

ORDINANCE NO. 8163

AN ORDINANCE REQUIRING LAW ENFORCEMENT AUTHORITIES TO COORDINATE WITH THE BARANGAY CONCERNED BEFORE AND AFTER CONDUCTING A LEGITIMATE OPERATION AND PRESCRIBING PENALTIES FOR ANY VIOLATION THEREOF.

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

SECTION 1. Declaration of Policy. – Cognizant to the principle that the state values the dignity of every human person and guarantees full respect for human rights, it shall hence be declared the policy of the City of Manila to safeguard and protect the rights of the citizenry. Towards this end, it shall develop a mechanism that will deter abuses from authorities who are mandated by the law to carry out the duty of law enforcement.

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 local Barangay Officials concerned prior to conducting legitimate operations within the jurisdiction of said Barangay.

After conducting the legitimate operation, the law enforcement authorities having initial custody and control of any evidence shall, immediately after seizure and confiscation, physically inventory the same in the presence of the accused or the person/s from whom such items were confiscated and/or seized, or his/her representative or counsel and any barangay official who shall be required to sign the copies of the inventory of such evidence and be given a copy thereof.

SEC. 3. Coverage. – the following law enforcement are covered by this Ordinance, to wit:

- a.) Members of the Mania Police District (MPD)
- b.) Agents of the National Bureau of Investigation (NBI)
- c.) Members of the Special Action Force (SAF)
- d.) Members of the Investigation and Detection Group (CIDG) and
- e.) Other similar law enforcement authorities.

SEC. 4. Penalty Clause. - Any barangay official who receives any information relevant to the pending operation and, subsequently, divulges such information or assists/aids any person subject of the operation to evade the same 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.

Any law enforcement authority who shall violate the provision 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.

SEC. 5. Saving Clause. - This Ordinance is not applicable to those crimes defined under Chapter I, Title 1 and Chapter I, Title 3, Book II of the Revised Penal Code as amended and those offenses falling under the Human Security Act.

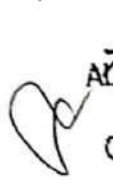
Likewise, Section 2, Paragraph I of this Ordinance is not applicable in cases where the law allows warrantless searches and warrantless arrests.


SEC. 6. Effectivity Clause. - This Ordinance shall take effect ten (10) days after its publication in at least two (2) newspapers of general circulation.

Enacted by the City Council of Manila at its regular session held today, July 1, 2008.


Approved by His Honor, the Mayor, on **AUGUST 1, 2008.**

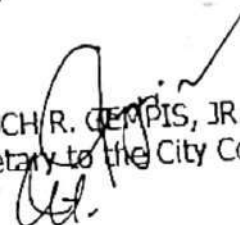
APPROVED:


ALFREDO S. LIM
Mayor
City of Manila


FRANCISCO "Isko Moreno" DOMAGOSO
Vice-Mayor and Presiding Officer
City Council, Manila

ATTESTED:


RAFAELITO M. GARAYBLAS
Secretary to the Mayor


R. GEMPIS, JR.
Secretary to the City Council

PRINCIPAL AUTHORS: HON. JOEL R. CHUA and HON. MARLON M. LACSON
CO-AUTHORS: Hon. Dennis B. Alcoreza, Hon. Rafael P. Borromeo, Hon. Louisito N. Chua, Hon. Jocelyn B. Dawis-Asuncion, Hon. Corazon C. Gernale, Hon. Cristina A. Isip, Hon. Ernesto C. Isip, Jr., Hon. Arlene W. Koa, Hon. Danilo Victor H. Lacuna, Jr., Hon. Ma. Sheilah H. Lacuna-Pangan, Hon. Moises T. Lim, Hon. Numero G. Lim, Hon. Carlo Vincent V. Lopez, Hon. Edward V.P. Maceda, Hon. Victoriano A. Melendez, Hon. Ramon D. Morales, Hon. John Marvin C. Nieto, Hon. Erick Ian O. Nieva, Hon. Jocelyn J. Quintos, Hon. Ernesto F. Rivera, Hon. Monina U. Silva, Hon. Josefina M. Siscar, Hon. Rolando Y. Sy, Hon. Amalia A. Tolentino, Hon. Roderick D. Valbuena, Hon. Rolando M. Valeriano, Hon. Ivy A. Varona, Hon. Luciano M. Veloso, Hon. Abelardo C. Viceo, Hon. Raymundo R. Yupangco, Hon. Salvador H. Lacuna, Hon. John Russell Benedict M. Ibay, Hon. Luis C. Uy, HON. MANUEL M. ZARCAL, Majority Floor Leader, HON. MA. LOURDES M. ISIP-GARCIA, Acting Majority Floor Leader and HON. FRANCISCO "Isko Moreno" DOMAGOSO, Vice-Mayor and Presiding Officer

ILT: mqm/joc/rmd/vmf