

Republic of the Philippines
Department of the Interior and Local Government
NATIONAL POLICE COMMISSION
Makati City

MEMORANDUM CIRCULAR NO. 2011-006

**DIRECTING THE PHILIPPINE NATIONAL POLICE
HIGHWAY PATROL GROUP (PNP HPG) TO ESTABLISH CHECKPOINTS
ON ROADS LEADING TO ALL PORTS IN THE PHILIPPINES**

WHEREAS, the Commission issued Memorandum Circular No. 2003-006 entitled "*Directing the Philippine National Police to Undertake and Intensified and Unrelenting Campaign and Operation Against Carnapping*" in order to curb and prevent carnapping in the country;

WHEREAS, Item 1 of the dispositive portion thereof provides:

- "1. Police presence or police visibility is an accepted deterrent to the commission of crime. A uniformed police officer patrolling his beat gives peace of mind of every individual for his or her freedom of movement and to engage in commerce. To a malefactor, such presence of a police officer discourages him to perpetrate his criminal and evil design.*

Henceforth, there is an urgent need to increase police visibility by intensified foot and mobile patrols along thickly populated areas and busy commercial districts. When necessary, control points shall be established."

WHEREAS, there is a need to further intensify the PNP's campaign and operation against carnapping in view of the spate of carnapping incidents and the proliferation of used/secondhand parts taken from carnapped motor vehicles or from unlicensed dealers/suppliers, which are being sold in some surplus stores/establishments or by individuals to the public;

WHEREAS, one way to contain the moving/shipping in/out from one place to another of carnapped motor vehicles and used/secondhand parts taken from carnapped motor vehicles and to apprehend persons involved in such illegal activities is to establish checkpoints on roads leading to all ports in the country;

WHEREAS, the PNP Highway Patrol Group (PNP HPG), which is the main operating unit of the PNP in charge with the promotion of traffic safety along the highways and the conduct of operations against carnapping, hi-jacking, and other crimes committed on the highways with the use of motor vehicles, shall be the Office of Primary Responsibility (OPR) for the establishment of such checkpoints in coordination with the local police units which has territorial jurisdiction where the ports are located and the Philippine Ports Authority (PPA);

NOW THEREFORE, the Commission, pursuant to its constitutional mandate to administer and control the Philippine National Police, **HEREBY DIRECT, AS IT HEREBY DIRECTS**, the Philippine National Police Highway Patrol Group (PNP HPG) to establish checkpoints on roads leading to all ports in the Philippines subject to the following:

A. Guidelines

1. Due courtesy must be accorded to the traders, motorists, and the commuters during the conduct of checkpoint. Inspecting elements must greet the people subject for inspection and ask apology for the

inconvenience, appeal for understanding and state the reasons of the operation. A little smile while doing these things spells a big difference. After the search, a word of gratitude/appreciation for their cooperation is a must.

2. Violations/Infractions of the law discovered during the checkpoint operation shall be expeditiously disposed of pursuant to the procedures provided in these Rules. Arrested persons must be apprised of the rights as enunciated in the "*Miranda Doctrine*".
3. Operating units in the checkpoint should be divided into teams, i.e., *searching team and security team*. Only the security team is allowed to display high-powered firearms positioned where it can best provide security to the group including themselves.
4. Checkpoint personnel must not limit their task in law enforcement and crime deterrence. They should also be ready to provide police assistance in the vicinity such as giving the right direction to inquiring strangers.
5. The PNP operating units must provide their own logistical and financial requirements to avoid soliciting support from the civilians for their personal or operational needs.
6. Voluntary offers of cash or in kind from the traders/motorist passing the checkpoint should be *absolutely refused* because the offer might be misconstrued as a bribe.
7. The composition of the personnel manning the checkpoint shall be left to the sound discretion of the PNP unit commander.
8. The conduct of searches, seizures, and arrests in checkpoints shall be done with civility and with due respect to innocent passers-by, commuters, or bystanders and be conducted in a manner that is least inconvenient to the public.
9. The area where the checkpoints shall be established must be properly lighted and legible, and clear signs shall be exhibited to show that searches are being conducted.
10. Enforcement officers manning the checkpoints shall be in proper prescribed uniform at all times with their identification cards and nameplates on. However, in Metro Manila and other major cities, enforcement officers manning the checkpoints should not be wearing battle dress uniforms or black fatigues in lieu of the PNP GOA unless the conduct of checkpoint is a result of a hot pursuit operation.
11. Personnel manning checkpoints should preferably be led by an Officer with the rank of at least Police Inspector.
12. Checkpoint personnel shall not mulct, extort, or harass drivers, passengers, traders.

B. Procedures to be Followed When Checkpoints are Ignored. – When checkpoints are ignored, the following shall be observed:

1. In the event that checkpoints/roadblocks are ignored and the motorists/suspects bump 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 and immediately conduct dragnet operations, while those at the checkpoint shall pursue the errant fleeing motorist.

2. Warning shots shall not be allowed due to the confusion it may create for 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.
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.

C. Limitation of Searches at Checkpoints. – Searches made at checkpoints shall be limited to visual search and neither the vehicle nor the occupants shall be subjected to physical search or require the passengers to alight from the vehicle. An extensive search may be allowed only if the officers conducting the search have probable cause to believe that they would find evidence pertaining to the commission of a crime in the vehicle to be searched and there is no sufficient time to secure a valid warrant upon which the passengers shall be required to alight from the vehicle to effect the search.

D. Sanctions. - Chief of Office/Unit and PNP personnel who shall fail to strictly observe and comply with the above guidelines and procedures shall be dealt with accordingly under existing rules and regulations.

E. Repealing Clause. – All other NAPOLCOM issuances or portions thereof which are contrary to, or inconsistent herewith, are hereby modified or repealed accordingly.

F. Effectivity Clause. - This Memorandum Circular shall take effect fifteen (15) days from date of publication in a newspaper of general circulation and a copy of the same filed with the UP Law Center in consonance with the Administrative Code of 1987.

APPROVED this 30th day of MARCH, 2011 at Makati City, Metro Manila.



Republic of the Philippines
DEPARTMENT OF THE INTERIOR
AND LOCAL GOVERNMENT

IN REPLYING, PLS CITE:
SILG11-003351



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