

BASIC : LETTER DATED OCTOBER 18, 2006, FROM HON. REYNALDO Y. GIMENEZ, PRESIDENT OF THE LIGA NG MGA BARANGAY OF MEDELLIN, CEBU.

2nd Indorsement
October 26, 2006

Respectfully returned to Ms. Edna G. Vicoy, OIC-Provincial Director, DILG Cebu Provincial Office, the herein basic communication from Hon. Reynaldo Y. Gimenez, President of the Medellin Liga ng mga Barangay inquiring whether or not the barangay tanods have “police powers”.

Technically, police power is one of the three inherent powers of the State which is delegated to local government units through legislation. It is exercised by the local government unit for the general welfare. A local government unit may be considered as having properly exercised its police power only if the following requisites are met: 1) the interests of the public generally, as distinguished from those of a particular class, require the interference of the State, and 2) the means employed are reasonably necessary for the attainment of the object sought to be accomplished and not unduly oppressive upon individuals (*Lucena Grand Central Terminal vs. JAC Liner*, G. R. No. 148339, February 23, 2005).

If the question pertains to whether or not barangay tanods can do police work or perform the powers, duties and functions of a police officer, the Local Government Code of 1991 is silent on the matter. However, DILG Memorandum Circular No. 2003-42 dated March 10, 2003, laid down the duties and responsibilities of the barangay tanod, to wit –

- assist the barangay officials in the prevention of crime and the promotion of public safety;

- conduct patrol/ronda in the barangay;
- report to the concerned barangay officials or through Hotline 117 the occurrence of any crime, fire, accident, public disturbance and environmental degradation activities and other untoward incident in the barangay;
- conduct surveillance on crime breeding areas within the barangay/puroks and report their observations/findings to the proper authorities or through Hotline 117;
- assist the police and the lupong tagapamayapa in the execution of warrants and other judicial processes such as tracking the whereabouts of missing persons, in arresting escaped prisoners and other fugitives from justice, and in the recovery of stolen properties;
- coordinate closely with the barangay officials and police/local authorities in the drive against all forms of crimes such as terrorism, smuggling, carnapping, drug trafficking, drug pushing, illegal gambling, child abuse, crime against women, all forms of vices and syndicated crimes;
- assist in the institutionalization of PATROL 117 Program;
- assist in the implementation of the Fire Code of the Philippines;
- detect all forms of fire hazards and other public safety hazards/violations and to institute corrective measures within his capability;
- assist in facilitating smooth flow of traffic; and
- perform other functions as may be directed by the punong barangay.

But with the issuance of Executive Order No. 546 by President Gloria Macapagal-Arroyo on July 14, 2006, the Philippine National Police, subject to the concurrence of the appropriate local chief executive through the local Peace and Order Council, is authorized to deputize the barangay tanods as force multipliers in the implementation of the peace and order plan in the area.

RENE K. BURDEOS
Regional Director

. cc: Atty. G. J. Emeterio S. Moreno, Jr.
Director, Legal Service
DILG Central Office

w/ enclosure.

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