

Fifteenth Congress
First Regular Session

HOUSE BILL NO. 2301

Introduced by Honorable Godofredo V. Arquiza

EXPLANATORY NOTE

This bill seeks to create a Sheriff's Office in Metro Manila and the rural areas and provinces which will be under the direction and control of the Department of Justice. The Sheriff's Office will provide a full range of law enforcement services, including patrol, traffic and investigative services.

Section 9, Article II of the 1987 Constitution states:

"The State shall promote a just and dynamic social order that will ensure the prosperity and independence of the nation and free the people from poverty through policies that provide adequate social services, promote full employment, a rising standard of living, and an improved quality of life for all."

We recognize that in the United States, a sheriff, is the highest law enforcement officer of a county and commander of militia in that county. In some states, the sheriff is officially titled "High Sheriff", although the title is very rarely actually used. In some parts of the United States, sheriffs are usually elected. The political election of a person to serve as a police leader is an almost uniquely American tradition.

In principle, a sheriff is a legal official with responsibility for a county. In practice, the specific combination of legal, political and ceremonial duties of a sheriff varies greatly from country to country. In some counties, the sheriff is usually responsible for the custody and care of the county courthouse and the jail, attends upon courts of record in serving process, and often has the power to summon jurors. As an officer of the

court, a sheriff is subject to a court's orders and direction. Sheriffs also have the power to serve processes, including summons, subpoenas, orders, resolutions and final decisions and judgment. He may also be responsible for civil defense, emergency disaster service, rescue service or emergency management. Many sheriffs' offices also perform routine patrol functions such as traffic control, accident investigations, and transportation of prisoners. Larger departments may perform criminal investigations or engage in other specialized law enforcement activities. Some unusually large sheriffs' offices may have an air patrol (including fixed-wing aircraft or helicopters), a mounted patrol or a marine patrol at their disposal.

In the Philippines, the sheriff's role is to serve court processes who executes all writs returnable to court. A sheriff must execute process without attempting to determine its validity. A court will not direct or advise a sheriff as to the manner of executing process, but he has a duty to effect service promptly, respectfully, and without unnecessary violence. A sheriff must exercise due diligence but need not expend all possible efforts in effecting service.

In view of the foregoing considerations, approval of this bill is earnestly sought.



GODOFREDO V. ARQUIZA
Senior Citizen Party List

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HOUSE BILL NO. 2301

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**AN ACT CREATING AND PROFESSIONALIZING SHERIFF'S OFFICE
IN EVERY CITY AND MUNICIPALITY**

*Be it enacted by the Senate and the House of Representatives of the
Philippines in Congress assembled:*

SECTION 1. Short Title. – This Act shall be known as the “An Act Creating and Professionalizing a Sheriff's Office in every City and Municipality.”

SECTION 2. Declaration of Policy. – Section 9, Article II of the 1987 Constitution states:

“The State shall promote a just and dynamic social order that will ensure the prosperity and independence of the nation and free the people from poverty through policies that provide adequate social services, promote full employment, a rising standard of living, and an improved quality of life for all.”

Consonant with these constitutional principle, the following are the declared policies of this Act:

- (a) To recognize the rights of the all citizens to be further assisted by more law enforcement agencies;
- (b) To create and professionalize SHERIFF'S OFFICE in every city and municipality, headed by a SHERIFF who will monitor, investigate, and file complaints in behalf of the Filipino Citizens;

(c) To recognize the vital role of the Department of Justice and the Local Government Units in the welfare of the Filipino citizens and to actively seek their partnership;

In accordance with these policies, this Act aims to:

(1) create and professionalize SHERIFF'S OFFICE which will help in civil defense, emergency disaster service, rescue service or traffic control and accident investigations in every city and municipality which will adopt measures to monitor and investigate all complaints of Filipino citizens;

(2) file complaints with the Department of Justice and the Metropolitan Trial Courts;

SECTION 3. Definition of Terms. – For purposes of this Act, these terms are defined as follows:

(A) "Sheriff" is a contraction of the term "shire reeve". The term, from the Old English *scīrgerefa*, designated a royal official responsible for keeping the peace (a "reeve") throughout a shire or county on behalf of the king. The term was preserved in England notwithstanding the Norman Conquest. From the Anglo-Saxon kingdoms the term spread to several other countries, at an early point to Scotland, latterly to Ireland and the United States.

(B) "Local Government unit " shall mean - as defined in the Local Government Code, as amended.

SECTION 4. SHERIFF's Office. – There shall be a Sheriff's office, headed by the Sheriff, appointed by the Department of Justice, which will strictly monitor, investigate

SECTION 5. Qualifications of a Sheriff. – To become a Sheriff, he/she must be:

a) a Filipino citizen, 21 years old and above;

b) must have graduated any four-4 year college course;

- c) with no derogatory criminal or administrative record;
- d) physically and psychologically fit; and

c) a person of proven integrity and honesty;

SECTION 6. Requirements after appointment. – Upon satisfying the qualifications under Section 5 hereof, the appointed Sheriff shall take an oath of office and post a bond in an amount to be determined by the Secretary of Justice to ensure the faithful performance of the duties of the office. The corresponding compensation shall consist of a fixed salary, to be determined by the Secretary of Justice.

SECTION 7. Government Assistance. – The Government shall provide the following:

The Department of Justice, in coordination with Local Government Units (LGUs) and Department of Interior and Local Government, shall institute a program in pursuance of the objectives of this Act.

The Local Government Units shall have the following functions:

- (a) To plan, implement and monitor yearly programs in pursuance of the objectives of this Act;
- (b) To maintain and regularly update, on a quarterly basis, the steps taken by the appointed SHERIFF;
- (c) To serve as a General Information and Liaison Center to fully implement this Act; and
- (d) To assist the Filipino citizens in filing complaints or charges against erring Sheriffs who refuse to comply with their duties before the Department of Justice or the city or municipal trial court.

SECTION 8. Department of Justice Responsibility. – It shall be the responsibility of the Department of Justice to prominently display posters, stickers, and other notices that will generate public awareness of the rights and privileges of

the Filipino citizens, to ensure that the provisions of this Act are implemented to its fullest.

SECTION 9. Partnership of the National and Local Government Units. – The national government and local government units shall undertake to ensure the implementation of this Act in their respective territorial jurisdictions.

SECTION 10. Implementing Rules and Regulations. – The Secretary of Justice, within ninety (90) days from the approval of this Act, shall promulgate the implementing rules and regulations for the effective implementation of the provisions of this Act in consultation and coordination with the Department of Interior and Local Government.

SECTION 11. Appropriation. – The necessary appropriation for the operation of this Act shall be appropriated and approved by the Department of Justice to carry out the provisions of this Act upon its effectivity shall be charged out of the funds of the Office of the President. Thereafter, any such sum as shall be needed for the regular implementation of this Act shall be included in subsequent General Appropriations Act following its enactment into law.

Section 12. Effectivity. – This Act shall take effect within fifteen (15) days after publication in the Official Gazette or in two (2) national newspapers of general circulation.

Approved,


GODOFREDO V. ARQUIZA
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