



Republic of the Philippines

**CITY OF BACOR**

Province of Cavite

**OFFICE OF THE SANGGUNIANG PANLUNGSOD**

**CITY ORDINANCE NO. CO 28-2014**

**Series of 2014**

**AN ORDINANCE AUTHORIZING THE CITY MAYOR TO UTILIZE THE SERVICES OF PRIVATE SECURITY GUARDS AS POLICE AUXILLIARY UNITS THAT WILL HELP THE MAINTENANCE OF PEACE AND ORDER IN THE CITY OF BACOR, CAVITE AND CREATING THE BACOR POLICE AUXILIARY UNIT.**

*Introduced by: Hon. Catherine S. Evaristo and Hon. Strike B. Revilla*

*Sponsored by: Hon. Miguel N. Bautista, Hon. Rowena M. Bautista-Mendiola, Hon. Venus D. De Castro, Hon. Bayani M. De Leon, Hon. Reynaldo M. Fabian, Hon. Edwin G. Gawaran, Hon. Victorio L. Guerrero, Jr., Hon. Hernando C. Gutierrez, Hon. Roberto R. Javier, Hon. Gaudencio P. Nolasco, and Hon. Reynaldo D. Palabrica.*

**WHEREAS**, the police-to-population ratio existing in the City of Bacoor at present is 1:4,329 instead of the ideal ratio of 1:1,000. Translated in simpler terms: there are only 161 police personnel to serve and protect the 697,000 people residing in the City of Bacoor right now.

**WHEREAS**, due to the shortage of available police personnel that can be assigned to the City of Bacoor, the crime volume in the city for calendar year 2012 (762 crimes reported) increased to 924 crimes the following year.

**WHEREAS**, the city government have formally requested the Department of Interior and Local Government (DILG) for additional police personnel to be assigned at the City of Bacoor on several occasions over the years but such requests were not granted owing to the shortage of available police personnel all over the country.

**WHEREAS**, on 28 June 2014, P/Supt. Rommel C. Estolano, head of the Bacoor Philippine National Police (Bacoor PNP) station submitted a memorandum to the City Mayor, Hon. Strike B. Revilla, calling for the approval of a localized anti-criminality action plan involving the utilization of private security guards as police auxiliary units.

**WHEREAS**, based on the said memorandum, the Bacoor PNP recommends the approval of an ordinance authorizing the utilization of private security guards as "police auxiliary units" that will assist police authorities in maintaining peace and order in the city pursuant to the relevant provisions of Republic Act No. 5487 (otherwise known as "The Private Security Agency Law").

District I:

HON. AVELINO B. SOLIS

City Councilor

HON. EDWIN G. GAWARAN

City Councilor

HON. MIGUEL N. BAUTISTA

City Councilor

HON. ROWENA BAUTISTA-MENDIOLA

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HON. VICTORIO L. GUERRERO, JR.

City Councilor - ABC Pres.

Attested by:

Shirley S. Lazo

Sup. Admin. Officer

Certified by:

HON. CATHERINE S. EVARISTO

City Vice Mayor/Presiding Officer

Approved by:

HON. STRIKE B. REVILLA

City Mayor





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**WHEREAS**, the City of Bacoor needs to obtain the services of an additional 536 security personnel in order to achieve a 1:1,000 police-to-population ration and stem the rise of criminality within the city.

**NOW THEREFORE**, be it ordained by the Sangguniang Panlungsod of the City of Bacoor, THAT:

**Section 1. Short Title.** This ordinance shall also be known as the "**Auxiliary Police Unit Ordinance of the City of Bacoor**".

**Section 2. Purpose of the Ordinance.** The purposes of this Ordinance are as follows:

§2.1. Enhance the crime fighting capabilities of the Bacoor PNP through the utilization of auxiliary police units in strict adherence to applicable requisites of law;

§2.2. Authorize the City Mayor to obtain the services of private security guards through proper bidding procedures pursuant to this Ordinance and all pertinent laws and regulations; and

§2.3. Enable the Bacoor PNP to stem the rising tide of criminality while "barangay tanods" and other barangay officials and personnel are trained in crime prevention, evidence gathering, and other security related techniques.

**Section 3. Definition of Terms.** The following words and phrases as used in this Ordinance shall be understood to have the following meanings:

§3.1. **Bacoor PNP.** The unit of the Philippine National Police (PNP) assigned to maintain peace and order in the City of Bacoor or the head of the said unit.

§3.2. **Barangay Officials.** All duly elected or appointed officials of the barangay tasked to maintain peace and order within their respective territorial jurisdictions.

§3.3. **Person.** Shall include not only natural persons but also juridical persons such as corporation, partnership, company or association duly registered with the Securities and Exchange Commission and/or the Bureau of Commerce.

§3.4. **Private Detective Agency.** Any person, who, for hire or reward or on commission, conducts or carries on or holds himself or itself out as conducting or carrying on a detective agency, or detective service.

§3.5. **Private Detective.** Any person who is not a member of a regular police agency of the Armed Forces of the Philippines who does detective work for hire, reward, or commission.

§3.6. **RA 5487.** Republic Act No. 5487 also known as "The Private Security Agency Law" and its implementing guidelines.

§3.7. **Watchman or Security Guard, Watchman or Security Guard Agency.** Any person who offers or renders personal service to watch or





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secure either residential or business establishment, or both, or any building, compound, or area including but not limited to logging concessions, agricultural, mining or pasture lands for hire or compensation, or as an employee thereof shall be known as watchman or security guard; and any person, association, partnership, or corporation, who recruits, trains, muster, furnishes, solicits individuals or business firms, private or government-owned or controlled corporations to engage his service or those of its watchmen, shall be known as Watchman of Security Guard Agency.

**Section 4. Rules on Interpretation.** In case of conflict in the interpretation of words and phrases used in this ordinance, the meaning that gives effect to the purposes of this ordinance shall be given precedence. In case of conflict in the proper implementation of this ordinance, that which gives effect to pertinent laws, government regulations and Supreme Court decisions shall prevail.

Words used in singular also include the plural. The reverse is also true.

Words used in the present tense shall also include the past tense. The reverse is also true.

The words "must", "shall", "will" and "may not" as used in this Zoning Ordinance are mandatory.

The word "may" is permissive while "should" is advisory and not mandatory or required.

When used with numbers, "Up to X," "not more than X" and "a maximum of X" all include X.

**Section 5. Authority of the City Mayor to Obtain the Services of Private Security Agencies, Private Detective Agencies, Watchmen, Private Detectives and Private Security Guards as Police Auxiliary Units.** The City Mayor is hereby authorized to obtain the services of private security agencies, private detective agencies, watchmen, private detectives, and private security guards as police auxiliary units to give effect to the purposes of this Ordinance pursuant to pertinent bidding procedures.

**Section 6. Authority to Use City Funds to Pay Salaries of Private Security Agencies, Private Detective Agencies, Watchmen, Private Detectives and Private Security Guards.** The City Mayor is hereby authorized to make use of available funds of the city government, or those specifically appropriated to implement this Ordinance, to pay the salaries and benefits of the private security agencies, private detective agencies, watchmen, private detectives, and private security guards who may emerge as the winning bidder to be conducted after the date of effectivity of this Ordinance for the implementation hereof.

**Section 7. Creation of the Bacoor Police Auxiliary Unit.** The Bacoor Police Auxiliary Unit is hereby created. The said unit shall be placed under the control and supervision of the City Mayor in consultation with the Bacoor PNP. The appointment of the private detectives, private watchmen, and/or private security guards to be assigned to the said unit shall be signed and approved by the City Mayor.





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**Section 8. Non-Existence of Employer-Employee Relationship Between the City of Bacoor and Private Security Personnel.** All persons appointed to the Bacoor Police Auxiliary Unit shall not be considered as employees of the City of Bacoor. Accordingly, the benefits and salaries of the private security guards, private watchmen, and/or private detectives to be hired under this Ordinance shall be paid by the private security agency/ies or private detective agency/ies that shall emerge as winning bidders in the bidding process to be conducted by the Office of the City Mayor through the Bids and Awards Committee of the City of Bacoor. Moreover, the City of Bacoor shall not be held liable for any claim, salary, remuneration, or benefit that was not received by the private security guards, watchmen, and/or detectives to be assigned to the Bacoor Police Auxiliary Unit.

**Section 9. Functions and Duties of the Bacoor Police Auxiliary Unit.** The Bacoor Police Auxiliary Unit, and all persons to be assigned thereto, shall have the following powers and functions:

§9.1. Report to the head of the Bacoor PNP or to his authorized representative every workday or whenever required to do so;

§9.2. Sign his/her daily time record every day that he/she reported for work and submit to the City Mayor all reports as may be required from him by the Bacoor PNP or by his immediate superior;

§9.3. Maintain peace and order within the area assigned to it as determined jointly by the Bacoor PNP, the City Mayor and by the Peace and Order Council of the City of Bacoor;

§9.4. Gather evidence, secure crime scenes, prevent crimes, conduct security patrols by day and by night pursuant to pertinent laws, rules and regulations, and effect warrantless arrests pursuant to Section 5 of Rule 113 of the Rules on Criminal Procedures; and

§9.5. Perform such other tasks as may be ordered by the City Mayor related to the maintenance of peace and order and to the implementation of various laws and ordinances subject to strict compliance to pertinent laws, rules, regulations, and decisions of the Supreme Court.

**Provided:** that such private security guards, watchmen, and detectives shall only use lethal force when defending themselves or in defense of a third party in the enforcement of their assigned duties.

**Section 10. Role of BPAU in Maintaining Peace and Order During Public Gatherings.** Aside from the foregoing duties, the BPAU shall also have the duty of securing public gatherings to complement the personnel of the PNP.

**Section 11. Duty of Bacoor PNP to Train BPAU personnel.** The Bacoor PNP shall be duty bound to train all BPAU personnel covered by this Ordinance in the following topics:

§11.1. Crowd control during emergencies;

§11.2. Evidence gathering, preservation, and investigation;

District I:

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City Councilor

On leave

HON. LEANDRO A. DE LEON  
City CouncilorHON. ROBERTO R. JAVIER  
City CouncilorHON. VICTORIO L. GUERRERO, JR.  
City Councilor - ABC Pres.

Attested by:

Shiela B. Lazo

Sup. Admin. Officer

Certified by:

HON. CATHERINE S. EVARISTO  
City Vice Mayor/Presiding Officer

Approved by:

HON. STRIKE B. REVILLA  
City Mayor





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City Vice Mayor/Presiding Officer

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HON. STRIKE B. REVILLA  
 City Mayor

§11.3. Suspect apprehension;

§11.4. Intelligence gathering;

§11.5. Civilian evacuation during calamities;

§11.6. Traffic management; and

§11.7. Other topics related to the foregoing.

**Section 12.** If any provision or part hereof is held invalid or unconstitutional, the remainder of the Ordinance not otherwise affected thereby shall remain valid and subsisting.

**Section 13.** Any ordinance, resolution, issuance, executive order, rule or regulation that are contrary to, or inconsistent with this Ordinance is hereby repealed, modified, or amended accordingly.

**Section 14.** This Ordinance shall take effect immediately after it has been published once in a newspaper of general circulation in the Province of Cavite and after it has been posted on the bulletin boards of all the barangays of the City of Bacoor.

**Section 15.** All of the departments and units of the city government and all other government offices and agencies concerned shall be furnished with copies of this Ordinance.

**Section 16.** The Office of the City Mayor is hereby empowered to formulate the necessary rules and regulations to ensure the effective implementation of this Ordinance.

**Section 17.** The Sangguniang Panlungsod shall automatically review the provisions of this Ordinance at least once every year following the date of its effectivity.

**UNANIMOUSLY APPROVED** by the Sangguniang Panlungsod this 8th day of September 2014 at Bacoor City, Cavite.

**VOTING RECORD**

IN FAVOR

*Hon. Miguel N. Bautista, Hon. Rowena M. Bautista-Mendiola, Hon. Venus D. De Castro, Hon. Bayani M. De Leon, Hon. Reynaldo M. Fabian, Hon. Edwin G. Gawaran, Hon. Victorio L. Guerrero, Jr., Hon. Hernando C. Gutierrez, Hon. Roberto R. Javier, Hon. Gaudencio P. Nolasco, Hon. Reynaldo D. Palabrica, and*

DISSENTING

None

ABSTAINED

None

**ATTENDANCE RECORD**

PRESENT

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District I

ON LEAVE

**Hon. Avelino B. Solis and Hon. Leandro A. De Leon**

ABSENT

None

**HON. AVELINO B. SOLIS**  
City Councilor**HON. EDWIN G. GAWARAN**  
City Councilor**HON. MIGUEL N. BAUTISTA**  
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City Councilor - ABC Pres.

Attested by:

Shiela S. Lazo

Sup. Admin. Officer

Certified by:

**HON. CATHERINE S. EVARISTO**  
City Vice Mayor/Presiding Officer

Approved by:

**HON. STRIKE B. REVILLA**  
City Mayor

I hereby certify that the foregoing Resolution was approved in accordance with law and that the contents hereof are true and correct.

**CERTIFIED CORRECT:****HON. CATHERINE S. EVARISTO**

City Vice Mayor/Presiding Officer

**ATTESTED BY:****SHIELA S. LAZO**

Supervising Administrative Officer

**APPROVED BY:****HON. STRIKE B. REVILLA**

City Mayor