Republic of the Philippines
QUEZON CITY COUNCIL
Quezon City
19th City Council

PO19CC-219

30th Regular Session

ORDINANCE NO. SP-2307, S-2014

AN ORDINANCE MANDATING LAW ENFORCEMENT AGENCY/OFFICE OR ANY OF THEIR AUTHORIZED LAW ENFORCEMENT OFFICER TO ACCEPT/RECEIVE THE ARRESTED PERSON FOR INVESTIGATION AND PROPER REFERRAL PURSUANT TO RULE 113 OF THE REVISED RULES ON CRIMINAL PROCEDURE OF THE RULES OF COURT OF THE PHILIPPINES UNDER CITIZEN'S ARREST.

Introduced by Councilor RANULFO Z. LUDOVICA
Co-Introduced by Councilors Ricardo T. Belmonte, Jr., Dorothy A. Delarmente, Lena Marie P. Juico, Alexis R. Herrera, Precious Hipolito Castelo, Voltaire Godofredo L. Liban III, Roderick M. Paulate, Ramon P. Medalla, Estrella C. Valmocina, Allan Benedict S. Reyes, Gian Carlo G. Sotto, Jaime F. Borres, Jesus Manuel C. Suntay, Vincent DG. Belmonte, Raquel S. Malañgen, Jessica Castelo Daza, Bayani V. Hipol, Julienne Alyson Rae V. Medalla, Allan Butch T. Francisco, Karl Edgar C. Castelo, Candy A. Medina, Diorella Maria G. Sotto, Marivic Co-Pilar, Rogelio "Roger" P. Juan, Melencio "Bobby" T. Castelo, Jr., Donato C. Matias and Ricardo B. Corpuz.

WHEREAS, it has been observed that there is a rampant transgression of laws and city ordinances, and the criminal offenders are seem to be fearless in committing crimes;

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WHEREAS, due to the limited number of law enforcement officers, offenses and even simple infractions of laws committed in broad daylight and in public view goes unpunished and the perpetrators thereof are scot-free;

WHEREAS, private citizens are everywhere and their presence and active participation in the apprehension of criminal offenders are a big help in the maintenance of peace and order and in the protection of innocent civilians;

WHEREAS, citizen's arrest is already embodied in Rule 113 of the Revised Rules of Criminal Procedure of the Rules of Court of the Philippines but most of the people are not cognizant of this provision, hence, the need to adopt the same;

WHEREAS, the State in the exercise of its police power, may validly enact legislative measures designed to promote peace, good order, safety and the general welfare of the people.

NOW, THEREFORE,

BE IT ORDAINED BY THE CITY COUNCIL OF QUEZON CITY IN REGULAR SESSION ASSEMBLED:

SECTION 1. Short Title. – This Ordinance shall be known as the "Citizen's Arrest Ordinance of Quezon City".

SECTION 2. Declaration of State Policy – It is hereby declared to be the policy of the State to empower the people and encourage their participation in the maintenance of peace and order, promotion of public safety, and administration of justice. Towards this end, the Quezon City Government shall enact city ordinance adopting the provisions of the Rules of Court specifically the Rules on Criminal Procedure that will strengthen the citizen's authority in the apprehension of criminal offenders or lawless elements.

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SECTION 3. Definition of Terms – For purposes of this Ordinance, the following definitions shall apply:

"Arrest" – is the taking of an individual into custody in order that he/she may be bound to answer for the commission of an offense.

"Citizen's Arrest" – means the arrest effected or carried out by any private person, to any individual who is in actual commission of an offense, into custody in order that he/she may be bound to answer for the same.

"Private Person/Citizen" – means any person not belonging or connected to any law enforcement agency/office or a law enforcement officer but not in actual performance of his official duty at the time of the arrest.

"Criminal Offender" – means any person committing a crime or violating laws and city ordinances.

"Peace/Law Enforcement Officer" – means a police officer/official or any person connected with the law enforcement agency/office who is tasked to apprehend, investigate or take custody of criminal offender.

"Peace/Law Enforcement Agency/Office" – means any department, bureau or office created by law or executive/administrative issuances whose primary function is to conduct investigation of crimes, apprehension and custody of criminal offender, and to implement penal and regulatory laws.

"Capturing/Recording Device" – means CCTV Camera, Video Camera (videocam), Personal Camera, Cellular Phone or Mobile Phone Camera/Video and other similar [illegible] which can visually capture or record any event or circumstance.

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SECTION 4. Authority – Without a warrant of arrest, a private person or citizen may lawfully effect Citizen's Arrest provided the following circumstances, as enumerated in Section 5, Rule 113 of the Revised Rules on Criminal Procedure, are present:

a) When, in his presence, the person to be arrested has committed, is actually committing, or is attempting to commit an offense;

b) When an offense has just been committed and he has probable cause to believe based on personal knowledge of facts or circumstances that the person to be arrested has committed it; and

c) When the person to be arrested is a prisoner who has escaped from a penal establishment or place where he is serving final judgement or is temporarily confined while his case is pending, or has escaped while being transferred from one confinement to another.

SECTION 5. Method of Arrest – As provided under Section 9 of the Revised Rules of Criminal Procedure of the Rules of Court, a private person when making an arrest shall inform the person to be arrested of his intention to arrest him/her and cause the arrest of an offense, unless the person to be arrested is then engaged in the commission of an offense, or is pursued immediately after its commission or after an escape, or flee or forcibly resists before the person making the arrest has opportunity to so inform him, or when the giving of such information will imperil the arrest.

SECTION 6. Use of Capturing/Recording Device – A private person or citizen may use any kind of capturing/recording device to record acts of the actual commission of the crimes or violation of laws and city ordinances and therefore immediately arrest the criminal

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SECTION 7. *Duty of the Arresting Private Person* – It shall be the duty of the private person effecting citizen's arrest to turn-over or deliver to nearest police station or law enforcement agency/office the arrested person without unnecessary delay.

SECTION 8. *Receiving Law Enforcement Agency/Office* – It shall be mandatory for the Head or Chief of Law Enforcement Agency/office or any of their authorized law enforcement officer to accept/receive the arrested person/s for investigation, taking of statement, photographing, fingerprinting, blotter, custody and proper referral to the City Prosecutor's Office or inquest proceedings.

SECTION 9. *Affidavit of Arrest* – The private person/s who effected or conducted the Citizen's Arrest shall, with the assistance of a law enforcement officer, execute an Affidavit of Arrest stating the facts and circumstance of the arrest, to be administered by the Head or Chief of Law Enforcement Agency/Office or by any of their authorized Administering Officer, or by a Notary Public.

SECTION 10. *Liability of the Head or Chief of Law Enforcement Agency/Office* – The head or Chief of any of their responsible law enforcement officer/personnel on duty who refuses to accept/receive the person arrested shall be held administratively and/or criminally liable.

SECTION 11. *Separability Clause* – If, for any reason, any provision or part hereof is declared unconstitutional or invalid, the remainder of this ordinance shall not be affected by such declaration.

SECTION 12. *Repealing Clause* – All ordinances, executive orders or other administrative issuances inconsistent with any provision of this ordinance are hereby repealed or modified accordingly.

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SECTION 13. Penalty Clause – Any person or persons who, without justifiable reason, will prevent or delay any private person/citizen from lawfully effecting Citizen's Arrest shall be penalized by a fine of Five Thousand Pesos (P5,000.00) or by imprisonment of one (1) year, or both such fine and imprisonment at the discretion of the court.

SECTION 14. Effectivity Clause – This ordinance shall take effect fifteen (15) days after its publication in a newspaper of general circulation.

ENACTED: July 7, 2014

ANTHONY PETER D. CRISOLOGO
Acting Vice Mayor
Acting Presiding Officer

ATTESTED:

Atty. JOHN THOMAS S. ALFEROS III
City Gov't. Asst. Dept. Head III

APPROVED: 08 AUG 2014

HERBERT M. BAUTISTA
City Mayor

CERTIFICATION

This is to certify that this Ordinance was APPROVED by the City Council on Second Reading on July 7, 2014 and was PASSED on Third/Final Reading on July 14, 2014.

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Atty. JOHN THOMAS S. ALFEROS III