

HUMAN RIGHTS ADVISORY TO POLICE OFFICERS IMPLEMENTING SEARCH WARRANT

(Revised POP December 2013, Rule 14 pages 37-41)

The police officers must:

1. Be in proper and complete uniform or as the nature of the operation would require, it is enough that a member of the team implementing the warrant is in uniform but everybody must have PNP ID CARD; Always identify yourself as a police officer;
2. Do the necessary coordination;
3. Bring valid search warrant;
4. Bring pre-operational clearance or similar document duly signed by the designated officer authorizing the implementation of the search warrant;
5. Show the search warrant and the pre-operational clearance or similar document to the owner, custodian or occupant of the house, building or property to be searched;
6. Explain the purpose and legality of the said operation;
7. In the conduct of search, if after giving notice of his purpose and authority, the police officer is refused admittance to the place of search, he or she may break open any outer or inner door or window or any part of a house or anything therein to implement the warrant or liberate himself/herself or any person lawfully aiding him or her when unlawfully detained therein. However, it must be emphasized that unnecessary and excessive destruction of property shall be avoided at all times.
8. Serve the search warrant only once;
9. Serve the search warrant during day time, except when the warrant allows that it can be served during night time;
10. Search only the place specified in the search warrant;
11. Allow the owner, custodian or occupant of the property to be searched to accompany the police officers during the entire search operation;

12. If the property owner, custodian or occupants are not present, there must be at least two (2) independent witnesses of legal age who work in or reside near the property to be searched;
13. Seize only items or properties that are specified in the search warrant, except those items or properties which are illegal per se under the "plain view doctrine;"
14. Present an official receipt for all items taken or seized;
15. Refrain from using any vulgar, foul, intimidating or harassing words unto the owner or occupant of the property to be searched; and
16. Always thank people for their cooperation during the entire search operation/procedure.

COMELEC Resolution No.9947, dated April13, 2015 specifies certain rights as follows;

Sec. 9 Rights of person arrested

1. To remain silent, which cannot be waived except in writing and in the presence of counsel;
2. To have competent and independent counsel preferably of his own choice , and if he cannot afford the services of counsel, he must be provided with one, which right cannot be waived, except in writing and in the presence of his counsel;
3. To be released from detention if no charges have been filed against him within eighteen (18) hrs from the arrest, unless he is charged under P.D. 1866, as amended.