

# THE MUNICIPAL POLICE LAW ANNOTATED

by

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(Continued from first issue)

## POWERS AND DUTIES IN GENERAL

*Powers of peace officers generally.*—The powers of peace officers in the Philippines, generally stated, are the same as those conferred upon constables under the Anglo-American Common Law. The extent of their authority to make arrests without warrant and the limitations thereon, as held by the Supreme Court, are as stated in the language of the Legislature in the Charter of the City of Manila,<sup>1</sup> which provides that such peace officers are authorized, within the jurisdictional limits of the city or within the police limits defined by law, “to pursue and arrest, without warrant, any person found in suspicious places or under suspicious circumstances reasonably tending to show that such person has committed, or is about to commit, any crime or breach of the peace; to arrest or cause to be arrested, without warrant, any offender when the offense is committed in the presence of a peace officer or within his view; in such pursuit or arrest, to enter any building, ship, boat, or vessel, or take into custody any person therein suspected of being concerned in such crime or breach of the peace, and any property suspected of having been stolen”.<sup>2</sup> The Administrative Code (Sec. 2204, edition of 1916; sec. 2258, edition of 1917) enjoins municipal policemen to “exercise vigilance in the prevention of public offenses.”<sup>3</sup>

One should however not expect too much of an ordinary policeman. He is not presumed to exercise the subtle reasoning of a judicial officer. Often he has no opportunity to make proper investigation but must act in haste on

his own belief to prevent the escape of the criminal. To err is human. Even the most conscientious officers must at times be misled. If, therefore, under trying circumstances and in a zealous effort to obey the orders of his superior officer and to enforce the law, a peace officer makes a mere mistake in good faith, he should be exculpated. Otherwise, the courts will put a premium on crime and will terrorize peace officers through a fear of themselves violating the law. (See generally Voorhes on Arrest; 5 Corpus Juris, pp. 399, 416; 2 R. C. L., 450)<sup>3</sup>

The applicable principles of the American and English Common Law as to the powers of peace officers are not essentially different from those of the Spanish law.<sup>4</sup> Both rest upon the same foundation of reason and common sense.<sup>5</sup>

*Duties in General.*<sup>6</sup>—All members of the police force should be guided by a strict sense of justice in the performance of their duties. Their value to the people will be demonstrated by constant vigilance, strict decorum, and force of character. They should bear in mind that although certain hours are set apart as tours of duty for certain members, yet it is their duty at all times within their respective municipalities to preserve peace, prevent crime, arrest offenders, and to protect the rights of all persons and property.

Whenever directing a person or answering inquiries in the performance of their duties, they shall do so in a polite and respectful manner, endeavoring to gain the good will and respect of the public. All members of the police force must be especially careful not to use their position for further-

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ing any personal ends or for the avenging of any personal wrong.

Whenever required to act, a peace officer shall do so with judgment, firmness, and decision; but shall always be gentle in the handling of women whatever may be their behavior or the charge made against them. They shall use persuasion and mild methods in the execution of their orders, never using more force than is absolutely necessary.

1. U. S. v. Fortaleza, 12 Phil. 472.
2. Sec. 2463, Adm. Code (1917).
3. U. S. v. Santos, 36 Phil. 854.
4. U. S. v. Sanchez, 27 Phil. 442.
5. U. S. v. Santos, 36 Phil. 854.

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6. Paragraphs 58-61 & 48-49, Manual For The Municipal Police and 44-45, State Police Regulations.

(To be continued)

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