



Republic of the Philippines
AUTONOMOUS REGION IN MUSLIM MINDANAO
PROVINCE OF SULU



OFFICE OF THE GOVERNOR

The Capitol, Patikul, Sulu

GUIDELINES ON THE IMPLEMENTATION OF PROCLAMATION NO. 01, SERIES OF 2009 DECLARING A STATE OF EMERGENCY IN THE PROVINCE OF SULU

Pursuant to Proclamation No. 01, Series of 2009, declaring the entire Province of Sulu under a State of Emergency, following implementing guidelines are hereby issued for strict compliance by all concerned.

ARTICLE 1 – SETTING UP OF CHECKPOINTS AND CHOKEPOINTS:

Section 1 - In the conduct of checkpoints and chokepoints, the persons manning shall observe the basic procedures thereon pursuant to existing SOPs and doctrines observed by the PNP and the AFP;

- 1.1 Checkpoints/Chokepoints must be in appropriately lit area; personnel must be wearing complete uniform; and should observe proper decorum;
- 1.2 Checkpoint personnel shall not mulct, extort or harass drivers, passengers, traders, and etcetera.
- 1.3 Searches made at check or chokepoints shall be limited to visual search and neither the vehicle nor the occupants shall be subjected to physical search unless consented to do so. An extensive search may be allowed only if the officers conducting the search have probable cause to believe that they would find evidence pertaining to the commission of the crime in the vehicle to be searched and there is no sufficient time to secure a valid warrant.

Section 2 - Checkpoints shall be established in locations to be determined by the appropriate PNP/AFP authorities and for a 24/7 duration and of such composition

Section 3 – Visits, Boards, Searches, and Seizures shall be conducted in the vessels in the waters surrounding the province in accordance with the SOP observed by the Philippine Navy;

- 3.1 The Team of Officers and Enlisted Personnel of the apprehending vessel must be in complete and presentable uniform; Utmost courtesy must be accorded to the crew and passengers of the suspected vessel being inspected paying particular attention to the safety and comfort of the elderly, women and children passengers;
- 3.2 Members of the Boarding Team shall ensure that their firearms are secured. Guns aboard the apprehending vessel must be ready to fire if and when needed.
- 3.3 If after inspection all papers appear to be in order and no violations are noted, the apprehending vessel shall issue a Boarding Certificate to the suspected vessel and allow the latter to resume its voyage.
- 3.4 In the event that violations are noted, the apprehending vessel shall initiate apprehension of the suspected vessel and/or seizure of its cargo. The Boarding Team shall accomplish an Inspection/Apprehension Report (IAR) and issue a copy of the same to the Captain/Chief Mate of the apprehended vessel.
- 3.5 The apprehending vessel shall then tow or escort the apprehended vessel to the nearest naval base/station/port. If it is not practicable under the circumstances and with clearance from the Task Force/Group Commander, an apprehended vessel may be brought to another port.
- 3.6 Upon reaching port, the apprehending vessel shall communicate with and turn-over the apprehended vessel and its cargo to the concerned/appropriate government agency

Section 4 - Searches and seizures done in the said choke and checkpoints or during such visits, board, search, and seizures and in accordance with the applicable laws shall be used in evidence in any court of law.

Section 5 - Items confiscated in check and checkpoints and/or persons arrested therein shall undergo proper inventory or documentation. Upon compliance of said processes, said items and/or person shall be turned-over to appropriate authority forthwith.

Section 6 - In the event that checkpoints and roadblocks are ignored and the motorists/suspects attempt to elude arrest or avoid inspection:

- 6.1** The team leader shall immediately inform the adjacent units to conduct dragnet operations.
- 6.2** Warning shots shall be discouraged and pursuit encouraged where megaphones or sirens may be used. The plate number of the vehicle shall be noted and communicated to other adjacent units to prevent the vehicle from escaping.
- 6.3** In the event that occupants of the vehicle open fire on the personnel manning the checkpoint, reasonable force to repel the suspects' aggression shall be employed.

Section 7 - War materiel such as explosives, explosive components, firearms and ammunition, and the like shall be confiscated and surrendered to proper authorities;

ARTICLE 2 – IMPOSITION OF CURFEW:

Section 1 - Curfew shall be enforced from ten o' clock in the evening up to three o' clock in the morning of the day following. Violators shall be held under the custody of the apprehending officer to be turned-over to the nearest PNP station as soon as practicable.

Section 2 - In the determination as to the infraction of the curfew, circumstances surrounding such violation as nature of employment and the like that may justify why the person is outside of his residence at the period when curfew is in effect shall be considered.

Section 3 - Violators may be subjected to search and seizure as an incident to a lawful arrest. They shall be prosecuted pursuant to applicable laws and ordinances.

ARTICLE 3 – SEARCH AND SEIZURE INCLUDING ARREST IN THE PURSUIT OF THE KIDNAPPERS AND THEIR SUPPORTERS:

Section 1 - Searches and seizures are to be properly effected in the designated checkpoints and chokepoints.

Section 2 - Arrests without warrant may be effected against persons suspected to be engaged in kidnapping activities; or against persons giving aid or comfort to kidnappers.

Section 3 - Person(s) arrested by virtue of such warrantless arrests shall be turned over immediately to the nearest PNP station that will take further action/disposition on the person(s) so arrested;

Section 4 - Items which are inherently illegal, although may not be used in kidnapping activities, shall be confiscated and surrendered to proper authorities.

○ **ARTICLE 4 – OTHER ACTIONS OR POLICE OPERATIONS AS MAY BE NECESSARY TO PUBLIC SAFETY:**

Section 1 - As a rule, only military and police personnel are allowed to bear arms. Firearms licenses shall be honored but permits to carry firearms outside of their residences shall be temporarily suspended for the period that this Proclamation Number 1 Series of 2009 is in effect;

Section 2 - Civilians may seek exemption from the gun ban by submitting accomplished application forms to the Office of the Governor upon recommendation of the Marine Brigade Commander in the area or Police Provincial Director.

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○ **Section 3** - Civilians specifically granted exemption from the immediately preceding article shall be issued appropriate identification cards. These identification cards shall be presented to proper authorities when so demanded;

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Section 4 - Bearers of firearms, ammunition, and explosives who fail to present such identification card shall be arrested and the said items confiscated. The person(s) so arrested may escape criminal prosecution and the confiscated items returned upon presentation of such identification card(s) proving exemption.


SEPARABILITY CLAUSE: If for any reason(s), any part or provision of herein implementing guidelines shall be held to be invalid, other parts or provisions hereof which are not affected thereby shall continue to have force and effect.

EFFECTIVITY: These guidelines shall take effect immediately upon its approval.

DURATION: These guidelines shall take effect only until the duration of the crisis or unless sooner revoked or withdrawn by the Sangguniang Panlalawigan ng Sulu.

Done at the Provincial Capitol, Province of Sulu, this 31st day of March 2009.

RECOMMENDING APPROVAL:



PSSUPT BIENVENIDO G. LATAG (DSC)
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Approved:



ABDUSAKUR M. TAN
Governor