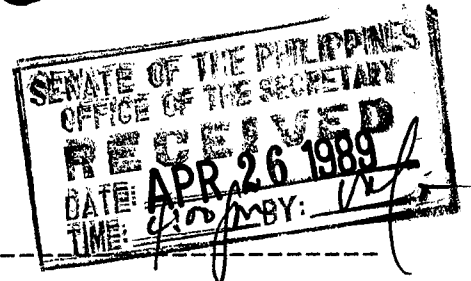


S E N A T E



COMMITTEE REPORT NO. 575

Submitted by the Committee on National Defense and Security on
APR 26 1989, 1989

Re: Senate Bill No. 816

Recommending its consolidation with Senate Bill No. 463 under
Committee Report No. 196

Sponsor: Senators Maceda, Pimentel and Gonzales

MR. PRESIDENT:

The Committee on National Defense and Security to which
was referred Senate Bill No. 816, introduced by Senator
Gonzales on October 11, 1988, entitled:

"AN ACT ESTABLISHING THE NATIONAL POLICE, CREATING
THE NATIONAL POLICE COMMISSION, AND FOR OTHER
PURPOSES"

has considered the same and has the honor to report it back to
the Senate with the recommendation that it be consolidated
with Senate Bill No. 463 under Committee Report No. 196 with
Sen. Gonzales as co-sponsor in the light of the following
background:

Senate Bill No. 816 is substantially similar to the
draft submitted by former Secretary of Defense Rafael Ilete,
Senate Bill No. 323 introduced by Senator Pimentel, Senate
Bill No. 324 introduced by Senator Maceda, and Senate Bill No.
330 introduced by Senator Pimentel which were all consolidated
and reported out in the substitute Senate Bill No. 463
prepared by the Committee on National Defense and Security and
the Committee on Local Government under Committee Report No.
196 submitted on May 5, 1988.

Respectfully submitted:

ERNESTO M. MACEDA
Chairman
Committee on National Defense
and Security

Santanina Rasul

SANTANINA T. RASUL
Vice Chairperson

Mamintal Abdul J. Damano
MAMINTAL ABDUL J. DAMANO
Vice Chairman

Members:

Heheron T. Alvarez
HEHERSON T. ALVAREZ

Edgardo J. Angara
EDGARDO J. ANGARA

Agapito A. Aquino
AGAPITO A. AQUINO

Ernesto F. Herrera
ERNESTO F. HERRERA
with reservations

JOSE D. LINA, JR.

Vicente T. Paterno
VICENTE T. PATERNO

would like to introduce amendments:
Aquilino Q. Pimentel, Jr.
AQUILINO Q. PIMENTEL, JR.

LETICIA RAMOS SHAHANI

Wigberto E. Tanada
WIGBERTO E. TANADA

Victor S. Liga
VICTOR S. LIGA

EX-OFFICIO MEMBERS:

Theofisto T. Guingona, Jr.
THEOFISTO T. GUINGONA, JR.
President Pro-Tempore

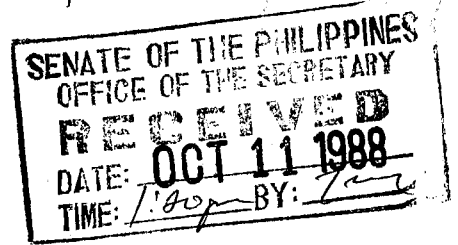
Orlando S. Mercado
ORLANDO S. MERCADO
Majority Floor Leader

JUAN PONCE ENRILE
Minority Floor Leader



HONORABLE JOVITO R. SALONGA
President of the Senate
M a n i l a

CONGRESS OF THE PHILIPPINES)
SECOND REGULAR SESSION)



S E N A T E

S. NO. 876

Introduced by Senator Neptali A. Gonzales

EXPLANATORY NOTE

Article XVI, Section VI of the 1987 Constitution mandates: "The State shall establish and maintain one police force, which shall be national in scope and civilian in character, to be administered and controlled by a National Police Commission."

In the words of President Corazon C. Aquino, the most basic requirement that the State does to every man in performing its fundamental duty is: to keep him and his family secure from physical harm, his property rights respected, and his community a safe and decent place to live and work in.

Unfortunately because of fragmented and divided functions, the State becomes incapable of performing its basic duty. Hence, the Constitution provides for the coming together and fusion of all the forces of order into one national police force. This unification is imperative to assume coordination; clarification of hierarchy; define the scope of jurisdiction; and duty to pinpoint responsibility. The unification of the constabulary and police into one national police force would undoubtedly singlemindedly bring about the law, order and security to our communities.

This bill addresses the problem of fragmentation and disunity among the law-enforcers commanded to police the community, the highlights of which are as follows:

(1) The present personnel of the PC, except for those who will opt to remain with the AFP, and the present personnel of the INP will be absorbed into the Philippine National Police (PNP);

(2) The head of the Philippine National Police referred to as Director General shall exercise command, control and supervision over all elements of the PNP;

(3) Creation of a National Police Commission to provide administration and control over the National Police via the issuance of policies, rules, regulations and orders through the

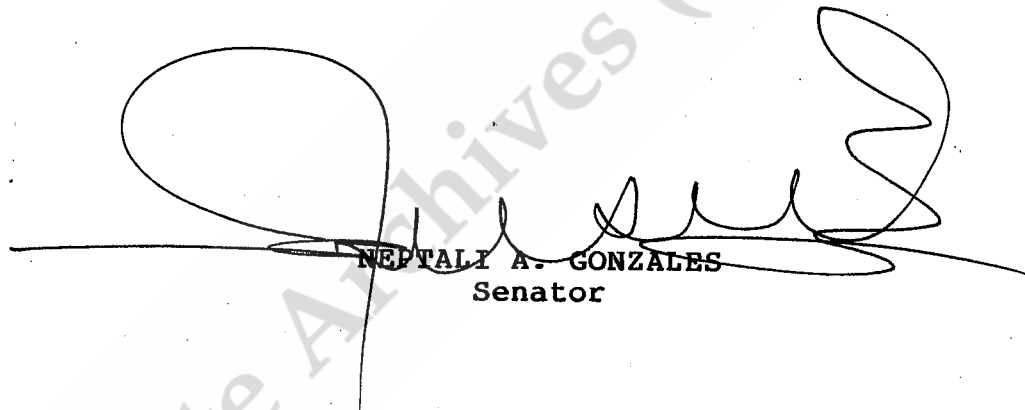
Director General. The Commission shall be a collegial body composed of a Chairman, four appointive Commissioners and four ex-officio Commissioners;

(4) City and Municipal Mayors shall exercise operational supervision and control over the units of the PNP assigned in their respective jurisdictions; they shall have summary disciplinary powers over said elements; and appointments of members thereof shall be upon their recommendation;

(5) The PNP shall be responsible for peace and order and public safety; and

(6) To avoid the adverse effects of disruption and dislocation in current peace and order, public safety and counter-insurgency programs, implementation of the Act will be undertaken in four (4) phases. For the duration of such transition period, the Department of National Defense, through the AFP, shall continue to exercise full administrative and operational control over the transferred AFP and INP. This period may be shortened.

In view of the importance of this bill, immediate approval is earnestly requested.

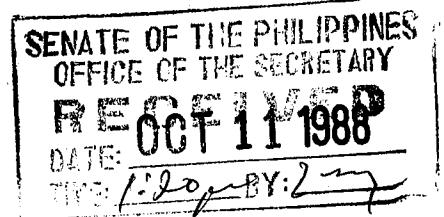


NEPTALI A. GONZALES
Senator

/ube
051088



CONGRESS OF THE PHILIPPINES)
SECOND REGULAR SESSION)



S E N A T E

S. NO. 816

Introduced by Senator Neptali A. Gonzales

AN ACT
ESTABLISHING THE PHILIPPINE NATIONAL POLICE CREATING THE
NATIONAL POLICE COMMISSION, AND FOR OTHER PURPOSES

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

1 SECTION 1. Title of Act. - This Act shall be known as the
2 "Philippine National Police Act of 1988."

3 SEC. 2. Declaration of Policy. - It is hereby declared to
4 be the policy and purpose of this Act to achieve and attain a
5 highly efficient and effective police force which shall be
6 civilian in character and national in scope as well as to
7 integrate all functions relating to law enforcement,
8 maintenance of peace and order, and public safety. It is also
9 the objective of this Act to establish a system of coordination
10 and cooperation between local executives and the Philippine
11 National Police in order that peace and order and public safety
12 may be more effectively attained and enhanced.

13 The police force shall be a civilian entity. It shall be
14 organized, trained and equipped primarily for the performance
15 of police functions. Its civilian character and national scope
16 shall be paramount. No element of the police force shall be
17 military nor shall any position thereof be occupied by active
18 members of the Armed Forces of the Philippines.

1 NATIONAL POLICE COMMISSION

2 SEC. 3 Creation of a National Police Commission. -

3 a. A National Police Commission, hereinafter referred to
4 as the Commission is hereby created and organized structurally
5 and functionally, for the purpose of effectively discharging
6 the functions prescribed in the Constitution. The Commission
7 shall be a collegial body under the President.

8 b. The present National Police Commission shall be
9 reconstituted into the Commission established under this Act.
10 Its personnel, properties, equipment, funds, other assets, and
11 liabilities are hereby transferred to and absorbed, to the
12 extent necessary and feasible, by the new Commission and/or the
13 Philippine National Police.

14 SEC. 4. Powers and Functions of the Commission. -

15 a. The Commission shall administer and control the
16 Philippine National Police pursuant to Section 6, Article XVI,
17 of the Constitution. As such, the Commission shall supervise,
18 oversee, direct, regulate and control the Philippine National
19 Police, through the Director General.

20 b. The Commission shall exercise the following functions:

21 (1) Advise the President on all matters involving
22 police functions and administration;

23 (2) Foster and develop policies, and promulgate
24 rules and regulations, standards and procedures to improve the
25 police, fire, jail and juvenile delinquency services along
26 sound professional basis;

27 (3) Conduct surveys and compile statistical data for
28 the proper evaluation of the state of efficiency and
29 effectiveness of all police units of the country;

1 (4) Issue subpoena and subpoena duces tecum
2 requiring the appearance of witnesses and the production of
3 books and papers pertinent to the investigation and inquiries
4 herein authorized, and to examine such books and papers as it
5 may need in relation to any matter it is required to
6 investigate in the performance of its functions;

7 (5) Render an annual report to the President of its
8 activities and accomplishments during every calendar year
9 together with an appraisal of the conditions in the
10 organization and administration of all existing state of peace
11 and order in the country;

12 (6) Promulgate rules and regulations for the
13 effective administration and control of the National Police;

14 (7) Approve, disapprove or modify plans and programs
15 on education and training; communications; records and
16 information system; crime laboratory; crime prevention; crime
17 reporting; and investigation and adjudication of administrative
18 matters including death claims, sickness, injury and disability
19 benefits as well as retirement benefits submitted by the
20 Director General;

21 (8) To affirm, reverse or modify personnel
22 disciplinary actions involving dismissal from the service or
23 suspension and/or forfeiture of pay for at least six (6) months
24 imposed upon members of the Philippine National Police by the
25 Director General; and

26 (9) Perform such other functions necessary to carry
27 out the provisions of this Act and as the President may direct.

28 SEC. 5. Composition of the Commission. -

29 a. The governing body of the Commission shall
30 consist of the Chairman and four (4) Commissioners, all of whom
31 shall be appointed by the President. Of the first appointees,
32 the Chairman shall serve for six (6) years, two Commissioners,

1 for four (4) years, and the two other Commissioners for two (2)
2 years without reappointment. All subsequent appointments shall
3 be for a period of six (6) years each, without reappointment.
4 Appointment to any vacancy shall only be for the unexpired
5 portion of the term of the predecessor.

6 b. The Director General of the Philippine National
7 Police, an Undersecretary each from the Department of National
8 Defense, Department of Justice and Department of Local
9 Government shall be ex-officio members of the Commission. The
10 ex-officio members shall participate in the deliberations of
11 the Commission but shall not have the right to vote. They shall
12 receive no compensation but shall be entitled to reimbursement
13 for actual expenses incurred in the performance of their
14 duties.

15 SEC. 6. Qualifications. - No person shall be appointed
16 Chairman or members of the Commission unless he is at least
17 thirty-five (35) years of age, a member of the Philippine Bar
18 or at least a holder of a Bachelor's degree in any other
19 discipline relevant to national security, law enforcement or
20 public safety, and had work experience in any of these fields
21 for at least ten (10) years.

22 SEC. 7. Functions of Chairman. - Subject to policies and
23 rules adopted by the Commission, the Chairman shall have the
24 following functions:

25 a. Acts as the presiding and executive officer of
26 the Commission;

27 b. Directs all operations of the Commission;

28 c. Establishes procedures for the effective
29 operation of the Commission;

30 d. Transmits to the President rules and regulations
31 and other guidelines adopted by the Commission which require
32 Presidential attention or action, including annual and other
33 periodic reports;

1 e. Issues appointments to all civilian employees of
2 the Commission and of the Philippine National Police, subject
3 to the approval of the Civil Service Commission;

4 f. Endorses appointments of general officers of the
5 Philippine National Police to the President;

6 g. Enforces decisions on appealed administrative
7 disciplinary cases, involving officers and employees of the
8 Philippine National Police and the Commission;

9 h. Delegates authority for the performance of any
10 function to the officers or employees of the Commission;

11 i. Submits for approval by the Commission the annual
12 and/or supplemental budgets of the Commission; and,

13 j. Performs such other functions as may be provided
14 by law or appropriately assigned by the Commission.

15 SEC. 8. Organization of the Commission. - In addition to
16 the Chairman and four regular Commissioners, the Commission
17 shall have an Executive Officer and the following staffs;
18 Planning, Personnel Management; Administrative; Financial
19 Management and Comptrollership; Installation and Logistics;
20 Legal Affairs; Inspection and Research; Crime Prevention and
21 Coordination; Training and Education and Disciplinary Appellate
22 Board. The Commission may organize Regional Disciplinary
23 Appellate Boards, subject to the approval of the President.

24 SEC. 9. Non-Uniformed Employees of Transferred and
25 Absorbed Agencies. - All non-uniformed personnel of the
26 transferred and absorbed agencies who are occupying permanent
27 plantilla positions shall initially be absorbed by the
28 Commission and/or Philippine National Police. Pending adoption
29 of the new position structures and staffing patterns of the
30 Commission and/or Philippine National Police, they shall, in a
31 hold-over capacity, continue to perform their respective duties
32 and responsibilities and receive the corresponding salaries and
33 benefits.

PHILIPPINE NATIONAL POLICE

1 SEC. 10. Establishment of the Philippine National Police. -

2 There is hereby established and constituted the Philippine
3 National Police which shall be composed of the present officers
4 and uniformed members of the Integrated National Police
5 constituted under Presidential Decree Number 765 and the
6 officers and enlisted personnel of the Philippine Constabulary,
7 including the personnel of the technical services of the Armed
8 Forces of the Philippines assigned with the Philippine
9 Constabulary who are hereby absorbed into the National Police.

10 SEC. 11. Exercise of Option. - The officers and enlisted

11 personnel of the Philippine Constabulary, including those
12 belonging to the technical services of the Armed Forces of the
13 Philippines assigned with the Philippine Constabulary shall have
14 the option to join the Philippine National Police or remain with
15 the Armed Forces of the Philippines. They shall signify their
16 option in writing which shall be submitted to the head of the
17 Philippine National Police or any of his duly authorized
18 representatives within six (6) months from the approval of this
19 Act.

20 SEC. 12. Responsibilities, Powers, Functions and

21 Jurisdiction. - The Philippine National Police shall be
22 responsible for public safety, protection of lives and
23 properties, enforcement of laws including local government
24 ordinances, and maintenance of peace and order within the
25 territorial limits of the Republic of the Philippines. It shall
26 have the power to prevent crimes, effect the arrest of criminal
27 offenders and violators of law and provide for their detention
28 and rehabilitation, take necessary measures to prevent and
29 control fires, investigate the commission of all crimes and
30 offenses and bring the offenders to justice, and take all
31 necessary steps to insure public safety.

32 SEC. 13. Powers of the President - The President of the

33 Philippines shall exercise command, control and general

1 supervision over the Philippine National Police directly or
2 thru the National Police Commission or the head of the
3 Philippine National Police.

4 SEC. 14. Head of the Philippine National Police. - The
5 head of the Philippine National Police shall be known as
6 Director General. He exercises command over all the elements
7 thereof subject to existing laws and the policies and
8 regulations that the National Police Commission may promulgate.
9 As head and overall Commander of the Philippine National
10 Police, the Director General has the power to issue from time
11 to time such detailed policies and instructions regarding
12 personnel, funds, properties, records, correspondence and such
13 other matters as may be necessary to carry out effectively the
14 mission of the Philippine National Police.

15 The Director General shall be appointed by the President
16 from among the general officers of the Philippine National
17 Police. He shall have a tour of duty of three years without
18 extension. Should his compulsory retirement come before the
19 expiration of his tour of duty, his retirement shall be
20 deferred to allow him to continue his tour of duty.

21 SEC. 15. Organizational Structure of the Philippine
22 National Police. - The Director General shall in coordination
23 with the Department of Budget and Management, prescribe the
24 organizational structure and manning of the Philippine National
25 Police in accordance with the broad guidelines set forth
26 herein, subject to the approval of the President of the
27 Philippines.

28 At the national level, the Director General shall be
29 assisted by as many Deputy Directors General as may be
30 determined by the Special Committee created under this Act,
31 taking into consideration standards of efficiency and economy.
32 The national office shall have such staffs, operating units and

1 personnel as may be necessary for the proper discharge of its
2 functions.

3 At the regional level, there shall be thirteen regional
4 offices, each headed by a Regional Director. Metropolitan Manila
5 shall comprise a separate region to be known as National
6 Capital Region.

7 At the provincial level, there shall be a provincial
8 office in every province, each headed by a Provincial
9 Superintendent. In the case of large provinces, two or more
10 district offices may be organized as necessary, each of which
11 shall be headed by a District Superintendent.

12 At the city or municipal level, there shall be a police
13 station in every city or municipality each headed by a Station
14 Commander: Provided, that, in the case of large cities, a
15 district office with subordinate police stations, each headed
16 by a District Superintendent, may be organized as necessary.

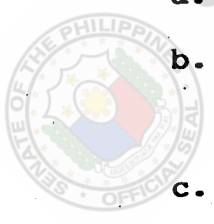
17 SEC. 16. Manning Levels. - On the average nationwide, the
18 manning level of the Philippine National Police shall be
19 approximately in accordance with a police-to-population ratio
20 of one policeman for every five hundred persons. The actual
21 strength by cities and municipalities shall depend on the state
22 of peace and order, population density, government priorities
23 and actual demands of the service in the particular area:
24 Provided, That, the minimum police-to-population ratio shall
25 not be less than one policeman for every one thousand persons:
26 Provided, however, that urban areas shall have a higher minimum
27 police-to-population ratio as may be prescribed by regulations.

28 SEC. 17. Grades and Grade Distribution. - For purposes
29 of efficient administration, control, uniformity and
30 discipline, the grades and grade distribution of the members of
31 the Philippine National Police and the percentage of the
32 authorized strength of the Philippine National Police shall be
33 as follows:

1	P/General - - - - -)	
2	P/Lieutenant General - - - - -)	
3	P/Major General - - - - -)	. 08%
4	P/Brigadier General - - - - -)	
5	P/Colonel - - - - -	. 22%
6	P/Lieutenant Colonel - - - - -	. 40%
7	P/Major - - - - -	. 78%
8	P/Captain - - - - -	1. 40%
9	P/Senior Lieutenant - - - - -	2. 32%
10	P/Lieutenant - - - - -	4. 50%
11	P/Senior Sergeant - - - - -	6. 00%
12	P/Sergeant - - - - -	8. 50%
13	P/Senior Corporal - - - - -	11. 50%
14	P/Corporal - - - - -	16. 00%
15	Patrolman First Class - - - - -	21. 30%
16	Patrolman - - - - -	27. 00%

17
18 **SEC. 18. Minimum Qualifications for Appointment.** - No
19 person shall be appointed as officer or member of the
20 Philippine National Police unless he possesses the following
21 minimum qualifications:

- 22 a. He must be a citizen of the Philippines;
- 23 b. He must be a person of good habits and moral
24 conduct;
- 25 c. He must be of sound mind and body and must pass
26 a prescribed psychiatric test;
- 27 d. He must have at least completed high school for
28 appointment to the lowest rank; Provided, That
29 those to be appointed in Metropolitan Stations
30 of the Philippine National Police must have
31 finished at least second year college;
- 32 e. He must not have been dishonorably discharged
33 from military employment or dismissed for cause



1 from any civilian position in the government;

2 f. He must not have been convicted of an offense
3 or crime involving moral turpitude;

4 g. He must not be less than twenty-one or more
5 than thirty years of age;

6 g. He must be at least one meter and sixty-two
7 centimeters in height. If female, she must be
8 at least one meter and fifty-seven centimeters
9 in height; and

10 i. He/She must weigh not more or less than five
11 kilograms of the standard weight corresponding
12 to his/her height, age and sex.

13 SEC. 19. Appointments of Officers and Members. - The
14 appointment of the officers and members of the Philippine
15 National Police shall be issued as follows: (a)
16 Patrolman/Fireman to Senior Sergeant - by the Philippine
17 National Police Regional Director as recommended by the
18 city/municipal mayor concerned and attested to by the
19 National Police Commission; (b) Lieutenant to Colonel - by
20 the Director General, Philippine National Police, and
21 attested to by the National Police Commission; (c) General
22 Officers - by the President, as recommended by the Director
23 General; and endorsed by the National Police Commission.

24 SEC. 20. Lateral Entry of Officers into the Philippine
25 National Police Service. - In general, all original
26 appointments of officers in the Philippine National Police
27 shall commence in the grade of Lieutenant; Provided, That,
28 applicants with highly technical qualifications applying for
29 the Philippine National Police technical services such as
30 nurses, dentists, penologists, engineers and graduates of
31 forensic sciences shall be appointed in the grade of Senior
32 Lieutenant: Provided, further, That, doctors of medicine,
33 lawyers and chaplains shall be appointed in the grade of

1 Captain in their particular technical service. Graduates of
2 the Philippine National Police Academy shall be appointed in
3 the initial grade of Lieutenant.

4 SEC. 21. Conferment of Appropriate Police Service
5 Eligibilities. - Officers and enlisted personnel of the
6 Philippine Constabulary including officers belonging to the
7 technical services of the Armed Forces of the Philippines
8 assigned thereto on the effective date of this Act, shall be
9 considered qualified in their present grade/rank and shall be
10 conferred by the National Police Commission appropriate
11 eligibilities commensurate to their present grades,
12 positions, and/or relevant training and experience upon
13 joining the Philippine National Police.

14 SEC. 22. - Status of Philippine National Police
15 Members. - Members of the Philippine National Police
16 including the uniformed or regular and civilian personnel,
17 shall be employees of the national government and shall be
18 included in the career service category of the Civil Service.

19 SEC. 23. Compensation and Retirement. - The
20 Commission shall provide for the upgrading and
21 standardization of compensation and retirement systems of
22 personnel of the Philippine National Police, subject to the
23 approval of the President, taking into consideration in the
24 standardization and upgrading compensation and retirement
25 systems of civilian personnel.

26 It is understood that the officers and enlisted
27 personnel of the Philippine Constabulary including the
28 officers belonging to the technical services of the Armed
29 Forces of the Philippines assigned thereto, who are
30 transferred to the Philippine National Police, shall not
31 suffer any diminution in rank or reduction in basic and
32 longevity pays, incentive pays, and basic allowances being

1 received by them before such absorption.

2 SEC. 24. Temporary Disability Benefits. -

3 Notwithstanding any provision of existing laws, rules and
4 regulations to the contrary, an officer or uniformed member
5 of the Philippine National Police who is injured while in the
6 performance of duty or contracts sickness or disease arising
7 out of the performance of duty and who is absent during any
8 period of such disability thereby occasioned, shall be on
9 full pay status and he shall be entitled to reasonable
10 payment of medicines, medical attendance, hospital fees,
11 necessary transportation and subsistence. Absence in the case
12 enumerated above shall not be charged against vacation or
13 sick leaves. In addition, he shall be entitled to a lump sum
14 gratuity of one hundred to two thousand pesos, depending upon
15 the gravity of the illness or injury and the merits of the
16 case. Claims under this section shall be adjudicated and
17 paid by the Philippine National Police.

18 SEC. 25. Death and Permanent Total Disability Benefits.

19 - a. If an officer or uniformed member of the Philippine
20 National Police is killed or dies from injuries suffered or
21 sickness contracted in line of duty the surviving spouse, or
22 if there be none, his surviving dependent legitimate children
23 shall be entitled, in addition to the benefits provided for
24 in the preceding section, to a gratuity equivalent to one
25 year's salary which shall in no case be less than six
26 thousand pesos, burial expenses equivalent to three months
27 salary, which shall in no case be less than one thousand
28 pesos, and to a pension equivalent to eighty percent of the
29 salary of the deceased: Provided, That in no case shall the
30 monthly pension exceed five years: Provided, That, if the
31 deceased has no primary beneficiary, the non-dependent
32 legitimate children, together with the illegitimate children,
33 if any, or if there be none, the surviving parents, or in

1 their absence, the surviving brothers and sisters, shall be
2 entitled to a lump sum benefit equivalent to one year's
3 salary and burial expenses equivalent to three months salary
4 of deceased, which shall in no case be less than six thousand
5 pesos and one thousand pesos, respectively. Dependent
6 legitimate children shall include the legitimate,
7 legitimated, or legally adopted child who is not gainfully
8 employed and not over twenty-one years of age, or over
9 twenty-one years of age, provided that such child is
10 congenitally incapacitated and incapable of self-support
11 physically or mentally.

12 b. If such officer or uniformed member is
13 permanently and totally disabled as a result of injuries
14 suffered or sickness contracted or aggravated in line of
15 duty, the Director General shall cause the compulsory
16 retirement of such officer or uniformed members upon
17 certification of the appropriate medical officer that the
18 extent of the disability or sickness renders such personnel
19 unfit or unable to further perform the duties of his
20 position, in which case, he shall be entitled to a gratuity
21 equivalent to one year's salary which shall in no case be
22 less than six thousand pesos and to a lifetime pension
23 equivalent to eighty percent of his last salary.

24 c. Should such personnel who have been retired
25 under permanent total disability under this section die
26 within five years from his retirement, his surviving spouse
27 or, if there be more, his surviving dependent legitimate
28 children shall be entitled to the pension for the remainder
29 of the five-year guaranteed period. Claims under this section
30 shall likewise be adjudicated and paid by the Philippine
31 National Police.

32 d. The benefits provided for under Presidential
33 Decree Number Five Hundred and Seventy-Seven, dated November

1 11, 1974 in favor of dependents of certain military personnel
2 shall likewise be extended to the dependents of the officer
3 or uniformed member of the Philippine National Police who
4 shall die or suffer permanent total disability in the
5 performance of duty.

6 SEC. 26. Exemption from Attachment and Taxes. - All
7 benefits granted under Sections 24 and 25 hereof shall not be
8 subject to attachment, levy, execution or any tax whatsoever,
9 nor affect benefits received or to be received from the
10 Government Service Insurance System. Claims under these
11 sections shall not prescribe.

12 SEC. 27. Members of the Philippine National Police
13 Missing in Action. - Any officer or uniformed member of the
14 Philippine National Police in the performance of duty who is
15 officially reported missing, missing in action, kidnapped or
16 captured by lawless elements shall, while so absent be
17 entitled to receive or to have credited to his account the
18 same pay and allowances to which such officer or uniformed
19 member was entitled at the time of the beginning of his
20 absence or may become entitled therefor: Provided, That, such
21 officer or uniformed member shall not have been absent from
22 duty without authority: Provided, Further, That, the
23 expiration of a temporary appointment during the period of
24 such absence shall not operate to terminate the right to
25 receive such salary or allowances: Provided, Furthermore,
26 that should the Director General, upon the recommendation of
27 the proper authority and/or immediate commander, subsequently
28 determine that the officer or uniformed member concerned has
29 been absent from duty without authority, such member or his
30 heirs shall reimburse to the Philippine National Police all
31 such amounts and allowances received by him in accordance
32 with this section.

1 SEC. 28. Payment of Portion of Salary and Allowances to
2 Heirs of Members. - In case any officer or uniformed member
3 of the Philippine National Police has been officially
4 reported as missing under any of the circumstances provided
5 in the preceding section, the Director General may direct
6 that so much of the absent officer or uniformed member's
7 salary and allowances be paid to his/her heirs for their
8 support for a period of twelve (12) months from the date of
9 commencement of absence.

10 SEC. 29. Finding of Death or Continuation of Payment of
11 Salary and Allowances. - When the twelve months period from
12 the commencement of absence is about to expire and no
13 official report of death has been received by the Director
14 General, he is authorized to direct the continuance,
15 suspension or resumption of the missing status of such
16 officer or uniformed member and/or the payment of his salary
17 and allowances to his/her heirs, if said officer or uniformed
18 member may be reasonably presumed to be living, or to make a
19 finding of death. In the event a continuance of the missing
20 status of the officer or uniformed member is directed, he
21 shall also order the review of the case whenever warranted by
22 information received or other circumstances surrounding the
23 case. When a finding of death is made, it shall conclude the
24 date upon which the death shall be presumed to have occurred
25 for the purpose of termination of the payment of salary and
26 allowances, settlement of accounts and payment of benefits
27 which such officer or uniformed member may be entitled to,
28 under existing laws, rules and regulations. Such date shall
29 be the day following the date of expiration of an absence of
30 twelve months, or in case where the missing status shall have
31 been continued or authorized herein, a day to be determined
32 by the Director General of the Philippine National Police.

33 SEC. 30. Training and Education. - To develop

1 professionalism in the service and maintain a high level of
2 performance, the Philippine National Police shall provide for
3 a progressive individual training program starting with a
4 basic course which shall be specified of all new appointees
5 under original appointment; specialized courses to equip them
6 with special skills for line and staff assignment/s; advanced
7 or supervisory courses for middle managers' supervisory
8 responsibilities; executive or management courses for
9 high-level positions; and such other courses as needed to
10 enhance personnel, and unit skill, competence, efficiency and
11 effectiveness in the performance of duties.

12 SEC. 31. Disciplinary Authorities. - The Director
13 General and Regional Directors shall have the power to
14 suspend for not more than one (1) year, demote by one rank,
15 or dismiss from the service of the Philippine National
16 Police, officers from the rank of Lieutenant to Colonel and
17 from the rank of Patrolman to Sergeant, respectively;
18 Provided, that in the case of General Officers, the Director
19 General may only recommend to the President, through the
20 Commission, such action as may be appropriate, Provided,
21 Further, That said Directors shall also have the power to
22 exercise disciplinary powers granted to city and municipal
23 mayors under Section 34 of this Act. In the exercise of these
24 disciplinary powers, due process should at all times be
25 observed.

26 SEC. 32. Jurisdiction in Criminal Cases. - Criminal
27 cases against officers and members of the Philippine National
28 Police shall be tried exclusively by the civil courts;
29 Provided, That, where the accused officer or member is unable
30 to post bail, he may be placed, upon order of the Court,
31 under the custody of his Commander upon petition of the
32 latter.

33 SEC. 33. Power to Administer Oath. - Officials of the
34 Commission who are appointed by the President as well as

1 officers of the Philippine National Police from the rank of
2 Lieutenant to Colonel shall have the power to administer
3 oaths on matters which are connected with the performance of
4 their official duties.

5 POWERS OF LOCAL EXECUTIVES

6 SEC. 34. Powers of City and Municipal Mayors over
7 Police Units or Forces. - a. City and Municipal Mayors in the
8 discharge of their executive responsibilities, shall have the
9 authority to exercise operational control and supervision
10 over Philippine National Police units or forces assigned in
11 their respective jurisdictions. As used herein, the term
12 "operational supervision and control" shall mean the power to
13 direct, superintend, oversee, and inspect the police units or
14 forces. It does not include the power to appoint, promote,
15 discharge, dismiss, separate or transfer. It shall include
16 the power to employ and deploy units or elements of the
17 Philippine National Police through or in coordination with
18 the station commander, to insure public safety and the
19 effective maintenance of peace and order within the locality.
20 For this purpose the term "employ" and "deploy" shall mean as
21 follows:

22 (1) The term "employ" refers to the utilization of
23 units or elements of the Philippine National Police for the
24 purpose of protection of lives and properties, enforcement of
25 laws, maintenance of peace and order, prevention of crimes,
26 arrest of criminal offenders, investigation of the commission
27 of crimes/offenses and bringing the offenders to justice,
28 prevention and control of fires, and insuring public safety.

29 (2) The term "deploy" shall mean the orderly and
30 organized physical movement of elements or units of the
31 Philippine National Police within a province, city or
32 municipality for purposes of employment as herein defined.

1 b. In the matter of discipline, city and municipal
2 mayors shall have the power to impose, concurrently with the
3 duly designated provincial and district police
4 Superintendent, station commanders officers holding
5 equivalent commands, after due notice and summary hearing,
6 disciplinary penalties, for minor offenses committed by
7 members of the Philippine National Police assigned to their
8 respective jurisdiction, through admonition or reprimand;
9 restriction to specified limits; withholding of privileges;
10 forfeiture of salary for not more than thirty (30) days;
11 suspension from duty for not more than thirty (30) days; or
12 any combination of the foregoing; Provided, That, the total
13 period does not exceed thirty (30) days, Provided, Further,
14 That a decision of the mayor imposing a penalty of forfeiture
15 of pay or suspension for not more than thirty (30) days shall
16 be appealable to the appropriate Appellate Board of the
17 Commission within ten (10) days from receipt by the
18 respondent or the complainant of a copy of the decision on
19 such disciplinary action, whose decision on the appeal is
20 final and executory.

21 c. A minor offense shall refer to an act or omission
22 not involving moral turpitude, but affecting the internal
23 discipline of the Philippine National Police. In no case
24 shall the following offenses be considered minor; disloyalty
25 to the government; grave misconduct; gross inefficiency or
26 incompetence; oppression; gross insubordination; serious
27 irregularities or serious neglect in the performance of duty;
28 notoriously disgraceful or immoral conduct, engaging directly
29 or indirectly in partisan political activities;
30 falsification; other crimes involving moral turpitude
31 directly or indirectly obstructing, defeating or violating
32 the civil rights and liberties of an individual; and

1 receiving a fee, gift or other valuable thing from any person
2 who gives the same in consideration of services or favors
3 received or in the hope or expectation of receiving a favor
4 or better treatment than that accorded to other persons.

5 d. In addition to the aforementioned powers, city and
6 municipal mayors shall have the authority over Philippine
7 National Police units in their respective jurisdictions to
8 recommend, from the list of eligibles prepared by the
9 Commission, the appointment of new members of the Philippine
10 National Police to be assigned in their respective city of
11 municipality without which no such appointment shall be
12 attested.

13 SEC. 35. Termination of Operational Supervision and
14 Control. - The President of the Philippines, motu proprio, or
15 upon the recommendation of the Director General through the
16 Commission, may terminate the power of operational
17 supervision and control of any mayor over the Philippine
18 National Police units on the following grounds: abuse of
19 authority, providing aid to insurgents or criminal elements,
20 and other acts that are inimical to national security or
21 detrimental to the effectiveness of the overall peace and
22 order campaign: Provided, That, the President of the
23 Philippines, may motu-proprio, or upon the recommendation of
24 the Director General through the National Police Commission
25 restore the same power previously withdrawn.

26 SEC. 36. Transition Period. - To avoid the adverse
27 effect, of disruption and dislocation in current peace and
28 order, public safety and counter-insurgency programs, due to
29 sudden shifting of control and reduction of strength and in
30 order to allow reasonable time for the Armed forces to
31 readjust and to recruit replacements of personnel that it
32 will lose to the Philippine National Police, the
33 implementation of this Act shall be systematically undertaken

1 in four (4) phases, to wit:

2 Phase I - Organization of an Ad Hoc Special
3 Committee to supervise the implementation of the Philippine
4 National Police Act, constitution of the new Commission,
5 planning for the Philippine National Police organization and
6 staffing patterns, personnel orientation, and exercise of
7 option by Philippine Constabulary personnel within six months
8 from the approval of this Act.

9 Phase II - Continuation of planning, preparation of
10 detailed implementing plans down to the line units,
11 processing of submitted options, rationalization of
12 ranks/grades, and preparation of a one lineal roster for all
13 uniformed members of the National Police, to start on the
14 seventh month or after the completion of Phase I and to be
15 completed on or before the twelfth month from the approval of
16 this Act.

17 Phase III - Filling of positions based on the new
18 staffing patterns, rationalization of compensation and
19 retirement systems, establishment of a National Police
20 budget/funding system to start on the thirteenth month or
21 after the completion of Phase II and to be completed on or
22 before the end of the eighteenth month from the approval of
23 this Act.

24 Phase IV - The transfer of assets and liabilities
25 of the Philippine Constabulary and the Integrated National
26 Police and transfer of control to the Commission shall start
27 on the nineteenth month or after the completion of Phase III
28 and to be completed on or before the end of the twenty-fourth
29 month from the approval of this Act.

30 For the duration of the transition period of twenty four
31 (24) months, the Armed Forces of the Philippines, in close
32 coordination with the Commission shall continue to exercise
32 administrative and operational control over the transferred

1 AFP and Integrated National Police units.

2 The transition period of twenty four months herein
3 provided may be shortened by the President in places where
4 peace and order situation warrants and permits immediate
5 organization of the Philippine National Police.

6 SEC. 37. Transitory Provisions - To carry out
7 effectively the objective and purposes of this Act and to
8 avoid any undesirable disruption and dislocation during the
9 reorganization process, the following transitory provisions
10 are hereby prescribed:

11 a. The transfer, merger and/or absorption of any
12 government office/unit, shall include the
13 functions, appropriations, funds, records,
14 equipment, facilities, choses in action,
15 rights, other assets, and liabilities, if any,
16 of the transferred office/unit as well as the
17 personnel thereof, as may be necessary, who
18 shall in a hold-over capacity, continue to
19 perform their respective duties and
20 responsibilities and to receive their corres-
21 ponding salaries and benefits unless in the
22 meantime they are separated from the service
23 pursuant to existing laws. Those personnel of
24 the transferred, merged and/or absorbed
25 offices/units whose positions are not included
26 in the new position structure and staffing
27 pattern approved by the Commission or who are
28 not reappointed shall be deemed separated from
29 the service and shall be entitled to retire
30 under existing laws, rules and regulations.

31 All properties, equipment and finances of
32 the Philippine Constabulary and the Integrated



1 National Police, including their respective
2 financial accountabilities, are hereby
3 transferred to the Philippine National Police
4 except those properties and equipment of the
5 Philippine Constabulary that are not needed by
6 the Philippine National Police as determined
7 by the Special Committee provided for in
8 Section 38 hereof.

9 b. Upon approval of this Act, the compensation
10 and the retirement systems as provided for in
11 existing laws, rules and regulations for the
12 members of the transferred and absorbed
13 agencies shall continue to apply with respect
14 to them until such time new compensation and
15 retirement systems shall have been promulgated or
16 unless, in the meantime, they are separated in
17 accordance with existing laws.

18 c. The Armed Forces of the Philippines is hereby
19 empowered to reorganize, procure personnel
20 replacements, fill up equipment and property
21 reductions, and otherwise replace resources
22 that are transferred to or absorbed by
23 Philippine National Police in accordance with
24 the phasing provided for in Section 36 hereof.

25 d. Unless otherwise provided by law, the powers,
26 functions and responsibilities exercised by
27 the Chief of Constabulary/Director General,
28 INP shall continue to be exercised by the
29 Director General, Philippine National Police.

30 SEC. 38. Special Committee. - A Special Committee is
31 hereby created which shall be composed of the Chairman of the
32 Chairman of the National Police Commission and the Chief of



1 Staff, Armed Forces of the Philippines as Co-Chairman, and
2 the Chief of Constabulary/Integrated National Police a
3 representative of the Department of Budget and Management and
4 a representative of the Department of Local Government as
5 members, and which shall plan and oversee the implementation
6 of the transfer, merger and/or absorption into the Commission
7 and/or Philippine National Police of the agencies involved as
8 mandated in this Act.

9 SEC. 39. Funding. - Funds needed to carry out the
10 provisions of this Act shall be taken from available funds
11 including those allotted to the reorganized/absorbed/trans-
12 ferred offices/agencies/units or, in the absence thereof,
13 from any available lump-sum appropriations.

14 SEC. 40. Implementing Rules and Regulations. - The
15 Commission shall issue implementing rules and regulations
16 necessary to insure the efficient, expeditious and effective
17 implementation of the provisions of this Act upon the
18 completion of the above-prescribed transition period.

19 SEC. 41. Separability. - Any portion or provision of
20 this Act that may be declared unconstitutional shall not have
21 the effect of nullifying other portions or provisions thereof
22 as long as such remaining portions or provisions can still
23 subsist and be given effect in their entirety.

24 SEC. 42. Applicability of Existing Laws, Rules,
25 Regulations. - All existing laws, rules and regulations
26 applicable to the absorbed offices and/or agencies that are
27 not inconsistent with this Act shall continue to apply to the
28 Commission and/or Philippine National Police unless modified,
29 amended and repealed.

30 SEC. 43. Repealing Clause. - All laws, provisions of
31 city charters, and rules and regulations and other issuances
32 or parts thereof, which are inconsistent with this Act, are

1 hereby repealed or modified accordingly.

2 SEC. 44. Effectivity. - This Act shall take effect upon
3 approval.

/rgb



Senate Archives (LRAS)