


FOURTEENTH CONGRESS OF THE REPUBLIC)  
OF THE PHILIPPINES )  
First Regular Session )

8 MAR -3 2011

SENATE  
P.S.R. No. 313

RECEIVED BY: \_\_\_\_\_



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Introduced by Senator Miriam Defensor Santiago

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RESOLUTION DIRECTING THE SENATE SERGEANT-AT-ARMS TO ENTER INTO A MEMORANDUM OF UNDERSTANDING (MOU) WITH THE PHILIPPINE NATIONAL POLICE (PNP) DIRECTOR GENERAL REGARDING THE SERVICE OF WARRANTS OF ARRESTS AND OTHER PROCESSES ISSUED BY THE SENATE AND ITS COMMITTEES

WHEREAS, the Constitution, Article 6, Section 21 provides: "The Senate or House of Representatives or any of its respective committees may conduct inquiries in aid of legislation in accordance with its duly published rules of procedure. The rights of persons appearing in or affected by such inquiries shall be respected";

WHEREAS, the Senate Rules of Procedure Governing Inquiries in Aid of Legislation, Section 17, paragraph 1 provides: "The Committee shall have the powers of an investigating committee, including the power to summon witnesses and take their testimony and to issue subpoena and subpoena *duces tecum*, signed by its Chairman, or in his absence by the Acting Chairman, and approved by the President. Within Metro Manila, such process shall be served by the Sergeant-at-Arms or his assistant. Outside of Metro Manila, service may be made by the police of a municipality or city, upon request of the Secretary";

WHEREAS, the Senate Rules, Rule 6 (d) provides: "The duties and powers of the Sergeant-at-Arms are: (d) to execute or serve, personally or through his delegates, the summons which may be issued by the Senate or by the permanent or special committees or by the President himself";

WHEREAS, the Supreme Court in *Sabio v. Gordon*, 504 SCRA 704 (2006), ruled that a Senate committee has the power to issue a contempt order against a non-cooperative witness, but it did not mention any collaborative relationship between the office of the Senate Sergeant-at-Arms and the *Philippine National Police (PNP)*;

WHEREAS, the Constitution, Article 9-C, Section 2 (4) is the only instance where the power to deputize the police force is expressly mentioned in the Constitution;

WHEREAS, the Constitution, Article 9-C, Section 2 (4) states: "The Commission on Elections shall exercise the following powers and functions: (4) Deputize, with the concurrence of the President, law enforcement agencies and instrumentalities of the Government, including the Armed Forces of the Philippines, for the exclusive purpose of ensuring free, orderly, honest, peaceful and credible elections";

WHEREAS, the Rules of Court, Rule 39, Sec. 10 (c), on execution of judgments for specific acts, is the legal basis for the role of the police in the execution of judgments by the judiciary;

WHEREAS, the Rules of Court, Rule 39, Sec. 10 (c) provides: "Delivery or restitution of real property. – The officer shall demand of the person against whom the judgment for the delivery or restitution of real property is rendered and all person claiming rights under him to peaceably vacate the property within three (3) working days, and restore possession thereof to the judgment obligee; otherwise, the officer shall oust and such persons therefrom with the assistance, if necessary of appropriate peace officers, and employing such means as may be reasonably necessary to retake possession, and place the judgment obligee in possession of such property. Any costs, damages, rents or profits awarded by the judgment shall be satisfied in the same manner as a judgment for money";

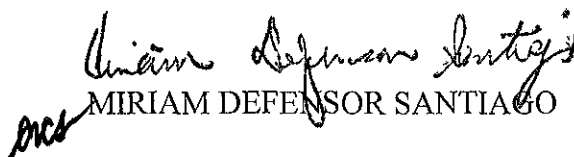
WHEREAS, according to news reports from the *Philippine Daily Inquirer*, Senior Superintendent Nicanor Bartolome, PNP spokesperson, said the PNP had already sought the opinion of the Department of Justice (DoJ) on the extent of the police's authority to implement arrest orders issued by both houses of Congress in its exercise of contempt powers;

WHEREAS, Chief Superintendent Mario Sandiego, director of the PNP Legal Service, reportedly wrote Chief State Counsel Ricardo Paras to explain that the PNP is "in a predicament where there is no clarity as to the extent of Congress' authority to effect arrest thru the PNP, and the extent of the PNP's authority to implement the arrest orders"; on a number of occasions, Sandiego noted, the PNP has been requested by the Sergeant-at-Arms of the Senate to assist in serving arrest orders to persons cited in contempt by the chamber;

WHEREAS, in a statement, Press Secretary Ignacio Bunye said President Arroyo also directed the PNP and the National Bureau of Investigation (NBI) to discuss with members of both Houses of Congress the possibility of entering into a memorandum of agreement (MOA) on the service of warrants by Congress;

WHEREFORE, be it resolved, as it is hereby resolved by the Philippine Senate, to direct the Senate Sergeant-at-Arms to enter into a Memorandum of Understanding (MOU) with the Director General of the Philippine National Police (PNP) regarding the service of warrants of arrests and other processes issued by the Senate and its committees.

Adopted,

  
MIRIAM DEFENSOR SANTIAGO

/jps