



LAW ENFORCEMENT IN THE ADMINISTRATION OF JUSTICE: A CASE ANALYSIS

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ABSTRACT

The study is a case analysis on the experiences of the law enforcement officers in the administration of justice. The respondents were 5 selected law enforcement officers from Northern Luzon, who were chosen through convenience sampling. A validated interview guide was utilized in data gathering. Data gathered were then collated, themed and analyzed. The study revealed that the perceived role of the law enforcement in the administration of justice centered on law enforcement, it involves the conduct of arrest, investigation and filing of cases. The law enforcement officer's experience in the administration of justice is attributable to following protocols, encounter with the accused and trauma from these experiences. It is then concluded that the law enforcement officer's perception on their role and their experiences in the administration of justice adhere to their mandates as defined by their manual. Such experiences also reflect the human nature of obedience and weakness for the trauma experienced. In the light of the conclusions, it is also recommended that the programs suggested be adapted.

KEY WORDS; Law Enforcement, Administration of Justice, Live Experience

INTRODUCTION

The administration of justice involves the process of the whole criminal justice system. The law enforcement, as the first pillar; is the initial contact of the justice system. They were mandated to detect crimes, arrest offenders, investigate and file cases. Despite the efforts of the law enforcement there were notions that cases do not prosper due to technicalities or lapses allegedly committed or omitted. Clearly, the law enforcement's role is very crucial. Whether or not justice will be served lies on how a crime has been detected, investigated and the amount of evidence presented. But what if errors were made from the very beginning, what if the law enforcement failed to perform according to protocols. How do these law enforcers work to administer justice? But first who are the law enforcers?

Tatum (2022) defined law enforcement as collective term for professionals who are dedicated to uphold and enforce laws and statutes in their given jurisdiction. Hence, the work of law enforcement and their role in today's society is in the great interest. It is extremely important to make sure the high level of the responsibility of these professionals. (Nedzinskas, et. al., 2021) The United States Department of Justice-Bureau of Statistics (2021) states that the primary duties of law

enforcement include investigation, apprehension and detention of individuals suspected of criminal offenses. The New York City police force provide an example of what police do, they apprehend criminals or crime suspects, investigate crimes and crime scenes, collect evidence and interview witnesses and testify in court if necessary. (law enforcement, n.d.) Hence, it is again evident that law enforcement plays a vital role in the administration of justice as the primary pillar of the Criminal Justice System (CJS).

Studies have long been pursued to review and uncover relevant issues of the criminal justice system especially in the law enforcement. In US, Trump administration signed EO 13896 to create a commission to study key issues related to law enforcement in the administration of justice and to make recommendations. (Report of the President's Commission on Law Enforcement in the Administration of Justice, 2020)

In the Philippines, the law enforcement pillar includes the Philippine National Police (PNP), National Bureau of Investigation (NBI), Philippine Drug Enforcement Agency (PDEA) and other agencies. (Valle-Corpuz, M., n.d.) by virtue of various laws, such agencies are responsible to maintain peace and order, enforce the law, conduct arrest to suspected



offenders, investigate crime and refer cases to the prosecution for the determination of probable cause.

The Philippine National Police responds to crimes and cases either brought up to their offices by the community or were discovered while performing their official functions as law enforcers same as thru with the National Bureau of Investigation, they also handle cases that were not referred to the PNP, while the PDEA were specifically tasked to investigate crimes related to prohibited drugs.

Among these agencies, the PNP is the primary law enforcement agency of the first pillar of the criminal justice system. The men and women in the PNP were expected to respond to emergencies and known as strong, determined and dependable law enforcer. With the Pulse Asia Survey in 2019, they landed on the top 3 among the most trusted agency of the government. (Philippine Information Agency, 2020)

Since crime is everywhere in society and is a social phenomenon, the PNP must take an extra effort to combat the occurrence of such acts of lawlessness. PNP members must be vigilant in crime investigation, from the identification of the perpetrator, locating and tracing suspects, and to provide evidences thereof to prove the guilt of the perpetrator.

With this, the researchers believed that police officers are faced with risks as they perform their official functions from the conduct of arrest, investigation of crimes, and referral of cases to the prosecution and even testifying in court. Thus, it interests them to make an in depth analysis into the police officers role in the administration of justice.

Theoretical/Conceptual Framework

This study is anchored with the ancient theories of policing, old concept theory and the concepts on law enforcement, styles of policing and the legal bases of the different law enforcement agencies in the Philippines.

Ancient Theories of Policing Systems

The ancient policing system can be trace back to the Kin Policing, a primitive system where the tribe members banded together to enforce the rules of the group to a rouge member. Then the first written laws of the Code of Hammurabi emerged. Among the western law enforcement system was the Mutual Pledge and the Hue and Cry, where the enforcement of laws lies on the hands of the community. In England, the kings created the Shires to enforce the rules (reeve) and the creation of different laws and law enforcement officers such as the Keepers of the Peace to keep the kings peace. And by the 13th centuries the Watch and Ward System came into effect where officers of the watch guard the towns, conduct patrols and to arrest strangers at night. Those systems remained until the revolution of industrialization.

Old Concept Theory

This theory highlighted the idea of the old policing system, where the yardsticks of the efficiency of the police officers were based on the number of arrest. In here, the police

system were looked as merely repressive machinery, this means that the police are focused on throwing more people in jail rather than prevention approach. Hence, under this approach, punishment is the sole instrument for crime control.

Law Enforcement

In this modern world, the enforcement of the law is vital. Without law enforcement, the society would turn into chaos. The law enforcement is described as one of the formal process in the social control that attempts to obtain obedience from the society with the establishment of rules and regulation. Policing is also defined as law enforcement that emphasizes prevention, detection, investigation and prosecution of crime as well as providing numerous services to the community. (Law Enforcement and Policing, n.d.)

Further, Choo and Schiliro (2017) expressed that the law enforcement agencies respond to, detect and prevent crime. Hence, it is realized that police officers plays a vital role in responding to different situations brought by uncertain and certain circumstances.

Police work is challenging in multiple ways that they are expected to perform well and make sound judgments under stress. Stress and trauma experienced by police officers can have negative impact on their well-being. (Papazoglou, 2018) Police officers experienced COVID19 as significant stressor during pandemic (Stogner, J. et. al., 2020)

In United States, Department of Justice, law enforcement describes the agencies and employees responsible for enforcing laws, maintaining public order, and managing public safety. The primary duties of law enforcement include the investigation, apprehension, and detention of individuals suspected of criminal offenses. Some law enforcement agencies, particularly sheriff's offices, also have a significant role in the detention of individuals convicted of criminal offenses.

As mentioned by Hunter (2018), in community caretaking the law enforcement function includes conduct is designed to detect or solve a specific crime, such as making arrests, interrogating suspects, and searching for evidence. Furthermore, United Nations Human Rights (UNHR) Code of Conduct for Law Enforcement Officials, Law enforcement officials shall at all times fulfill the duty imposed upon them by law, by serving the community and by protecting all persons against illegal acts, consistent with the high degree of responsibility required by their profession. Article 2, further states that in the performance of their duty, law enforcement officials shall respect and protect human dignity and maintain and uphold the human rights of all persons.

In the present crisis, traditional policing practices such as stops, searches, arrests, and imprisonment pose an acute threat to public health, including the health and safety of officers. Legislators and law enforcement leaders must recognize this and develop an approach to policing that focuses on providing residents with information and access to vital services, while limiting fines and citations and reserving arrest and imprisonment for only the gravest crimes. Enforcement of



stay-at-home and similar directives should be deliberate, restrained, and closely monitored (Brooks R. et.al. 2020).

According to Jennings W. et al. (2020), as countries around the world, every state and territory in the United States, and jurisdictions both urban, suburban, and rural grapple with the societal, public health, and economic impacts of COVID-19, there has never been a more important time than now to assess the pandemic's immediate effects on law enforcement in the United States and to highlight law enforcement's best practices and strategizing.

Styles of Policing

Zhao, J. and Hassell, K.D. (2002) asserted in their study that James Q. Wilson's theory on policing was divided into three (3) styles such as; legalistic, watchman and service. The police who followed the legalistic focused on the enforcement of laws, while the watchman style focused on settling disputes in an informal way and that service focused on providing the needed services of the community.

Legal Bases of Law Enforcement Agencies

The law enforcement agencies was created by various laws and was even strengthened, expanded and amended to suit the dynamic society. Hence, The PNP was mandated by RA 6975 (An act Establishing the Philippine National Police under a reorganized Department of Interior and Local Government and other purposes) as amended by RA 8551 (Philippine National Police Reform and Reorganization act of 1998) under the Department of Interior and Local Government. (GOVPH, 2022)

Further, the Operations Manual of the PNP Rule 13 defines the General Guidelines for Police Officers in the Conduct of Arrest. Also, Chapter 1 and 2 of the Revised Criminal Investigation Manual (2011) provides the General Principles and Procedures in Investigating Crimes.

The National Bureau of Investigation can be traced as the old Division of Investigation by the Commonwealth Act No. 181, was reorganized into Bureau of Investigation through RA 157 and eventually renamed as NBI through EO 94 under the Department of Justice (DOJ). (NBI, n.d.)

The Philippine Drug Enforcement Agency is under the Office of the President that created by RA 9165 also known as the Comprehensive Dangerous Drugs Act of 2002, repealing RA6425 the Dangerous Drugs Act of 1972. RA 9165 was further amended by RA 10640, known as An Act to Further Strengthen the Anti-Drug Campaign of the Government, Amending Section 21. (PDEA, n.d.)

Objectives of the Study

This study aims to determine the experience of selected law enforcement officers in Northern Luzon as first pillar of the Philippine Criminal Justice System in the administration of justice.

Specifically to determine the following;

1. Role of law enforcement in the administration of justice as perceived by selected law enforcement officers.

2. Experiences of law enforcement officers in the administration of justice.

METHODOLOGY

This is a qualitative method using a case study approach in determining the experiences of law enforcement in the administration of justice. Convenience sampling is used in determining the participants. The respondents were five (5) police investigators with experience in the administration of justice from effecting arrest to testifying in court from the different cities of Northern Luzon such as; in Baguio City, Cauayan City, Dagupan City, San Fernando City, and Vigan City. The researchers made use of an interview guide that was validated by the tool validator of the Graduate School of the University of Baguio. Data gathered were collated and analyzed using Thematic analysis in treating the response of the respondents. Before the conduct of interview, the respondents were informed by the researchers that they can stop anytime or they may not answer any question that they are not comfortable with. The respondents participated willingly and voluntarily, neither harm nor force was employed. Data gathered were treated with utmost confidentiality.

RESULTS AND DISCUSSION

The role of law enforcement in the administration of justice as perceived by selected law enforcement officers

In the light of the role of law enforcement in the administration of justice as perceived by selected law enforcement officers as respondents is on law enforcement; to investigate crimes, arrest offenders and file cases. Such roles can further be seen on RA 6975, Section 24 on Powers and Functions of the Philippine National Police (c) Investigate and prevent crimes, effect the arrest of criminal offenders, bring offenders to justice and assist in their prosecution. (PNP Handbook, 2013).

The respondents in unison answered that one of their major role in the administration of justice is law enforcement that starts in the investigation of cases, where respondent 4 further explains that they investigate to collect evidence and affidavits of possible witnesses to establish enough evidence in filing cases.

Meanwhile, challenges in the conduct of investigation was elaborated by respondent 3, where he explained that one of the biggest challenge in the conduct of investigation is unwillingness and uncooperative victim, witnesses and even suspects. Respondent 4 also assert that his hardest challenge was on the collection of evidence especially in crimes with no trace of evidence.

On the other hand, respondent 1 narrates his experience "after the pandemic began, everything changed dramatically. We worked long hours and barely saw our families because we were out serving the country and ensuring that all protocols were followed while also protecting ourselves because the virus threat is no joke". This can be associated with the study of Stogner, et.al. (2020) in understanding the effects of the pandemic to law



enforcement practices and mental health of law enforcement officers.

Experiences of law enforcement officers in the administration of justice

The experiences of the law enforcement in the administration of justice can be attributed to following protocols, accused encounter and trauma from the experience.

Following Protocols

The law enforcers experience in the administration of justice is related to their perceived roles such as affecting arrest, investigate and file cases. The study revealed that the respondents account their experiences to the laid down protocols or the standing operating procedures defined by their manual or handbook.

Their experienced in the conduct of arrest can be divided in two ways; the arrest with warrant and the warrantless arrests. Respondents 1, 2 and 3 narrates that arresting with warrant starts from obtaining such warrant, approaching the suspect, introducing oneself, informing his violation, reading the Miranda Rights and inviting him to the police station that he may be bound to answer the allegations against him. While respondent 4 and 5 added that in warrantless arrest, the arresting officer must have personal knowledge as to the facts of the crime committed.

Also, the respondents reiterated that in effecting and arrest, there is a need to wear a Body-Worn Cameras (BWCs) or the Alternative Recording Devices (ARDs). In relation to this, the PNP announced the mandatory use of BWDs or ARDs during police operations in August 2, 2021. The former PNP Chief Guillermo Eleazar stated that a memorandum was issued by the Directorate for Operations to set the standard operating procedure in using BWC and ARD in the conduct of search, arrest and even warrantless arrest. (Nepomuceno, 2021)

As to the question whether investigation is an art or science, Beth Carruthers quoted "Artists and scientists alike begin their working projects and processes with a question—an inquiry. They are located within and asking questions of the same world. Processes and final manifestations of the work can differ greatly, yet goals may be parallel." (Fitzpatrick, 2017)

The experiences of the respondents in investigating cases are almost synonymous, investigation starts when a complaint reached their tables either through phone call or affidavit of complaint, proceed to the crime scene, secure the crime scene, sketch the crime scene, interview witnesses, look for CCTV footages, call for the Forensic when warranted then go back to the office to make reports. Meanwhile, respondent 1 added "we investigate cases if there is a crime committed. We collect 5W and 1H. If we established evidence then we will file the case against the accused."

It can be seen from the narrated answers that the law enforcement officers adhere to their protocols, they see to it that every step they take should be in accordance with the standard operating procedures, every move should be by the book. It can also be noted that they are extra careful as to the arrest and

investigation of cases to be sure that their case would push through. This can be attributed to the importance of Following orders were given emphasis, accordingly, following orders or protocols the most important in military operations. Obedience is what makes the military worked in an organized and effective manner which is very clearly important in military challenging situations. While a civilian can question the notion of obedience in daily life, this luxury is not applicable to the military where the goals require a smooth internal functioning and hierarchical. (StudyMode Research, 2011)

In filing cases against the accused, respondents' answers were almost the same. Respondent 1 reiterated that "we file cases in the prosecution if we have completed the case folder." This was corroborated by the statement of respondent 3 "you must complete the template (forms) to file a case." That was also strengthened by the statement of respondent 2 "you must complete documents like sworn statements, affidavits of witnesses, case referral addressed to the city prosecutor and the evidence" while respondent 1 also stated "in filing cases in the prosecution, we have to submit or present report telling what has happened along with the statements of the witnesses and results of investigations or laboratory results, as they say. Then they will be the ones to decide what criminal charges to file.

It can be noted that the law enforcers gather all pertinent pieces of evidence and thoroughly check that all pertinent documents should be properly filled and accomplished. This can be attributed to the presentation of Nicolas and De Vega Law Offices (n.d.) on how to file a criminal case in the Philippines, they asserted that if you are a victim, it is wise to report it to the barangay or the police authorities. Then there after, secure the pertinent documents and evidence before filing the case. Then a complaint-affidavit is filled before the prosecutor and it is necessary to have your facts straight and pieces of evidence check.

As part of the duties of the law enforcement pillar in the administration of justice is to testify on their filed cases. The respondents' experiences were diverse when testifying in court. Respondent 3 stated that court duties starts when receiving a subpoena from the court, during arraignment he was called to identify the accused, then during trial he was called to take the witness stand, swear, ask to state his name, where he was assigned and designation, then the judge will give consent, then testify based on affidavit. This was corroborated by the statement of respondent 2 stating that he received a subpoena, a day before the hearing; he coordinated with the prosecutor of the case and review your case, during trial speak in English, answer the questions precisely or just answer yes or no. Respondent 4 also answered that he testified based on his judicial affidavit when called to testify via a received subpoena from the court. Meanwhile, respondent 1 also states that "the first thing we do is to take the witness stand and swear that we will only speak the truth and nothing but the truth, and finally we answer the lawyer's questions.

The study revealed that the experience of the law enforcers' duties in court does not only refer to testifying during



trial proceedings but also in identifying the accused during arraignment. Again, in this experience of the law enforcers, the protocols or proceeding were observed.

On the other hand, the Saponaro Inc. (2022) employs a Law Enforcement Expert Witness, who shares behind-the-scenes information with the judge or jury in the testimony and deposition. Utilizing a law enforcement expert early in the trial process can save time and money because they analyze the case and provide necessary insight to establish the validity of the trial process.

Accused Encounter

The study also revealed that the law enforcement officers' encounter with the accused varies depending on the stage of the process. Respondent 2 and 3 narrates that during arrest, the accused were cooperative and obediently follows the officer to the police station especially if there is a warrant. Other respondents also states that as to their experience nobody resisted when conducting arrest. But they also reiterated that, during arrest, it must be in a friendly manner and explain the cause of arrest patiently.

During trial, some of the respondents narrates that the accused tried to approach them for an advice as to whether or not to plead guilty to a lesser offense or to plead guilty and apply for probation. This implies that the accused still trust or look up to the law enforcers as persons who could help them in their cases despite the fact that they were the once who put them in jail.

This implies that the law enforcement officers' encounter with the accused is crucial because the treatment they received builds trust or hatred towards the law enforcement officers as well as the whole justice system.

The collated answers of the respondents also implies that the law enforcers observed the rights of the accused as mandated by the constitution, it portrays that law enforcers are well versed on the rights of the accused as stated in the Bill of Rights. As stated also by the United Nation (1979) in the Code of Conduct for Law Enforcement Officials specifically on Article 2 saying among others that "In the performance of their duty, law enforcement officials shall respect and protect human dignity and maintain and uphold the human rights of all persons."

On the other hand, respondent 3 added that he encountered uncooperative violators especially during their patrol and traffic assignments. When he was still patrolman; he experienced being taken for granted when responding to incidents. They insist on the presence of the investigator or their superior. He also pointed out that the violators were professionals. As to this experience, it can boil down to the theory of Superiority of Plato, where he says that the people we laugh at imagine themselves to be wealthier, better looking, or more virtuous than they really are is ridiculous and it is considered as a certain kind of evil and self-ignorance. (Nwilson, 2017)

Trauma from the Experience

The law enforcement experiences in the law enforcement can become part of the officers' happy memories or nightmares. During the conduct of the interview, most of the respondents were happy and sad while narrating their experiences. There were also times that they answered questions with reservations especially on the process of the operations conducted.

Respondent 1 and 3 narrated that they were nervous during the first time encounters with the accused, the prosecutor and the court. Respondent 2 also narrates that he was so anxious during his first time to testify in court where his shirt was soaked with sweat after the hearing. While respondent 4 and 5 emphasized the importance of reviewing the case, coordinating with the prosecutor beforehand, sleep early before the hearing, be calm, and stick to your judicial affidavit.

This can be attributed to a testimony that testifying in a court of law is one of the most important tasks that a law enforcement officer must master during his or her career. If the officer is well prepared and can remain calm and cool during testimony, testifying in court will be no problem. Law enforcement officers must never lie in court and may jeopardize the entire case if they do. In addition to jeopardizing the case, the officer who lies puts their own career in jeopardy, as they will likely no longer be allowed to testify in court in the future. By being prepared and honest, law enforcement personnel can ensure success when providing vital courtroom testimony. (Court Testimony, 2018)

Meanwhile, law enforcement officers do not make a living in the courtroom and many are terrified at the prospect of taking the witness stand. While this anxiety is natural and expected, it can interfere with the primary objective of trials: to reach the truth. Even the seasoned trial veteran will admit, if candid, that being questioned by a quick-witted, sharp-tongued trial lawyer can be difficult. If a witness is too nervous to communicate effectively, valuable information that should be presented to the judge or jury may never be revealed. This is lamentable, not only from the perspective of the party relying upon that witness's testimony, but for society. The stability of any civilization rests, in large part, on a fair judicial system for the enforcement of society's rules and regulations. When witnesses fail to present evidence adequately, the quality of the judicial system suffers and the confidence placed in it by the public is diminished. Ultimately, the system may be abandoned in favor of other methods of conflict resolution. As a society, we have worked hard to establish, maintain, and improve our court system. (Vukelic, J.M., 2003)

Meanwhile, the experience of some of the respondents on their encounters with the accused like being taken for granted and ridiculed by some violators can make them or break them. It made us realized that these law enforcers were also human beings whose feelings are just like anyone of us, although they were trained and expected to be strong because of the nature of their job.



PROPOSED PROGRAMS FOR THE LAW ENFORCEMENT OFFICERS		
Experience	Gap	Recommended Program
Following Protocols	Sticking to protocols.	Seminar/update on protocols and other new related jurisprudence.
Accused Encounters	Unfavorable behavior of the accused.	-Strengthen the psychological aspect of the officers through seminars on psychological behaviors, monthly debriefing, provision of psychological assessment and assistance.
Experiences	Trauma	-Training/workshop on arrest simulation and court testimony. -Testimonial dinner, where everybody can share their experience in the administration of justice which is also a learning platform to others. Invite judges, prosecutors, lawyers and superiors to enlighten the experiences and answer queries. -Include in the curriculum of the law enforcement recruits the subject court testimony and psychology.

CONCLUSION AND RECOMMENDATION

It is then concluded that the law enforcement officer's perception on their role and their experiences in the administration of justice adhere to their mandates as defined by their manual. Such experiences also reflect the human nature of obedience and weakness for the trauma experienced. In the light of the conclusions, it is also recommended that the programs suggested be adapted.

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