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SENATE  
S.B. No. 1977

RECEIVED BY: JSV

Introduced by: **Senator Raffy T. Tulfo**

**AN ACT REGULATING THE ESTABLISHMENT OF CHECKPOINTS IN  
CONJUNCTION WITH ONGOING POLICE OPERATIONS**

Explanatory Note

According to Section 2 of the Bill of Rights, people are entitled to be secure in their persons, houses, papers, and effects against unreasonable searches and seizures of whatever nature and for any purpose inviolable. Moreover, the Constitution also grants other defined rights to a person who has been arrested such as:

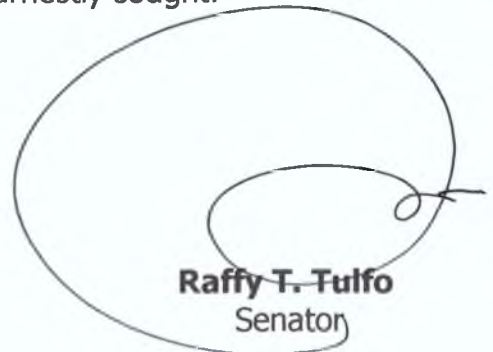
- 1. Any person under investigation for the commission of an offense shall have the right to be informed of his right to remain silent and to have competent and independent counsel preferably of his own choice. If the person cannot afford the services of counsel, he must be provided with one. These rights cannot be waived except in writing and in the presence of counsel.*
- 2. No torture, force, violence, threat, intimidation, or any other means which vitiate the free will shall be used against him. Secret detention places, solitary, incommunicado, or other similar forms of detention are prohibited.*
- 3. Any confession or admission obtained in violation of this or Section 17 hereof shall be inadmissible in evidence against him.*

- 4. The law shall provide for penal and civil sanctions for violations of this section as well as compensation to and rehabilitation of victims of torture or similar practices, and their families.*

With that being said, the installation and maintenance of checkpoints due to the presence of a clear and present danger due to national security and public safety have resulted in serious violations from irresponsible and abusive checkpoint personnel. More often than not, motorcycles are also the ones stopped at checkpoints, these include food delivery riders and couriers. In response, this proposed measure's guidelines for checkpoints must be implemented uniformly for all motorists whether they are driving two, three, or four-wheeled vehicles.

This bill seeks to regulate the establishment of checkpoints in order to prevent any other infringements of the constitutional rights of people against unwarranted searches.

In light of this, the immediate passage of this bill is earnestly sought.



**Raffy T. Tulfo**  
Senator

NINETEENTH CONGRESS OF THE REPUBLIC )  
OF THE PHILIPPINES )  
*First Regular Session* )



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*Be it enacted by the Senate and House of Representatives of the Philippines in  
Congress assembled:*

1       Section 1. *Short Title.* – This Act shall be known as the “*Checkpoint Regularization*  
2 *Act*”.

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4       Sec 2. *Declaration of Policy.* – It is hereby declared the policy of the State to  
5 institutionalize the safety of all the people in the Philippines by regulating the  
6 establishment of checkpoints only in conjunction with ongoing police operations and other  
7 law enforcement operatives authorized by law to conduct checkpoints.

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9       Sec 3. *Definition of Checkpoint.* – Checkpoints refer to a place where police check  
10 vehicular or pedestrian traffic in order to enforce circulation control measures and other  
11 laws, orders, and regulations when there is a need to arrest a criminal or fugitive from  
12 justice.

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14       Sec 4. *Authority to Establish Checkpoints.* – The PNP Highway Patrol Group (PNP  
15 HPG), which is the main operating unit of the PNP in charge of the promotion of traffic  
16 safety along highways and the conduct of operations against carnapping, hi-jacking, and  
17 other crimes committed on the highways with the use of motor vehicles shall be the Office  
18 of Primary Responsibility (OPR) for the establishment of checkpoints in coordination with

1 the local police units which has territorial jurisdiction where the ports are located and the  
2 Philippine Ports Authority (PPA)

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4 *Sec 5. Composition of Checkpoint Officers.* – The checkpoint team shall be  
5 composed of, but not limited to, the following:

- 6 *a. Team Leader* shall lead and take responsibility for the conduct of the checkpoint,  
7 and is an officer with the rank of at least a Police Inspector;
- 8 *b. Spotter* refers to PNP personnel who will point or profile the suspected vehicle  
9 subject for checkpoint;
- 10 *c. Spokesperson* refers to the member who is in charge of communicating with the  
11 motorists subject to the checkpoint;
- 12 *d. Investigation Sub-team* refers to members who are in charge of the investigation  
13 and documentation of possible incidents in the checkpoint including the issuance  
14 of a Traffic Citation Ticket (TCT) or Traffic Violation Report (TVR);
- 15 *e. Search or Arresting Sub-team* refers to members designated to conduct search,  
16 seizure, and arrest, if necessary;
- 17 *f. Security Sub-team* refers to members tasked to provide security in the checkpoint  
18 area; and
- 19 *g. Blocking or Pursuing Sub-team* refers to members tasked to block or pursue fleeing  
20 suspects and their vehicles.

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22 *Sec 6. Guidelines in Establishing Checkpoints.* – The following guidelines shall be  
23 followed in the establishment of a checkpoint:

- 24 1. PNP personnel manning the checkpoint must have a presentable  
25 appearance, wearing the prescribed PNP uniform. Likewise, the civilian  
26 members must also be in their organization's uniform with their names  
27 conspicuously displayed for identification. In no case shall civilian  
28 components be allowed to bear firearms during the checkpoint.

2. Only the security sub-team and blocking or pursuing sub-team members are allowed to display high-powered firearms and should be positioned where they can best provide security to the checkpoint team.
3. In all major cities, police officers manning the checkpoints should not wear Field Service Uniforms (FSU) or black fatigues in lieu of the PNP General Office Attire unless the conduct of the checkpoint is a result of a Hot Pursuit Operation. The use of mixed uniforms (GOA, FSU, black fatigue) in the conduct of checkpoints is strictly prohibited.
4. The area where the checkpoints shall be established must be properly lit, with noticeable signage bearing the name of the PNP unit and the participating organizations visibly displayed at the checkpoint site.
5. Due courtesy must be accorded to motorists, traders, and commuters during the conduct of the checkpoint.
6. The spokesperson must greet the people subject to inspection, extend an apology for the inconvenience, appeal for understanding, and state the reasons for the operation. Upon completion, thank the persons searched.
7. The conduct of inspection of all vehicles, including motorcycles, during a routine checkpoint is limited to a visual search, occupants are not subjected to a physical or body search, and therefore must be done with due respect to the innocent passers-by, commuters, or bystanders, and must be conducted in a manner with the least inconvenience to the public.
8. Violations or infractions of the law discovered during the checkpoint operation shall be expeditiously disposed of following legal procedures; an



1 arrested person must be apprised of their rights with respect to the Miranda  
2 Doctrine.

3  
4 9. The PNP operating units must provide their own logistical and financial  
5 requirements to avoid soliciting support from civilians for their personal or  
6 operational needs.

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8 10. Police personnel assigned to the checkpoint shall not mulct, extort, or  
9 harass drivers, passengers, and traders.

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11 11. The police and civilian component must separately submit their After  
12 Checkpoint Operation report to their respective units or organization for  
13 proper evaluation of the efficacy of the operation.

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15 *Sec 7. Training of Checkpoint Personnel.* – No person shall be stationed at any  
16 checkpoint without first undergoing extensive training for not less than one (1) month on  
17 checkpoint management, maintenance, or operation as well as on human relations. The  
18 city or provincial commander of the Philippine National Police (PNP) shall be responsible  
19 for the conduct of the training.

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21 *Sec 8. Influence of Liquor.* – Any person who is under the influence of liquor or  
22 any other intoxicating substance shall not be allowed to man the checkpoint.

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24 *Sec 9. Procedure in the Conduct of Regular Police Checkpoint.* – The following  
25 measures shall be followed when conducting a regular police checkpoint:

26 1. Unit Commanders should inform Higher Headquarters (HHQs) Tactical  
27 Operations Center (TOC) and coordinate with adjacent units such as MPS,  
28 CPS, NSUs, and Public Safety Company Forces personally or through an  
29 official representative, before commencing with the checkpoint to avoid any  
30 untoward incident;

2. The Team Lead shall brief the PNP personnel, as well as the civilian components present, regarding the proper conductor of the checkpoint and their assigned task prior to their deployment;
3. The Team Lead shall account for the PNP personnel and check if they are in the prescribed uniform.
4. PNP personnel conducting the checkpoint shall display their nameplates at all times, and their equipment will include, but not limited to, the following:
  - a. Marked patrol vehicles;
  - b. Firearms with basic load ammunition;
  - c. Handheld and vehicle base radios;
  - d. Flashlights;
  - e. Megaphone;
  - f. Video Camera; and
  - g. Signage such as warning signs (Slowdown Checkpoint Ahead, Checkpoint 20 Meters Ahead, etc) and Information Signs (name of the unit and team lead);
5. The Spotter of the team will be pre-positioned in a place where he can best point or profile suspected vehicles prior to their approach to the checkpoint;
6. Search or Arresting Sub-Team shall flag down the suspected vehicles and conduct search, seizure, and arrest, if necessary;
7. In the event of seized drugs, the team having initial custody and control of the drugs shall immediately conduct a physical inventory and photograph the same in the presence of the accused or persons from whom such items were confiscated

or seized, or their representative or council, a representative from the media and DOJ, any elected public official who shall be required to sign the copy of the inventory and be given a copy thereof;

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

9. Inform Higher Headquarters before terminating the conduct of the checkpoint;

10. The Team Lead shall conduct a debriefing of personnel after the termination of the checkpoint;

11. Unit Commanders shall submit After-Activity Report to Higher Headquarters.

*Sec 10. Procedure of Personnel in Cases where Checkpoint is Ignored and are Hostile.* – In the event that the checkpoint is ignored, and the occupants of the vehicle open fire on the personnel manning the checkpoint, reasonable force to overcome the suspect's aggression may be employed; reasonable force refers to the use of the minimum amount of force necessary to effect an arrest and protect the officer, or the other person, and defend one's property from a violent attack, theft, or other types of unlawful aggression.

*Sec 11. Arrest.* – The person effecting an arrest shall inform the arrested person of his constitutional rights. The person arrested shall be turned over to the city or municipal judge as the case may be of the place where the checkpoint is maintained within the item specified in Article 125 of the Revised Penal Code from the time of the arrest. The judge concerned shall serve written notice to the prosecutor concerned within twenty-four (24) hours from the turnover of the arrested person. If warranted, the prosecutor shall file the necessary complaint or information within ten (10) days from notice. Otherwise, the person arrested shall be released.



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Sec 12. *Seizure.* – The person effecting seizure of an object shall issue the corresponding receipt to the owner or possessor thereof, particularly describing the object seized. The object seized shall be turned over to the city or municipal judge as the case may be of the place where the checkpoint is maintained within three (3) hours from the time of seizure.

The judge concerned shall serve written notice to the prosecutor concerned within twenty-four (24) hours from the turnover of the object seized. If warranted, the prosecutor shall file the necessary complaint or information within ten (10) days from notice. Otherwise, the object seized shall be held in trust for its owner until its return to him.

Sec 13. *Liability of Parties.* – Persons manning the checkpoint shall be liable for any damage caused by reason of any unreasonable search or seizure. In such a case, recourse may be filed against the government, which can then claim reimbursement from the erring person.

This right of recourse is not limited by the insolvency of the tortfeasor. This section shall be without prejudice to the filing of a case under Article 32, par. (9) of the Civil Code of the Philippines and Article 129 of the Revised Penal Code.

Sec 14. *Dismantling of Checkpoints.* – Any checkpoint shall be immediately dismantled when there is no more clear and present danger to national security, public safety, or public health.

Sec 15. *Penalties.* – Any violation of the provisions of this Act shall be punished with the corresponding penalty prescribed by the Revised Penal code in addition to any administrative sanction that may be prescribed by the Revised Penal Code including any administrative sanction that may be prescribed by law.

1           Sec 16. *Repealing Clause.* – All laws, decrees, and orders including Executive Order  
2 Nos. 59 and 272, rules and regulations, and all other issuances, or parts thereof, which  
3 are inconsistent with this Act are hereby repealed or modified accordingly.

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5           Sec 17. *Separability Clause.* — If for any reason, any section or provision of this  
6 Act is declared unconstitutional or invalid, the other sections or provisions not affected  
7 thereby shall remain in full force and effect.

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9           Sec 18. *Effectivity.* – This Act shall take effect fifteen (15) days after its publication  
10 in two (2) newspapers of general circulation.

*Approved,*