

On Searches of Persons at Police Checkpoints

Several complaints have been received by the Commission on Human Rights that checkpoints in several places in Metro Manila have been up where police and other enforcement agents search people at random in connection with the campaign against loose firearms and for other purposes.

The police and all other enforcement agencies and the people at large are reminded of the constitutional guarantees of unlawful searches as well as provisions of the International Covenant on Civil and Political Rights on the freedom from arbitrary arrest and the right to privacy.

Article III, Sec. 2 of the Philippine Constitution reads:

"The rights of the people to be secure in their persons, houses, papers and effects against unreasonable searches and seizure of whatever nature and for any purpose shall be inviolable, and no search warrant or warrant of arrest shall be issued except upon probable cause to be determined properly by the judge after examination under oath or affirmation of the complainant and the witness he may produce, and particularly describing the place to be searched and the persons or things to be seized."

Article 9 (1) of the International Covenant on Civil and Political Rights respectively reads:

"Everyone has the right to liberty and security of person. No one shall be subject to arbitrary arrest or detention. No one shall be deprived of his liberty except on such grounds and in accordance with such procedure as are established by law."

Likewise, Article 7 of the said Covenant also reads:

- 1. No one shall be subjected to arbitrary or unlawful interference with his privacy, family, home, or correspondence, nor to unlawful attacks on his honor and reputation.*
- 2. Everyone has the right to the protection of the law against such interference or attacks.*

While the motive of police is a laudable one to apprehend people in possession of unauthorized firearms and other unlawful objects, the practice of putting up police checkpoints might be the subject of abuse and unnecessary interference of the liberty of the individual such as unlawful searches or arrests and also violative of the right to privacy of persons.

The Supreme Court, in several rulings warned of putting up checkpoints or the so-called '*stop and frisk rule*' when police stop vehicles or arrest individuals to search for guns and ammunitions or even illegal drugs may be susceptible to abuse of men in uniform. The Commission on Human Rights cautions the police on this advisory. To present such possible abuses, all persons who are unlawfully accosted by the police or law enforcement agents may inform the Commission on Human Rights.

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