



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

NATIONAL HEADQUARTERS PHILIPPINE NATIONAL POLICE
OFFICE OF THE CHIEF, PNP
Camp Crame, Quezon City

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STANDARD OPERATING PROCEDURES

Number 2012 - 005

**POLICY FOR THE TRANSFER OF ARRESTED PERSONS
OUTSIDE TERRITORIAL AREA**

1. REFERENCES:

- a. Revised Rules of Criminal Procedures as amended;
- b. Supreme Court Administrative Circular No. 7-92 dated October 12, 1992;
- c. PNP-Police Operational Procedures;
- d. RA 7438 (Rights of Persons Arrested, Detained or Under Custodial Investigation); and
- e. RA 9745 (Anti-Torture Act of 2009).

2. BACKGROUND/RATIONALE:

In consonance with the principles of efficiency and effectiveness, the PNP in its mandate to enforce the law has been closely monitoring unit commanders to maximize manpower in effecting the service of arrest orders issued against wanted persons in the entire country.

Sec. 4 Rule 113 "Execution of Warrants" of the Revised Rules of Criminal Procedures provides that the head of the office to whom the warrant of arrest was delivered for execution shall cause the warrant to be executed within ten (10) days from its receipt. Within ten (10) days after the expiration of the period, the officer to whom it was assigned for execution shall make a report to the judge who issued the warrant. In case of his failure to execute the warrant, he shall state the reasons therefor.

Moreover, an administrative circular issued by the Supreme Court to all trial courts provides among others that a criminal case may be archived only if in the issuance of the warrant of arrest, the accused remains at large for six (6) months from the delivery of the warrant to the proper peace officer. An order archiving the case shall require the peace officer to explain why the accused was not apprehended. The Court shall issue an alias warrant if the original warrant is returned by the peace officer together with the report.

To further enhance law enforcement, a database system was established where records of all standing arrest warrants issued by the different courts can be monitored through the computer systems of the Crime Monitoring Division, DIDM. This resulted in the arrest of wanted persons even at the far-flung areas of the country and the increase in the service of "alias warrants" by the different PNP units. Hence, there is an urgent need to create a detailed procedure to be followed by the arresting officers once an accused is detained or arrested by virtue of a warrant issued outside of territorial jurisdiction. Such procedure will prevent problems arising from misconceptions

regarding responsibility, disposition and monetary expenses to be shouldered when the arresting officers from the PNP units will be required to personally bring the accused together with the return of the warrant to the issuing court.

3. PURPOSE:

This policy aims to provide standardized procedures for handling, turn-over and disposition of persons arrested with a warrant outside of the territorial jurisdiction of the court which issued the arrest order.

4. OBJECTIVES:

- a. To provide standardized guidelines for the turn-over and disposition of persons arrested with a warrant outside the territorial area of a particular PNP unit.
- b. To establish the specific taskings and roles of PNP units benefited in the arrest of persons with warrants outside their area of responsibility.

5. PROCEDURES:

a. DUTIES OF ARRESTING UNITS/OFFICER SERVING WARRANT ISSUED OUTSIDE OF TERRITORIAL AREA

1) During the service of the warrant, the accused must be informed of his constitutional rights under the law or the so-called "Miranda Warnings" and sufficient information or data about the warrant issued by the court such as but not limited to the following: the case number, nature of the charge, name/branch of the issuing judge, and date of issuance of the warrant.

2) Moreover, arrested persons must be informed of their right to demand physical examination by an independent and competent doctor of their own choice. If they cannot afford the services of their own doctor, they will be provided by the State with a competent and independent doctor to conduct the physical examination. If the person arrested is female, she will be attended to preferably by a female doctor.

3) Since aforesaid rights may be waived by the person arrested, the **waiver** should be made by him/her knowingly and voluntarily, in writing, and executed in the presence and assistance of his/her counsel.

4) Upon service of the warrant, the arrested person must be properly booked and documented. Likewise, an official report must be immediately transmitted to the PNP unit having territorial jurisdiction over the arrested person containing the fact of arrest, his physical condition, and information on contraband/illegal items seized or confiscated as a consequence of the service of warrant, if there be any.

5) Prepare other documentation for the proper turn-over of arrested person to the PNP Unit having jurisdiction over the arrested person/s.

b. RESPONSIBILITIES OF PNP UNITS HAVING TERRITORIAL JURISDICTION OVER THE ARRESTED PERSONS

1) Immediately upon receipt of the information that an accused was arrested by virtue of a warrant outside of their territorial jurisdiction, a corresponding report will be made to the National Operational Support Office Commanders or Regional Directors with the request for authority to travel at the place where the accused is being held, copy furnished the Office of TDO and TDIDM.

2) A separate copy of the report with detailed information should likewise be forwarded to the Court that issued the Warrant of Arrest to include the intent to travel in the place where the accused is being held.

3) Travelling expenses and all other related costs incurred by the receiving PNP units shall be chargeable to their MOOE.

4) During the turn-over of the accused, the receiving PNP unit having jurisdiction over the arrested accused may request another medical and physical examination and/or secure copies of reports/data pertaining to the arrest of the accused, to include the sworn affidavit of the arresting officer to be presented in court by the receiving PNP units.

6. SEPARABILITY CLAUSE:

In the event that any provision or part of this SOP be declared unauthorized or rendered invalid by a competent authority, those provisions not affected by such declaration shall remain valid and effective.

7. REPEALING CLAUSE:

All other existing issuances which are inconsistent with this policy are hereby rescinded or modified accordingly.

8. EFFECTIVITY:

This policy shall take effect immediately.



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"To Serve and Protect."