

SENATE BILL NO. 323

Introduced by Senator AQUILINO Q. PIMENTEL, JR.

AN ACT
CREATING THE NATIONAL POLICE COMMISSION AND FOR
OTHER PURPOSES

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

1 SECTION 1. Title of the Act. This Act shall be
2 known and maybe cited as the "Police Act of 1988".

3 SECTION 2. Purposes. It is hereby declared to be
4 the policy and purpose of this Act to effectuate the
5 Constitutional mandate that the State shall establish and
6 maintain one police force which shall be national in scope and
7 civilian in character, to be administered and controlled
8 by a national police commission. The authority of the
9 local executives over the police units in their
10 jurisdiction shall be provided by law (Section 6, Article
11 XVI of the 1986 Constitution); and to achieve and attain
12 a higher degree of efficiency in the organization,
13 administration, and operation of local police agencies
14 with the end in view that peace and order may be maintained
15 more effectively and the laws enforced with more
16 impartiality. It is also the object of this Act to
17 professionalize the local police service.

1 SECTION 3. National Police Commission.

2 1. There is hereby created a National Police

3 Commission hereinafter referred to as the Commission which

4 shall be placed directly under the Office of the President

5 or such other Department as the President directs or the

6 law provides.

7 2. The governing body of the Commission shall be

8 composed of a Chairman and four members. The Chairman and

9 members of the Commission shall serve full time in the

10 Commission, provided that the President of the Philippines

11 may, in his discretion, appoint the Director of National

12 Bureau of Investigation as a member of the Commission in a

13 concurrent capacity, for which purpose a separate

14 appointment may be extended to him as such member.

15 No person shall be appointed chairman or member of

16 the Commission unless he is a member of the Philippine Bar

17 or a holder at least of a bachelor's degree in police

18 administration or criminology. The chairman and at least

19 two (2) members shall have had experience in law

20 enforcement work for at least five (5) years.

21 3. That Chairman and members of the Commission shall

22 be appointed by the President of the Philippines with the

23 consent of the Commission on appointments for a term of six

24 (6) years. Of those first appointed, the Chairman shall

25 hold office for six (6) years, two members for four (4)

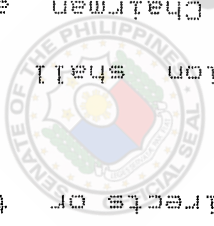
26 years and the other two members for two (2) years.

27 The Chairman and members of the Commission shall

28 be removed from office only for cause. All vacancies in

29 the Commission except through expiration of term, shall be

30 filled for the unexpired term only.



1 The Commission which shall sit en banc shall
 2 decide by majority vote. Disqualification to decide cases
 3 brought to it shall be governed by Rules 137 of the Rules
 4 of Court.

5 The Chairman shall be the Chief Executive Officer
 6 of the Commission. In case of absence due to temporary
 7 incapacity or disqualification of the Chairman, the member
 8 who was appointed earlier shall act as Chairman in an
 9 acting capacity. In case of death or permanent incapacity
 10 or disqualification of the chairman, the said member shall
 11 also act as chairman until a new chairman shall have been
 12 appointed.

13 4. The Chairman shall have the following powers and
 14 duties:

15 a) Supervise, direct, coordinate the overall
 16 operations of the Commission;

17 b) Prepare and submit periodic reports and other
 18 special reports of the Commission as may be required from
 19 time to time by the President or Congress; and

20 c) Implement and/or execute the policies,
 21 directives, programs and projects formulated and adopted by
 22 the Commission.

23 Until Congress shall provide otherwise, the
 24 Chairman shall receive an annual salary of One Hundred
 25 Fifty Thousand (P150,000.00) Pesos and the other members
 26 shall receive an annual salary of One Hundred Ten Thousand
 27 (P110,000.00) Pesos each.

28 5. The Chairman and members of the Police Commission
 29 shall not, during their continuance in office, engage in
 30 the practice of any profession, or intervene, directly or

1 indirectly in the management and control of any private
2 enterprise which in anyway may be affected by the functions
3 of their office. They shall not be, directly or
4 indirectly, financially interested in any contract with the
5 government or any subdivision or instrumentality thereof,
6 including government-owned or controlled corporations.

7 SECTION 4. Powers and Duties of the Commission.

8 The Commission shall have the following powers and
9 duties:

10 a. To advise the President on all matters involving
11 police administration;

12 b. To examine and audit and to establish standard for
13 such purposes, on a continuing basis, the performance,
14 activities, and facilities of all police agencies
15 throughout the country;

16 c. To prepare a police manual prescribing rules and
17 regulations for the efficient organization, administration,
18 and operation, of the police, including their recruitment,
19 selection and promotion;

20 d. To conduct surveys and compile statistical data
21 for the proper evaluation of the state of efficiency of all
22 police agencies;

23 e. To study, prepare and recommend to Congress the
24 passage of appropriate legislations defining questions of
25 jurisdiction between the National Bureau of Investigation
26 and police agencies;

27 f. To approve the appointment of confidential agents,
28 security agents, special agents and informers by the
29 governors or mayors which positions are not permanent in
30 the plantillas as provided for the annual budget;

1 g. Note and keep a record of all appointments and
2 promotions of officers and members of police forces and
3 through the Executive Officer, disapprove within ninety
4 (90) days after submission to it, those where the
5 appointees do not possess the corresponding eligibility;
6 Provided, that such appointments shall become immediately
7 effective upon the assumption of duties of the appointees,
8 entitling them to receive all the corresponding salaries
9 and benefits, until notice of the final decision of
10 disapproval if this should take place, without prejudice to
11 the liability of the local appointing authority under
12 Section 43 of Republic Act Numbered Two Thousand Two
13 Hundred and Sixty, as amended;

14 h. Supervise the activities of such law enforcement
15 agencies as may be formed or placed under its jurisdiction;

16 i. Promulgate standards for sound police personnel
17 management administration throughout the country;

18 j. To organize and develop police training programs
19 and to operate police academies and to establish policies
20 on the organization and operation of a Police Training
21 Branch and Regional Police Academies for the police
22 training of officers and members of police agencies;

23 k. To establish a system of Uniform Crime Report;

24 l. To recommend in consultation with the Secretary of
25 Finance the release of funds as are herein or may hereafter
26 be appropriated to carry out the provisions of this Act;

27 m. To recommend within sixty (60) days before the
28 commencement of each fiscal year, a crime prevention
29 program;

30 n. To render an annual report to the President and to

1 Congress of its activities and accomplishments during the
2 calendar year, said report to be submitted within thirty
3 (30) days after the end of the calendar year with an
4 appraisal of the conditions obtaining in the organization
5 and administration of police agencies, and of the
6 conditions of peace and order prevailing in the cities,
7 municipalities and provinces throughout the country with
8 recommendation of appropriate remedial legislation;

9 o. To prescribe minimum standard arms equipment,
10 police uniform, insignia or ranks, awards and medals of
11 honor for all police agencies after due consultation with
12 the Philippine Heraldry Commission;

13 p. Give appropriate examinations of officers and
14 members of police agencies with the assistance of the Civil
15 Service Commission;

16 q. Render final decision on administrative cases
17 against policemen and exercise appellate jurisdiction over
18 decisions on claims for police benefits rendered by the
19 Police Board of Investigators under this Act;

20 r. Administer the Peace and Order Special Fund under
21 Republic Act Numbered Six Thousand One Hundred and Forty
22 One;

23 s. Establish and supervise an integrated
24 communications system for all police agencies;

25 t. To issue subpoena and subpoena duces tecum in
26 matters pertaining to the discharge of its powers and
27 duties, to designate who among its personnel can issue such
28 process and administer oaths in connection therewith, and
29 to authorize some of its officers to exercise general
30 powers to make arrests, searches, and seizures in

1 accordance with law while actually involved in police
2 investigation;

3 u. Exercise administrative control and supervision
4 over the local police forces; and

5 v. Perform other related powers and duties.

6 6. The actions and decisions of the Commission
7 rendered in the exercise of the adjudicatory functions
8 relative to police discipline and benefits shall be
9 appealable only to the Courts.

10 SECTION 5. Staff of the Commission. The Commission
11 shall organize its staff and with the approval of the
12 President or the appropriate head of the department under
13 which the National Police Commission falls may call upon
14 qualified law enforcement experts in the government service
15 to help in carrying out its functions and responsibilities.

16 SECTION 6. Abolition of the Integrated Philippine
17 Constabulary-Integrated National Police. The integrated
18 Philippine Constabulary-Integrated National Police
19 presently organized and constituted shall cease to exist.
20 The Philippine Constabulary which is the nucleus of the
21 integrated Philippine Constabulary-Integrated National
22 Police shall cease to be a major service of the Armed
23 Forces of the Philippines. The Integrated National Police
24 which is the civilian component of the integrated
25 Philippine Constabulary-Integrated National Police
26 shall cease to be the national police force and in lieu
27 thereof a new police force shall be established and
28 constituted by and pursuant to this Act.

29 Officers and enlisted men of the integrated Philippine
30 Constabulary-Integrated National Police shall be given

1 ninety (90) days from the effectivity of this Act to choose
 2 from among the following options:
 3 a) Join any of the major services of the Armed Forces
 4 of the Philippines;
 5 b) transfer to the local police forces to be
 6 hereinafter constituted by and pursuant to this
 7 Act; or
 8 c) retire from the service.
 9 Provided that in all of the above options, they must
 10 meet the qualifications provided by existing laws and
 11 provided further that the officers and men of the
 12 Philippine Constabulary who join any of the major services
 13 of the Armed Forces of the Philippines or any of the local
 14 police forces shall be entitled to retain their rank or
 15 shall acquire the equivalent rank in the new outfit which
 16 they are joining.
 17 SECTION 7. All the records, properties, and
 18 equipment of the integrated Philippine Constabulary-
 19 integrated National Police, including the unexpended
 20 balance of appropriations thereof, provided under existing
 21 laws are hereby transferred to the National Police
 22 Commission for disbursement and use by the local police
 23 forces hereinafter established and constituted.
 24 SECTION 8. Constitution of City or Municipal Police
 25 Force. In each city or municipality, there shall be a
 26 chief of police and such number of policemen as the
 27 municipal board or council shall determine in accordance
 28 with Section Twenty-Three hereof. The council shall fix
 29 the compensation of the officers and members of the local
 30 police agency in accordance with Section Twenty-Four



1 hereof.

2 Each municipality or city concerned shall, at its own
3 expense, provide all necessary police equipment, including
4 arms, uniforms, and insignia in conformity with
5 specifications of the Commission.

6 The Chief of Police shall be the proper custodian of
7 all police equipment and arms not issued to individual
8 policemen and for use and shall be responsible therefor.

9 Individual policemen shall be responsible for
10 equipment, arms, uniforms, and insignia issued to them for
11 use.

12 SECTION 9. Duties of Peace Officers. All members
13 of the police agency shall be peace officers. It shall be
14 their duty to preserve peace and order; prevent the
15 commission of crimes; protect lives, life, liberty and
16 property; and arrest all violators of laws and ordinances
17 within their jurisdiction. They shall exercise the general
18 powers to make arrest, search seizures in accordance with
19 law. They shall detain an arrested person only within the
20 period prescribed by law.

21 SECTION 10. Authority of the City/Municipal Mayor
22 Over the Local Police Forces Within his Jurisdiction. The
23 City or Municipal Mayor shall be the ex-officio
24 representatives of the National Police Commission in their
25 respective jurisdiction and they shall have command of all
26 the elements of the local police forces within his
27 jurisdiction. He or she shall also have both general and
28 operational control, supervision and direction as these are
29 defined under Section Twenty-Seven of this Act over the
30 local police forces within his jurisdiction.

1 SECTION 11. Power to Appoint. Upon approval of
2 this Act, appointments to a local police agency shall be
3 made by the mayor from the list of eligibles certified by
4 the National Police Commission: Provided, That in these
5 cities where the City Council participates in the
6 appointment of members of the Police Force, the said power
7 shall be maintained in accordance with their respective
8 charters; Provided, further, that all such appointments
9 shall be on probationary basis for a period of six (6)
10 months with an evaluation and recommendation report for
11 retention or dismissal by the chief of police prior to the
12 expiration thereof: Provided, furthermore, That the power
13 to appoint the Chief of Police, assistant Chief of Police
14 or Chief of the Secret Service of the Police Department
15 shall be lodged with the mayor, as the ex-officio
16 representative of the National Police Commission of the
17 City or Municipality concerned.

18 Provided, moreover, that in the event of disagreement
19 between the Mayor and the municipal board or city council
20 in those chartered cities where the municipal board or city
21 council participates in the appointment of the officer as
22 members of the police force, and such disagreements shall
23 continue for a period of ninety (90) days, the same shall
24 be referred to the Police Commission whose decision shall
25 be final. Provided, finally, that the municipal/city mayor
26 and provincial governor shall in no case appoint special
27 policemen or special agents or confidential agents within
28 sixty (60) days before and after every election.

29 SECTION 12. General Qualifications for Appointment.
30 No person shall be appointed to a local police agency

1 unless he possesses the following qualifications:

2 1) Citizenship of the Philippines;

3 2) Good habits and moral conduct;

4 3) Sound mind and body;

5 4) For the municipalities, at least a high school
6 diploma; and for provinces and cities, at least,
7 completion of two years in college;

8 5) No criminal records;

9 6) No dishonorable discharge from military
10 employment or dismissal for cause from any civilian
11 position in the government;

12 7) Not less than twenty-one nor more than thirty-
13 three years of age, for appointment to the rank of
14 patrolman;

15 8) At least, one meter and sixty-two centimeters in
16 height; provided, that a policewoman shall be at least one
17 meter and fifty-seven centimeters in height; and

18 9) Not more or less than five kilograms of the
19 standard weight corresponding to his height, age and sex.

20 Persons who at the time of the approval of this Act
21 have rendered at least five (5) years of satisfactory
22 service in a city or municipal police agency although they
23 have not qualified in an appropriate police service
24 examination are considered as police service eligibles for
25 the purpose of this Act.

26 SECTION 13. Minimum Qualification for Appointment as
27 Chief of Police Agency. No person may be appointed chief
28 of a city police agency unless he holds a bachelor's degree
29 from a recognized institution of learning or has served in
30 the Armed Forces of the Philippines or the National Bureau

1 of investigation or the National Police Commission or has
 2 served in the police department of any city with the rank
 3 of captain or its equivalent therein for at least three (3)
 4 years.
 5 No person may be appointed chief of a municipal police
 6 agency unless he holds a bachelor's degree from a
 7 recognized institution of learning or any person who has
 8 served the police agency of a city or municipality or has
 9 served as officer in the Armed Forces or the National
 10 Bureau of Investigation or the National Police Commission
 11 for at least two (2) years in the rank of lieutenant or its
 12 equivalent; provided, that a member of the bar with at
 13 least three (3) years experience in active law practice
 14 shall be qualified for appointment as chief of a city or
 15 municipal police agency if he meets the general
 16 qualifications under Section Twelve of this Act.

17 SECTION 14. Qualifications for Permanent
 18 Appointment, Preference, Temporary Appointment. Except as
 19 herein provided, no person shall be permanently appointed
 20 in any position in the local police force or agency unless
 21 he has qualified in an appropriate or police service
 22 examination, provided, that, in the absence of police
 23 service eligibles, preference for appointment shall be
 24 given to a candidate who completed police training abroad
 25 or the police training course of the National Bureau of
 26 Investigation Academy, or any public or private public
 27 training school accredited by the government, or have
 28 completed military trainee instructions, or are officers or
 29 enlisted men who have been honorably discharged from the
 30 Armed Forces of the Philippines; provided moreover that,

1 where no police service eligibles are available,
2 provisional appointments may be made in accordance with
3 existing laws: Provided, finally, That in case of a
4 patrolman-appointee he shall possess at least the general
5 qualifications provided for in Section Twelve of this Act.

6 SECTION 15. Promotional Rules. Promotion shall be
7 made by the mayor concerned upon consultation with, or
8 advice of, the chief of the local police agency from among
9 those who shall have passed the corresponding promotional
10 examination given by the National Police Commission:
11 Provided, That policemen who have been in the continuous
12 police service for at least twenty (20) years at the time
13 of effectivity of this Act, and who were subsequently
14 promoted despite the lack of educational qualifications
15 prescribed under Section 12(4) hereof shall be considered
16 as possessing such educational qualifications: Provided,
17 further, That policemen with less than twenty (20) years of
18 continuous service as herein provided who were likewise
19 promoted to higher ranks despite the lack of said
20 educational qualifications shall retain such rank until the
21 end of calendar year 1989 during which period they are
22 hereby required to satisfy the prescribed educational
23 requirement: Provided, finally, that those policemen who
24 have satisfactorily completed any special training course
25 or any combination thereof conducted by the National Police
26 Commission or other police agencies, upon proper
27 certification by the Chairman of the National Police
28 Commission, shall likewise be considered as possessing such
29 educational qualification; otherwise, they shall revert to
30 the corresponding lower ranks which they held prior to

1 effectivity of this Act.

2 Any law or rule to the contrary notwithstanding, a spot
3 promotion may be extended to any member of the police force
4 by the mayor for acts of conspicuous courage and gallantry
5 at the risk of his life over and beyond the call of duty
6 upon recommendation of the Police Screening Committee of
7 the locality.

8 The Commission itself may recommend to the mayor the
9 extension of spot promotion to deserving members of the
10 police force.

11 SECTION 16. Police Service Examinations. All
12 examinations in relation to police service shall be
13 conducted by the National Police Commission. The Chairman
14 of the National Police Commission shall announce from time
15 to time, the date and place of examination, which shall not
16 be less than once in two (2) years, to qualify for all
17 ranks and grades in the police service, which examinations
18 shall be held in accordance with the rules and regulations
19 promulgated in the Police Manual: Provided, however, That
20 the bar examinations are declared as police service
21 examination for purposes of original and promotional
22 appointment. The National Police Commission shall likewise
23 prescribe, announce and hold examinations to qualify for
24 technical positions in police laboratories such as
25 questioned documents experts, ballistics experts, and other
26 fields of scientific criminology.

27 SECTION 17. Removal and Suspension of Members of the
28 Police Force or Agency. Members of the local police shall
29 not be suspended or removed except upon written complaint
30 filed under oath with the Board of Investigators herein

1 provided for misconduct or incompetency, dishonesty,
2 disloyalty to the government, serious irregularities in
3 the performance of their duties, and violation of law.

4 SECTION 18. Board of Investigators. In every local
5 police agency there shall be a Board of Investigators.
6 Charges against any member of the city and/or municipal
7 police agency shall be investigated by a Board of
8 Investigators of three members, composed of the city or
9 municipal treasurer, as chairman, a representative of the
10 National Police Commission other than the municipal/city
11 mayor and a councilor chosen by a majority of the city or
12 municipal council concerned, as members. Copy of the
13 charges shall be furnished the respondent by the chairman
14 of the Board of Investigators within five (5) days from the
15 date of filing of said charges, and the respondent shall
16 answer within five (5) days from receipt thereof. The
17 Board of Investigators shall conduct its investigation in
18 public within five (5) days from receipt of respondent's
19 period to answer, whichever is earlier and unless for good
20 cause, shown, the investigation shall be finished within
21 thirty (30) days thereafter, and the Board shall submit the
22 records of the investigation, its findings and
23 recommendations to the mayor within thirty (30) days after
24 the termination of the investigation. The decision of the
25 mayor shall be rendered within thirty (30) days from the
26 time of receipt of the findings of the Board. The decision
27 may be appealed to the Police Commission whose findings of
28 fact shall be final.

29 The Board of Investigators shall also conduct
30 investigations and decide claims relative to benefits as

1 provided under this Act, subject to appeal to the Police
2 Commission whose decision shall be final.

3 The Board of Investigators shall have the power to
4 issue subpoena and subpoena duces tecum and to administer
5 oaths in connection with the investigation of police
6 administrative cases and claims for benefits.

7 SECTION 19. City and municipal mayors after due
8 notice and hearing and whose decision shall be final, shall
9 have the power to impose disciplinary penalties for minor
10 offenses committed by members of the local police forces
11 through admonition or reprimand or restriction to specified
12 limits withholding of privileges provided that forfeiture
13 of salary for not more than thirty (30) days; suspension
14 for not more than thirty (30) days; or any combination
15 thereof may be imposed solely by the city or municipal
16 mayor concerned.

17 A minor offense shall refer to an act or omission not
18 involving moral turpitude, but affecting the internal
19 discipline of the local police forces and shall include but
20 is not limited to:

- 21 (a) Simple misconduct or negligence;
22 (b) Insubordination;
23 (c) Frequent absences or tardiness;
24 (d) Habitual drunkenness; and
25 (e) Gambling prohibited by law.

26 In no case shall the following offenses be considered
27 minor: disloyalty to the Government; grave misconduct;
28 gross inefficiency or incompetence; oppression; gross
29 insubordination; serious irregularities or serious neglect
30 in the performance of duty; notoriously disgraceful or

1 immoral conduct; engaging directly or indirectly in
2 partisan political activities; falsification; other crimes
3 involving moral turpitude; directly or indirectly
4 obstructing, defeating or violating the civil rights and
5 liberties of an individual; and receiving a fee, a gift, or
6 other valuable thing from any person who gives the same in
7 consideration of services or favors received or in the hope
8 or expectation of receiving a favor or better treatment
9 than that accorded to other persons.

10 SECTION 20. Suspension of Members of the Police
11 Force or Agency.

12 1. When an administrative charge is filed under oath
13 against any member of the local police agency, the
14 city/municipal mayor, as the case maybe, may suspend the
15 respondent: Provided, That when the charge involves
16 disloyalty to the government, dishonesty, oppression, grave
17 misconduct, serious irregularities, or serious neglect of
18 duty and there are strong reasons to believe that the
19 respondent is probably guilty thereof which would warrant
20 his suspension or removal from the service. The preventive
21 suspension shall not be more than sixty (60) days, after
22 which the respondent shall be reinstated to the service
23 without prejudice to the continuation of the case until
24 its final disposition: Provided, however, That if the
25 delay in the disposition of the case is due to the fault,
26 negligence, or petition of the respondent, the period of
27 the delay shall not be counted in computing the period of
28 suspension herein provided. The respondent who has been
29 previously suspended shall upon exoneration, be entitled to
30 immediate reinstatement and the payment of his entire

1 salary he failed to receive during the period of
2 suspension.

3 2. Administrative cases against members of the police
4 force still pending decision before the National Police
5 Commission shall be forwarded to the city or municipal
6 mayor concerned for immediate disposition.

7 3. In administrative cases where the penalty of
8 dismissal had already been rendered by the Police
9 Commission en banc but has not yet been implemented by
10 reasons of the filing of a petition for reconsideration or
11 appeal to the courts of justice, the respondents therein
12 shall immediately be suspended by the Police Commission
13 until the Court has promulgated the appropriate resolution
14 or decision on their cases.

15 4. When a member of the police force or agency is
16 accused in court of any felony or violation of law, the
17 city or municipal mayor concerned shall immediately suspend
18 the accused from office pending final decision by the
19 court.

20 Whenever such a criminal complaint or information is
21 filed in court against a member of the police force, the
22 city or municipal judge or the clerk of court shall
23 immediately inform and furnish a copy of the same to the
24 city or municipal mayor so that he may immediately suspend
25 the accused.

26 In case of acquittal, the accused shall be entitled to
27 immediate reinstatement and the payment of the entire
28 salary he failed to receive during his suspension:
29 Provided, however, That trial and disposition of criminal
30 cases against members of the police forces shall be

1 accorded priority by the courts.

2 6. All orders and decisions for suspension or
3 dismissal of members of the police force shall be executed
4 and implemented by the city or municipal mayor concerned.

5 SECTION 21. Filing of Vacancy. In case of vacancy
6 caused by death, retirement, resignation, suspension or
7 removal in a local police agency, the mayor shall fill such
8 vacancy as provided for in this Act. In case of suspension
9 and when required by the exigencies of the service, the
10 appointment will only be for the duration of the
11 suspension. Whenever a temporary vacancy occurs in the
12 office of the Chief of Police, the Deputy Chief of Police
13 shall automatically assume the office.

14 SECTION 22. City or Municipal Police Ranks and
15 Positions. For purposes of efficient administration,
16 uniformity, and discipline, the ranks and positions in the
17 city or municipal police force shall remain as they have
18 heretofore been in use in the police service: Provided,
19 That all incumbents who have been extended permanent
20 appointments in the police force under any provision of law
21 prior to the effectivity of this Act, shall continue in
22 office and shall enjoy the full protection for all intents
23 and purposes, of this Act, subject, however, to the
24 provisions of Section Fifteen hereof.

25 SECTION 23. Police Strength. The minimum number of
26 policemen in a city or municipality shall be proportionate
27 to population, according to the latest official census, at
28 the rate of, at least, one policeman for every one thousand
29 inhabitants, provided, that the minimum number of
30 policemen in a municipality shall in no case be less than

1 that prescribed hereunder:

2 For first-class municipalities, at least, fifty (50)
3 members; for second-class, forty (40); for third-class,
4 twenty (20); for fourth-class, ten (10); and for sixth or
5 lower class municipalities, eight; provided, further, that
6 in municipal districts shall, at least, have one policeman.

7 SECTION 24. Salaries. Minimum salaries of the
8 members of the city or municipal police force shall be
9 fixed by the city or municipality concerned, provided,
10 however, that in no case shall the salary levels be lower
11 than those provided for under existing legislation, and
12 provided, finally, that the national government shall
13 subsidize up to one-half of the total minimum salaries the
14 cities and municipalities which cannot afford to shoulder
15 the same.

16 SECTION 25. Death and Disability Benefits.
17 Notwithstanding any provision of existing laws, rules and
18 regulations to the contrary, when a member of a local
19 police force or agency or of the National Police
20 Commission is injured while in the performance of duty or
21 contracts a sickness or disease arising out of the
22 performance of duty, absence during any period of
23 disability thereby occasioned, shall be entitled to full
24 pay and payment of medicines, medical attendance, hospital,
25 necessary transportation and subsistence expenses. Absence
26 in cases of injury incurred in the performance of duty
27 shall not be charged against vacation or sick leaves. He
28 shall, in addition be entitled to a lump sum gratuity of
29 not less than one thousand or more than two thousand pesos.

1 In addition to premiums due the Government Service
2 Insurance System for members of the local police agency and
3 the employees of the National Police Commission, the city
4 or municipality shall pay the premiums due for whatever
5 group insurance policy which may be contracted by it to
6 give additional economic protection to the said personnel.

7 If a member of the police force or employee of the
8 National Police Commission is killed or dies from injuries
9 suffered or sickness contracted or aggravated in line of
10 duty, the surviving spouse or if there be none, dependents,
11 or the surviving parents or brothers and sisters, shall be
12 entitled, in addition to the foregoing benefits, to one
13 year's salary which shall in no case be less than six
14 thousand pesos and burial equivalent to three months salary
15 which shall in no case be less than one thousand pesos.

16 If such member of the force or employee of the National
17 Police Commission is permanently disabled as a result of
18 injuries suffered or sickness contracted or aggravated in
19 line of duty, the city or municipal mayor of the Chairman
20 of the National Police Commission, as the case may be,
21 shall cause the compulsory retirement of such member or
22 employee upon certification by the city or municipal health
23 officer or by any government physician in the case of
24 employees of the Commission, that the extent of the
25 disability or sickness renders such member unfit or unable
26 to further perform the duties of peace officer or employee
27 of the Commission, in which case he shall be entitled to a
28 gratuity equivalent to one year's salary which shall be in
29 no case less than six thousand pesos in addition to the
30 foregoing benefits, and to a lifetime pension equivalent to

1 eight percent of his highest salary.

2 In the event the disabled party believes that he is not
3 totally disabled, he may appeal to the National Police
4 Commission whose decision shall be final.

5 All disbursements herein contemplated shall be
6 authorized by the Commission upon recommendation of the
7 Board of Investigators of the municipality or city
8 government. Provided, that disbursements to the employees
9 of National Police Commission shall be authorized by the
10 Commission.

11 All compensation herein shall not be subject to
12 attachment, levy, execution or any tax whatsoever, nor
13 affect benefits received or to be received from the
14 Government Service Insurance System. Claims under this Act
15 shall not prescribe.

16 SECTION 26. Duty of Local Chiefs of Police Towards

17 Municipal or City Mayors. The local Chiefs of Police
18 shall keep the municipal or city mayors informed of the
19 peace and order situation within their respective
20 jurisdictions, and such matters relative to law and order
21 and public safety; they shall cooperate and/or coordinate
22 with the said civil officials for the effective and
23 faithful execution of law enforcement and public safety

24 programs in their respective jurisdictions. The local

25 officials in their respective areas of responsibility shall
26 extend the necessary support, cooperation and assistance to

27 the local police forces in order to enable the latter to
28 perform their principal duties of preserving peace and

29 order and ensuring public safety therein.

30 SECTION 27. Definition of Terms. For purposes of



1 this Act, the following terms shall mean and be interpreted
2 as hereunder indicated:

3 EMPLOY - It refers to the utilization of the elements
4 of the local police forces for the purpose of protection of
5 lives and properties, enforcement of laws, maintenance of
6 peace and order, prevention of crimes, arrest of criminal
7 offenders, investigation of the commission of crimes and
8 offenses and bringing the offenders to justice, and
9 insuring public safety, particularly the suppression of
10 disorder riot, lawless violence, rebellious or seditious
11 conspiracy, insurgency, subversion, or other criminal
12 activities.

13 DEPLOY - It shall mean the orderly and organized
14 physical movement of elements of the local police forces
15 within a province, city or municipality for purposes of
16 employment as herein defined.

17 GENERAL SUPERVISION AND CONTROL - It is the power to
18 see to it that the elements of the local police forces
19 perform their duties properly according to existing laws
20 and the rules and regulations, and policies promulgated by
21 competent authority in order that the over-all mission of
22 the police forces in maintaining law and order and insuring
23 public safety in any province, city or municipality shall
24 be effectively achieved.

25 OPERATIONAL SUPERVISION, DIRECTION, AND CONTROL - It is
26 the power to see to it that the elements of the local
27 police forces perform their duties properly according to
28 existing laws, rules, and regulations and policies by
29 competent authority and the power to employ or deploy such
30 units or elements, in coordination with the Chief of Police

1 to insure public safety and the effective maintenance of
2 peace and order in the locality.

3 The power of control, supervision and direction over
4 elements of the local police forces shall include the power
5 to control, supervise and direct the tactical, strategic
6 movements, deployments, placements, and/or utilization of
7 the police forces concerned or any of its components,
8 elements, equipments, equipment facilities, and all other
9 resources, within its territorial jurisdiction; the
10 training of the members thereof; and such other powers that
11 may be necessary to make such control, supervision and
12 direction real and effective.

13 SECTION 28. Appropriation. For purposes of
14 underwriting as aid to cities and municipalities, the
15 compensation of the police forces or agencies and the
16 benefits as provided for in the preceding sections, the
17 extension of scholarship training or study grants to
18 deserving police officers, and for the operation of the
19 Police Commission, the sum of Twenty Million
20 (P20,000,000.00) Pesos or so much thereof as may be
21 necessary is hereby appropriated out of any funds in the
22 National Treasury not otherwise appropriated: Provided,
23 That not more than two (2%) percent of the appropriation
24 herein provided shall be used for the salaries of the
25 members of the staff provided for in Section Five of this
26 Act for administrative purposes. Thereafter, such amount
27 as is necessary to carry out the provisions of the Act
28 shall be included in the annual General Appropriations Act.
29 Provided, further, That during the ninety (90) day
30 period allowed by this Act for the officers and enlisted

1 men of the integrated Philippine Constabulary-Integrated
2 National Police to decide as provided in Section Six of
3 this Act, all salaries, and allowances for quarters and
4 rations for all personnel transferred from the integrated
5 Philippine Constabulary-Integrated National Police to the
6 Police Forces or to any of the major service of the Armed
7 Forces of the Philippines and separation pay and/or
8 retirement benefits in the case of those who retire and/or
9 separated from the service shall continue to be paid from
10 the integrated Philippine Constabulary-Integrated National
11 Police appropriations which is transferred to the National
12 Police Commission pursuant to Section Seven of this Act.

13 SECTION 29. The National Police Commission shall,
14 subject to the approval of the President or the department
15 head under which the same shall fall, promulgate the rules
16 and regulations for the effective implementation of this
17 Act.

18 SECTION 30. Prohibition. Within two months
19 immediately preceding any election for public office and
20 within one month thereafter, unless authorized by the
21 Commission on Elections it shall be unlawful for any member
22 of the city or municipal police force to act as bodyguard
23 or security guard of any public official or of any person
24 who is a candidate for any elective public office or
25 position.

26 SECTION 31. Penal Clause. Any person who directly
27 or indirectly obstructs or interferes with the
28 implementation of this Act or the rules and regulations
29 promulgated by the National Police Commission in accordance
30 herewith or the performance of the legitimate functions of

1 the law enforcement agencies or that of the Board of
2 Investigators shall be punished with imprisonment for not
3 less than three (3) months nor more than one (1) year, and
4 a fine not exceeding one thousand pesos or both at the
5 discretion of the Court.

6 SECTION 32. Repealing Clause. The provisions of
7 all existing laws, rules, and regulations, inconsistent
8 with this Act are hereby repealed and/or modified
9 accordingly.

10 SECTION 33. Saving Clause. Upon the constitution
11 of the Board of Investigators in a city or municipality
12 pursuant to this Act, the Office of the Hearing Officer
13 therein shall be dissolved and all cases pending before it
14 shall be assumed by such Board of Investigators. Pending
15 the constitution of the Board of Investigators for each
16 city or municipality under this Act, the Office of the
17 Hearing Officers created under the laws prior to this Act
18 shall continue to function.

19 SECTION 34. Separability Clause. If any part,
20 section, provision of this Act shall be held invalid or
21 unconstitutional, no other part, section or provision
22 hereof shall be affected thereby.

23 SECTION 35. Effectivity. This Act shall take
24 effect upon its approval.

25 APPROVED.