

**AN ASSESSMENT OF THE COMPLIANCE BY POLICE OFFICERS
IN RA 7438 SEC. 2(B) IN DASHMARINAS CITY, CAVITE
AS PERCEIVED BY SELECTED EX-DETAINEES**

THESIS

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ABSTRACT

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The respondents of the study are those formerly detained and undergone custodial investigation by the police officer in Dasmariñas City, Cavite. The study aims to determine the compliance level of police officer to RA 7438 in terms of 1.) Right to remain silent 2.) Right to have independent counsel 3.) Right to visit by their family, relatives, lawyer and to have religious activity conducted inside the jail. It also aims to determine the most violated right as perceived by selected ex-detainees.

The study used the descriptive-analytic design. The respondents were asked to answer the profile, the compliance level of police officer and what is the most violated right. Frequency and percentage were used to determine the personal profile, compliance level and most violated right on RA 7438.

The findings of the study revealed that most of the ex detainee have ages 20 to 30 years old, followed by 30 to 40 years old. The 40 years old and above got the least number. The result implies that younger ex-detainees were more physically capable of doing a crime rather than the old ones.

The findings of the study revealed that most of the ex detainees were high school level, which implies that they have less job opportunities, so they resort in committing

crimes. The findings of the study showed that the police officer has an average level of compliance on RA 7438. This is due to the fact that the police officer has prior knowledge that the respondents already experienced custodial investigation. It follows that police officers presumed that there is no necessity profoundly explaining the Miranda rights.

Finally, the study revealed that the most violated right on RA 7438 is the right to remain silent, which implies that the police officers consider the right as a bar to expedite the process of investigation. Therefore, the researcher concludes that the police officer has an average level of compliance. However, it must fall within the high level of compliance considering that the subject is a right of a person fully protected by our Constitution.

The government of Dasmariñas City should provide seminars and orientations of police officers to remind them the importance of RA 7438. The legislators shall amplify the law by increasing the fine from P 4, 000 to P 20, 000.

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INTRODUCTION

Salus populi es suprema lex, (the welfare of the people is the supreme law), *Sis utere tuo ut alienum non laedas*, (one should use his own property in such manner as not to injure that of another). These are the Latin maxims that justify police power. By virtue of these principles, individual freedom and property rights are being sacrificed at the altar of general welfare. Police power is the power of the state to regulate freedom and property rights of individuals for the protection of public safety, health, and morals or the promotion of the public convenience and general prosperity (Dannug and Campanilia 2004).

However, police power is the subject to the limitation of the constitution. Thus, the Congress in the exercise of police power cannot pass a law in violation of Article III of the Philippine Constitution such as the due process clause, equal protection clause,