

**REPUBLIC OF THE PHILIPPINES
REGIONAL TRIAL COURT**

[Judicial Region — *indicate region number, e.g., VII*]

[Branch — *indicate branch number*]

[City — *e.g., Cebu City*]

[FULL NAME OF PETITIONER/S],

[*State: Filipino, of legal age, civil status, address*]

Petitioner,

-versus-

CEBU CITY POLICE OFFICE (CCPO),

[*Office address*]

COL. GEORGE YLANAN, in his official capacity,

[*Office address*]

CITY GOVERNMENT OF CEBU,

[*City Hall address*]

[NAME OF CITY MAYOR], in official capacity (*IMPORTANT*),

[*Office address*]

Respondents.

****SPECIAL CIVIL ACTION FOR CERTIORARI AND
PROHIBITION**

(WITH APPLICATION FOR TEMPORARY RESTRAINING ORDER AND/OR WRIT OF
PRELIMINARY INJUNCTION)**

PETITION

Petitioner, through counsel, respectfully alleges:

I. JURISDICTION

1. This Petition is filed under **Rule 65 of the Rules of Court**.
 2. Respondents committed **grave abuse of discretion amounting to lack or excess of jurisdiction** in implementing the “Safer Cities Initiative.”
[Describe briefly WHY the acts are arbitrary, e.g., mass arrests without individualized basis]
 3. There is **no appeal, nor any plain, speedy, and adequate remedy** in the ordinary course of law.
[Explain why administrative remedies or ordinary criminal defense are inadequate]
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II. PARTIES

4. Petitioner is:
 - A direct victim of apprehension
 - A person under imminent threat of arrest
 - A representative of affected individuals (*attach authority, e.g., SPA/board resolution*)
[State full circumstances establishing standing]
 5. Respondent CCPO is the implementing law enforcement unit.
 6. Respondent Col. George Ylanan exercised **command responsibility**.
 7. Respondent City Government of Cebu enacted and enforces the ordinances.
 8. Respondent Mayor is responsible for policy direction and supervision.
[Insert full name and official designation]
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III. STATEMENT OF FACTS

9. On [DATE], Respondents launched the “Safer Cities Initiative.”
[Attach proof: news report, official statements]
10. On [SPECIFIC DATE], approximately [NUMBER] individuals were apprehended.

11. Violations cited include:

- [List specific ordinance violations]

12. **DETAILED INCIDENT (REQUIRED):**

[Narrate at least ONE specific incident]

- Date and time:
- Location:
- Arresting officers:
- Conduct of petitioner:
- What police did:
- Whether rights were read:
- Whether force, coercion, or humiliation occurred:

13. Petitioner and others experienced:

- No explanation of violation
- No Miranda rights
- No access to counsel
- Coercion to pay fines
- Public humiliation

14. [If minors involved:]

- Number of minors:
- Whether parents were notified:
- Whether detention occurred:

15. The operations were conducted in a **mass, indiscriminate manner**.

[Provide supporting facts, not conclusions]

IV. ISSUES

16. Whether Respondents committed **grave abuse of discretion**;

17. Whether the arrests violate:

- Due process
- Equal protection
- Rights against unlawful arrest

18. Whether the apprehension of minors violates applicable law.

V. GROUNDS (LEGAL ARGUMENTS)

A. VIOLATION OF DUE PROCESS

19. No person shall be deprived of liberty without due process.

20. *[Explain how petitioner was denied due process — specific facts]*

B. ILLEGAL WARRANTLESS ARRESTS

21. Under Rule 113, warrantless arrests require:

- Personal knowledge
- Offense committed in presence

22. *[Explain why arrest did NOT meet these requisites]*

C. EQUAL PROTECTION VIOLATION

23. Enforcement disproportionately targets:

[Provide evidence — demographics, location patterns, etc.]

D. VIOLATION OF CHILD RIGHTS (IF APPLICABLE)

24. Cite requirements under **Republic Act No. 9344**.

25. *[State specific violations — detention, lack of guardian, etc.]*

E. GRAVE ABUSE OF DISCRETION

26. Respondents acted arbitrarily by:

- [Specific act 1]
 - [Specific act 2]
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VI. GROUNDS FOR TRO / INJUNCTION

27. Petitioner has a **clear and unmistakable right**:

[Specify constitutional right violated]

28. There is **urgent and paramount necessity**:
[Explain ongoing operations and risk]

29. There will be **grave and irreparable injury**:
[Explain harm not compensable by damages]

VII. IRREPARABLE INJURY

30. Petitioner will suffer:
- Continued unlawful arrest
 - Violation of liberty
 - Chilling effect on rights
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VIII. PRAYER

WHEREFORE, premises considered, Petitioner respectfully prays:

1. ISSUE a **Temporary Restraining Order (TRO)**;
 2. ISSUE a **Writ of Preliminary Injunction**;
 3. DECLARE the implementation of the operations **UNCONSTITUTIONAL**;
 4. PERMANENTLY ENJOIN Respondents from unlawful enforcement;
 5. ORDER adoption of **rights-compliant protocols**;
 6. GRANT other reliefs just and equitable.
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IX. ANNEXES

Attach and label properly:

- Annex "A" – News report
- Annex "B" – Affidavit of petitioner

- Annex “C” – Photos/videos
 - Annex “D” – Copy of ordinances
 - Annex “E” – Medical or other evidence
 - Annex “F” – Authority to file (if representative)
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X. VERIFICATION AND CERTIFICATION AGAINST FORUM SHOPPING

I, [Name], certify that:

1. I caused the preparation of this Petition;
2. I have read and understood its contents;
3. The allegations are true and correct based on:
 - Personal knowledge
 - Authentic records
4. I have not commenced any similar action before any court or tribunal;
5. If I learn of any similar action, I undertake to inform this Honorable Court within five (5) days.

[Signature]

[Name]

[Date]

XI. COUNSEL DETAILS

[Name of Counsel]

[IBP No.]

[PTR No.]

[Roll No.]

[MCLE Compliance No.] (*IMPORTANT*)

[Address]

[Contact Details]

NOTICE OF HEARING (OPTIONAL BUT STRATEGIC)

To strengthen TRO request:

Please submit this case for hearing on [date], or as soon as possible due to urgency.

EXPLANATION (IF REQUIRED UNDER RULES)

If filing by registered mail or electronic filing, explain mode of service.

RELIEF URGENTLY PRAYED FOR.