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AN ORDINANCE PENALIZING ANY PERSON OR PERSONS FROM CROSSING, ENTERING OR BREACH OF A POLICE LINE CORDON DURING OR ACTUAL OPERATIONS AGAINST CRIMINAL ELEMENTS OR RESCUE OPERATIONS AND ALTERING, TINKERING OR REMOVING ANY ITEM(S) OR THING(S) RELEVANT TO POLICE INVESTIGATION IN THE CITY OF NAGA WITH A FINE OF FIVE THOUSAND (Php 5,000.00) PESOS AND/OR IMPRISONMENT OF THIRTY (30) DAYS OR BOTH, UPON THE DISCRETION OF THE COURT:-

Author: Hon. Jose A. Tuason

## PREAMBLE

**WHEREAS,** the August 2010 hostage-taking incident at the Quirino Grandstand in Rizal Park, Manila, wherein lives were lost and scores were injured, including people who were not actual part of the incident, had put our nation to great embarrassment where the ineptness of police authorities were apparently perceived to impose completely kibitzers or "osioseros" who without sense of security had rush in droves to the crime scene as if the whole thing was something out of a movie scene;

**WHEREAS**, usually people who are not in any way connected with in a crime scene investigation contributes a lot of disruption in the collection of vital evidences and sometimes spoils the original scene, resulting to alteration of its final investigation report;

WHEREAS, it's clear yellow line strip with the bold words "POLICE LINE DO NOT CROSS" are usually installed a few meters or surrounding of a crime scene is put to warn any person, to cross, enter or breach said police line;

**WHEREAS,** because of unnecessary presence of kibitzer or "osioseros" in actual confrontation of police authorities with criminal elements had resulted to death or injuries caused by cross-fire to innocent person(s);

**WHEREAS**, present practice of police authorities to put up police line in an abnormal incidents, are being disregarded by people, is a manifestation of inability to impose discipline and maintain law and order in time of crisis which is due to absence of laws that can be imposed.

**WHEREAS,** unauthorized person(s) unknowingly out of curiosity in entering a police line, tinker, touch, remove or alter the original position of vital evidence(s) inside a crime scene, changing the whole or partially the crime scene when reconstruction or revalidation of evidences, the actual appearances had resulted to different crime scene and some person(s) took the opportunities of any commotion in the area of incidents in taking or carting away valuable things for their own interest or gains;

**NOW, THEREFORE,** be it ordained by the Sangguniang Panlungsod of Naga City, in session, assemble, that:

ORDINANCE NO. 2012-032  
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**SECTION 1. DEFINITION - POLICE LINE.** (A.) A demarcation line which is drawn or made by law enforcement officers involved in a legitimate on the scene crime or fire investigation or response, which purpose is to prevent bystanders, kibitzers ("osioseros") or other individuals not authorized in such operation, response investigation or from getting near or proximate to the crime or fire-scene. It is usually, but not necessarily indicated by yellow strip of clothing but other material which bears the words "**POLICE LINE DO NOT CROSS**" or anything (i.e., rope, plastic chord and the like) which are placed/installed by the police authorities intending to restrict unauthorized person(s) to enter same. (b.) physical or documentary evidence(s) are those things or any items(s) and/or positioning of anything (i.e. doors, chains, table, or any similar material) that are left in a crime scene which are presumably untouched, moved or altered. It also include documents(s) or record(s) that can be used in solving a crime.

**SECTION 2. VIOLATION** - Any person(s) who violate Section 1 (a) by crossing, entering or breach of said police line shall be penalized under the penal clause of this ordinance. While any person(s) who alter, thinker or remove any of it's physical or documentary evidence(s) as defined under section 1 (b) shall likewise be penalized under the penal clause of this ordinance.

**SECTION 3. PENALTY.** A fine of FIVE THOUSAND (Php. 5,000.00) pesos and/or imprisonment of Thirty (30) days or both, upon the discretion of the court, shall be imposed on any person who shall cross, enter or breach a police line in occasions of actual confrontation of police authorities with criminal elements or on rescue and fire fighting operations and during of investigation of a crime, or the incident, and any person(s) who alter, tinkler or remove any physical or documentary evidence(s) shall likewise be penalized under this penal clause.

**SECTION 4. EFFECTIVITY.** This ordinance shall take effect upon its approval.

ENACTED: June 5, 2012.

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**WE HEREBY CERTIFY** to the correctness of the foregoing ordinance.

**GIL A. DE LA TORRE**  
Secretary to the  
Sangguniang Panlungsod

**GABRIEL H. BORDADO, JR.**  
City Vice Mayor &  
Presiding Officer

**APPROVED:**

**JOHN G. BONGAT**

City Mayor