while the vehicle is being approached;

12) 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;



13) 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;

14) 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,

15) Before moving out, inform Headquarters regarding the situation/ status and disposition of the person and motor vehicle accosted.

Q. What procedures to follow in dealing with Hostile Situation?

A. I. For Stopping Vehicles:

- 1) 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;
- 2) State the reason(s) for the planned intervention of the suspected motor vehicle;
- 3) Give mobile car's location and its direction before making actual intervention;
- 4) Immediately request for back-up;
- 5) Follow the suspect and always keep him within visual range;
- 6) Expect that the suspect will notice your action at any time. Be prepared for a car chase or actual hostile confrontation;
- 7) If the back-up is already in the vicinity, inform Headquarters that you are proceeding to accost the suspect;
- 8) 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;
- 9) Park at an appropriate distance behind the suspect's vehicle;
- 10) 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;
- 11) 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;
- 12) Direct the driver and other occupants of the vehicle not to make unnecessary movements and to show their hands outside the car;
- 13) 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,

- 14) If there are other suspects aside from the driver, separate them from one another.

II. For 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.

Q. What to do in case of High Risk Stop and High Risk Arrest?

A. I. Initial Stage:

- 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.

II. Effecting a High Risk Stop:

- 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.

III. During Violent Stage:

The PNP shall strictly adhere to the PNP Operational Procedures particularly on the use of reasonable force.

Q. What Constitutional Provisions relative to checkpoints?

A. The right of the people to be secure in their persons, houses, papers, and effects against unreasonable searches and seizures of whatever nature and for any purpose shall be inviolable, and no search warrant or warrant of arrest shall issue except upon probable cause to be determined personally by the judge after examination under oath or affirmation of the complainant and the witnesses he may produce, and particularly describing the place to be searched and the persons or things to be seized. *(Section 2, Article III of the Constitution)*

Any evidence obtained in violation of the preceding section shall be inadmissible for any purpose in any proceeding. *(Section 3, Article III of the Constitution)*

RELATED JURISPRUDENCE

Q. May search be conducted by law enforcers without search warrant?

A. As a general rule, No. The Constitutional proscribes against warrantless searches and seizures, however, it admits certain exceptions, such as: 1) warrantless searches incidental to a lawful arrest; 2) seizures of evidence in plain view; 3) [searches of a moving vehicle](#); 4) consented warrantless searches; 5) customs searches; 6) stop and frisk searches; and 7) searches under exigent and emergency circumstances. *(People v. Valdez, 304 SCRA 140)*

"The Supreme Court has ruled that not all checkpoints are illegal. Those which are warranted by the exigencies of public order and are conducted in a way least intrusive to motorists are allowed. Xxx. For as long as the vehicle is neither searched nor its occupants subjected to a body search, and the inspection of the vehicle is limited to a visual search, said routine checks cannot be regarded as violative of an individual's right against unreasonable search. In fact, these routine checks, when conducted in a fixed area, are even less intrusive." *(People vs. Escaño, G.R. No. 129756-58, January 28, 2000)*

Q. Can you compel the driver/passenger to get out from vehicle during checkpoint inquiry?

A. No. In a checkpoint inquiry, the occupants cannot be compelled to step out of the vehicle. *(Abenes vs. CA, GR No. 156320, February 14, 2007)*

Q. Can you compel the driver/occupant to open the door's vehicle?

A. The search which is normally permissible is limited to visual search where the officer simply looks into the vehicle and flashes a light therein without opening the car's door. *(Caballes vs. CA, GR No. 136292, January 15, 2002)*

Q. Can you bodily search the driver/occupant?

A. No. The search which is normally permissible is limited to an instance where the occupants are not subjected to a physical or body search. *(Caballes vs. CA, GR No. 136292, January 15, 2002).*

Q. Can you compel the driver/occupant to open the vehicle's trunk/compartments?

A. The personnel manning the checkpoint cannot compel the motorist to open the trunk or glove compartment of the car or any package contained therein. Such extensive search requires the existence of probable cause. *(People vs. Lacerna GR. No. 109250, September 5, 1997)*

"In the case of *Abenes vs. CA, GR No. 156320, February 14, 2007*, the Court declared that checkpoint involves only a brief detention of travellers during which the vehicle's occupants are required to answer a brief question or two."

Q. May the rights against unreasonable searches and seizures be waived?

A. Yes. The constitutional immunity against unreasonable searches and seizures is a personal right which may be waived. Affirmative acts of volition without being forced or intimidated to do so, shall properly be construed as a clear waiver of right. *(Caballes vs. CA, GR No. 136292, January 15, 2002)*

Q. When are extensive searches in checkpoint allowed?

A. Although the general rule is that motorists and their vehicles may be subjected to a routine inspection or visual search, vehicles may be stopped and extensively searched when there is probable cause which justifies a reasonable belief of the men at the checkpoints that either the motorist is a law offender or the contents of vehicle are or have been instruments of some offense. *(People of the Philippines vs. Vinecario et al, GR No. 141137, January 20, 2004)*

"In the case of *Valmonte vs. De Villa GR No. 83988*, warrantless searches and seizures at the checkpoints are quite similar to searches and seizures accompanying warrantless arrests during the commission of a crime, or immediately thereafter."

"Further, what the Court declared is that checkpoints are not illegal per se. Thus, under exceptional circumstances, as where the survival of organized government is on the balance, or where the lives and safety of the people are in grave peril, checkpoints may be allowed and installed by the government." *(Valmonte vs De Villa, GR No. 83988)*

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