

printed copies of which were distributed on August 14, 1989.

The Secretary of the Senate called the Roll for nominal voting on each of bills.

RESULT OF THE VOTING

The result of the voting was as follows:

In favor

Alvarez  
Angara  
Enrile  
Estrada  
Gonzales  
Guingona  
Herrera  
Laurel  
Lina  
Maceda  
Mercado

Osmeña  
Paterno  
Pimentel  
Rasul  
Romulo  
Saguisag  
Salonga  
Shahani  
Tamano  
Ziga

Against

None

Abstention

None

With 21 affirmative votes, no negative vote and no abstention, the Body approve H. Nos. 17770 and 22367.

COMMITTEE REPORT NO. 196  
ON S. NO. 463

On motion of Senator Guingona, there being no objection, the Body considered on Second Reading, Committee Report No. 196 on S. No. 463, entitled:

AN ACT CREATING A DEPARTMENT OF THE INTERIOR WITH SUPPORTING AGENCIES SUCH AS THE PHILIPPINE NATIONAL POLICE, PEOPLE'S ARM FOR COMMUNITY DEVELOPMENT, BUREAU OF LOCAL GOVERNMENTS,

PHILIPPINE PUBLIC SAFETY COLLEGE AND A NEW NATIONAL POLICE COMMISSION, ABOLISHING FOR THE PURPOSE THE DEPARTMENT OF LOCAL GOVERNMENT, THE PHILIPPINE CONSTABULARY AND THE NATIONAL POLICE COMMISSION AND FOR OTHER PURPOSES.

With the permission of the Body, only the title of the bill was read without prejudice to the insertion of its text into the Record of the Senate.

The Chair recognized Senator Maceda for the sponsorship.

#### SPONSORSHIP SPEECH OF SENATOR MACEDA

Senator Maceda stated that S. No. 463 should have been considered and passed a long time ago, however, it was deferred for a year following the representation of the Armed Forces of the Philippines, then headed by Chief of Staff Fidel Ramos, that its early passage could upset the balance of forces within the AFP. Subsequently, he noted, it was only sometime last year that the President, presumably upon the recommendation of now Secretary of National Defense Fidel Ramos and Chief of Staff Renato de Villa, certified the bill to the House, indicating the sense of the Executive Department that it was then timely to consider the measure.

Senator Maceda averred that it is not normal for the body to calendar bills depending on the request or stand of the Executive Department, however, considering the sensitivity of the bill and the abnormal circumstances prevailing in 1987 and 1988, especially after the August 23, 1987 coup attempt, the Body thought it appropriate in the national interest to accommodate the Executive Department's request to defer consideration of the bill.

Senator Maceda underscored that the matter is consistent with Section 6 of Article XVI of the Constitution which states:

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. The authority of local executives over the police units in their jurisdiction shall be provided by law.

On the time frame for the consideration of the bill, Senator Maceda explained that the Senate had to wait until the House passed its own version during the last few days of the Second Regular Session, although, the copy was received by the Senate during the recess. He informed that considering the events that were happening during those days such as the workers' threat to go on strike in connection with the minimum wage law, the students' threat to boycott classes in connection with the school subsidy bill, former President Marcos' critical condition in Honolulu and President Aquino's preparation for her European tour amidst persistent reports that the confluence of these events might result in another attempt to destabilize the government during the President's trip, the Committee felt that there was sufficient reason not to call out the bill for sponsorship and deliberation. Moreover, he noted, there was a very emotional difference of opinion between the officers and members of the Integrated National Police and the officers and enlisted men of the Philippine Constabulary.

Senator Maceda averred that under such an atmosphere, as evidenced by what happened to the House version, whatever the Senate could have enacted would have displeased one group or another. He observed that if the representation of the INP were followed in the final version of the bill, it would have meant displeasing the PC with 40,000 people threatening to go on strike and, conversely, it would mean displeasing the INP with 68,000 people threatening to do the same.

He emphasized that it is the Committee's conviction that it would decide not on the basis of what would be good for the PC so as to assure that Major General Montaña or some other PC general would be the superintendent of the new Philippine National Police; nor on the basis of what would be good for the INP so as to assure that General Lim or some other police general would be the superintendent; nor on the basis of what would cause the least disturbance so as not to destabilize the government. Rather, he stressed, the Committee would decide on the basis of what would be good for the general public and the nation in terms of assuring peace and order considering that the PC-INP integrated system of command during the Marcos years has admittedly not resulted in the preservation of the rule of law. He expressed the hope that the Body would come out with a final version that would assure a better national police, better than the PC-INP.

In connection with the Davao hostage incident which happened in the METRODISCOM Headquarters of the PC-INP, Senator Maceda pointed out that some columnists thought that

It was a replay of what happened in Camp Cawa-Cawa, RECOM 9 Headquarters of the PC-INP in Zamboanga. The two unfortunate incidents, he stated, further emphasize the need to come up with a new system or organization that would give some hope for improvement.

Further, Senator Maceda informed that another factor which delayed consideration of the bill in both Houses was the representation made by local officials, principally the city and municipal mayors who sought to bring back the operation of the police force under their supervision and control which was the situation before the integration of the PC-INP under a Presidential Decree to ensure presidential control of the police force during the dictator's regime.

He informed that the Committees on National Defense and Security; and Local Government, in Committee Report No. 196, have come out with their recommendation as early as May 5, 1988.

For purposes of comparison, Senator Maceda explained that Committee Report No. 196 was a consolidation of S. Nos. 323, 324 and 330. Subsequently, Senator Gonzales filed S. No. 816 which was certified by the President and was referred to the Committee on National Defense and Security. Senator Maceda recalled that he raised in the caucus the procedural and jurisdictional question on whether it is appropriate for the Executive or a Member of Congress to file a bill whose subject matter is similar to several bills which had already undergone public hearings and Committee discussions resulting in a Committee report.

He also recalled that Senator Gonzales graciously agreed to have the Committee consider his bill and report it out, as was done under Committee Report No. 575, with the recommendation that it would be consolidated with S. No. 463 under Committee Report No. 196 on the assurance that amendments would be considered during the period of amendments.

Senator Maceda stated that S. No. 816 is substantially the same as H. No. 23614 which was discussed in the House. Thereupon, he pointed out the principal differences between S. No. 463 and H. No. 23614, as follows:

First, S. No. 463 provides for the organization of a Department of the Interior which shall consist of the department proper; the National Police Commission and the different offices of the Philippine National Police; the People's Arm for Community Development; the Bureau of Local Governments; the Bureau of Coast Guard; and the Philippine Public Safety College, while H. No. 23614 provides only for the organization of the National Police Commission and the Philippine National Police. Without any department being created under the House version, the National Police Commission, as any agency placed under any specific department, is automatically placed under the supervision and control of the Office of the President.

Senator Maceda explained that the Department of Interior is not a new idea. It was an old department in the early 1900s and that the Philippine Constabulary, which has always been insisting on its historical background, used to be part of said Department.

Second, Section 6, Article XVI of the Constitution really intends to divorce the PC/INP from the sphere of control and influence of the military establishment. Therefore, putting the Department of the Interior under the Office of the President will not cut the umbilical cord of the PC/INP from the DND/AFP since military defense and security and police matters are at present under a Cabinet cluster committee which is very strongly influenced by the Secretary of National Defense.

Senator Macada recalled that even the late Senator Aquino was in favor of diffusing the power of the military establishment by separating the PC/INP and putting it under another department so that there would be a check and balance. Additionally, a strong Secretary of the Interior with the police force under him, including the coast guard and the local government, could balance a strong Secretary of National Defense in the Cabinet and in the scheme of division of executive powers. This is the principal difference between the Malacañang certified bill and the Senate version.

Third, the Senate version provides for the dissolution of the present Integrated National Police, the Philippine Constabulary and the AFP Narcotics Command, and for their functions to be taken over by the Philippine National Police; the conversion of the present Department of Local Government into a Bureau of Local Governments to safeguard its present functions; and the conversion of the Philippine Coast Guard into a Bureau of Coast Guard under the same department. On the other hand, the House version provides

for the dissolution of the present Integrated National Police, the Philippine Constabulary, the AFP Narcotics Command and the PAFSECOM and for their functions to be taken over by the Philippine National Police; and also for the functions of the Philippine Coast Guard which involve law enforcement and maintenance of public order and safety to be taken over by the PNP.

Fourth, the Senate version provides for the organization of the Philippine Public Safety College as a bureau of the Department to serve as a facility for the training and continuing education of the personnel of the department, including those of the PNP; on the other hand, the House version provides for the organization, under the control and supervision of the National Police Commission, of the PNP Manpower Development Service which shall organize and manage the present Philippine National Police Academy, the training centers of the present Integrated National Police Training Command, and other special educational training centers that may be established by the commission.

Fifth, the Senate version provides that the Superintendent General of the Philippine National Police and the Director of the National Bureau of Investigation shall be ex-officio members of the National Police Commission while the House version provides that the Chief of the PNP, the Undersecretary of the Department of Local Government and the Undersecretary of the Department of Justice shall be ex-officio members of the National Police Commission.

Sixth, the Senate version provides for the appointment of all city and municipal mayors as ex-officio representatives of the National Police Commission in their respective jurisdictions and as such, to have both general and operational control, supervision and direction over the police forces within their respective jurisdictions; on the other hand, the House version provides for the establishment and operation of regional offices of the PNP to be headed by regional directors who shall perform staff functions to implement the policies and programs of the Commission in their respective regions.

In this regard, Senator Macoda explained that in view of the differing interpretations of the constitutional provision on the Philippine National Police, the Committee decided to marry the two ideas of putting everything under the control of the National Police Commission and the demand of mayors for control over the police forces in their jurisdictions by making the mayors ex-officio representatives of the National Police Commission so that they would have operational supervision and control over the police forces. He informed that the House version provides a broad description of the exercise of operational supervision and control over PNP units by mayors but defined such powers in greater detail while the Senate

version provides that the President may terminate for cause the power of general and operational control, supervision and direction of any local executive over PNP units in his jurisdiction, which is similar to the provision before the martial law years whereby once the police forces became uncontrollable the PC were installed until such time that the situation is normalized.

Seventh, following the desire to make the titles of the officers more civilian than military, the Senate version provides that the PNP be headed by a Superintendent General to be assisted by three Deputy Superintendent Generals to supervise the Office of the Police Service, the Office of the Fire Service and the Office of the Jail Service. On the other hand, the House version has the position title of Chief, Philippine National Police with two Deputy Chiefs, one for administration and one for operations.

Eighth, on the scale of position, the Senate version provides for thirteen ranks namely, the Superintendent General, Deputy Superintendent General, Chief Superintendent, Senior Superintendent, Superintendent, police captain, police lieutenant, police senior sergeant, police sergeant, police senior corporal, police corporal, senior patrolman, and patrolman while the House version has eighteen ranks which are basically similar to the Senate version.

Ninth, since police functions go beyond not only municipal but city and provincial boundaries, the Senate version opted for a more compact system of regional commands by providing only seven PNP Regional Commands: one for Southern Luzon, which would include the Bicol region, one for Northern Luzon, one for NCR, two in the Visayas region and two for the Mindanao region. On the other hand, the House version follows the traditional set-up of 13 regional commands.

Tenth, in the Senate version, the police districts may be organized in provinces with more than one congressional district like Pangasinan while the House version provides that police districts may be organized not only in large provinces but even cities and municipalities with a population of 75,000 or more.

Eleventh, on the qualifications for appointment as Chairman or member of the Commission, the two versions are substantially the same, except that in the Senate version, the Chairman must be a member of the bar or at least a holder of a bachelor's degree in any discipline relevant to national security, law enforcement or public safety; on the other hand, the House version is more strict in that the Chairman should not only be a member of the bar but, he must also be a holder of a master's degree in police administration, criminology or national security administration.

Twelfth, on the term of office of the Chairman and members of the Commission, the Senate version provides a term of seven years while in the House version, the Chairman shall serve for 6 years, two Commissioners for four years and the other two Commissionersto serve for two years.

Senator Maceda informed that one of the controversial provisions that had come to fore is a provision in the House version that before a member of the PC can become a member of the PNP, he has to qualify by taking the appropriate civil service examination. The PC vehemently objected to the provision which led the Chairman of the House Committee on Public Order to assure the PC that the provision would be amended in the Conference Committee. However, he pointed out that there is no such provision in the Senate version and assuming that the Senate would agree on the principle that the PC personnel must qualify in the appropriate examination for civilian police ranks, all it has to do is to adopt the exact provision in the House version so that there would be no need to discuss it in the Conference Committee.

Nevertheless, Senator Maceda stated that there is a related provision in the Senate version which states that officers and enlisted men of the EC from the rank of lieutenant colonel or lower are given 90 days from the effectivity of the Act to transfer to the PNP, which option is not given to the ranks of colonel, general, major general or higher, the reason being the desire to have a revitalized, young and civilian PNP inasmuch as most of the 20 PC generals and about 130 full colonels are already retirable. He disputed the claim that officers and enlisted men of the PC are being legislated out because of the Civil Service eligibility requirement or the limitation on the rank of those who will be allowed to transfer. He assured them that they will neither lose their job nor demoted in rank and salary because they will still have the option to go to the Philippine Army, Philippine Navy, the Philippine Air Force or any branch of the AFP and still keep their rank and salary.

Senator Maceda contended that if the PC officers and enlisted men who insist that they should all be absorbed by the PNP lock, stock and barrel are motivated by public service, he could not see why they could not serve the country with the same rank and salary in the AFP for which they were principally trained for. He surmised that they want to transfer to the PNP because having police power means an additional opportunity to make extra income which is not available to those of the Army, Navy or Air Force.

Senator Maceda admitted that the question of how to handle the PC is a very sensitive matter, however, he pointed out that Section 6, Article XVI of the Constitution is clear that it would not be a pure semantical change from the PC-INP to PNP.

He expressed the hope that the proposed measure would screen out the scalawags in the PC-INP without discriminating one against the other and retire the older officers in order that a new and younger leadership would emerge for a better and more efficient PNP.

As to where the PNP manpower would come from if several PC-INP officers and enlisted personnel are kicked out, Senator Maceda believed that the transitory provisions of the proposed measure could take care of the change which could be one year or 18 months to two years within which to train 20,000 or 30,000 new additional policemen.

Adverting to a specific problem brought out by the INP that if all the PC enlisted men, 50 percent of whom are sergeants, are allowed to join the PNP, a situation will arise where every precinct in Sampaloc or Mandaluyong will have 51 sergeants, 50 from the PC and 1 from the INP, Senator Maceda opined that this will arise if the PC is allowed to transfer lock, stock and

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barrel. He called attention to the case of Rizal Alih and his brother Lieutenant Alih who, according to investigations, bribed their way into the police force even if they were only Grade V or Grade III students, therefore, it is proper to require the officers and men of the PC to take the qualifying examinations as a way of screening out some of the unqualified personnel in the PC and PNP. In this regard, he urged the Members to propose further amendments to assure a screening process, however, if the House does not want the rank of lieutenant colonel or below as the limitation, he would be amenable to a provision that only enlisted men 40 years or below and officers 50 years or below would be allowed to transfer to PNP. He stated that if this is pursued, an attractive early retirement pay scheme may be adopted for PC-INP officers and men who want to retire under the proposed measure.

Finally, Senator Maceda expressed the hope that with the bills filed by Senators Pimentel and Gonzales, together with the version of the House, the Senate could come out with a Philippine National Police setup, not on the basis of what is good for the PC or INP but what is good for the country.

#### PARLIAMENTARY INQUIRY OF SENATOR GONZALES

Senator Gonzales inquired whether it would be considered a violation of the Rules of the Senate or the rules of propriety if a Member files a bill, albeit certified by the President of the Philippines, covering the same subject but not identical with the bills that had earlier been filed and reported out by the Committee.

Senator Gonzales explained that three bills on the national police were filed, namely:

1. S. No. 323, introduced by Senator Pimentel, entitled:  
AN ACT CREATING THE NATIONAL POLICE COMMISSION  
AND FOR OTHER PURPOSES;
2. S. No. 324, introduced by Senator Maceda, entitled:  
AN ACT CREATING A DEPARTMENT OF INTERIOR WITH  
SUPPORTING AGENCIES SUCH AS THE PHILIPPINE  
NATIONAL POLICE, NATIONAL FIRE PROTECTION  
SERVICE, PEOPLE'S ARM FOR COMMUNITY DEVELOPMENT, BUREAU  
OF LOCAL GOVERNMENTS AND PHILIPPINE PUBLIC  
SAFETY COLLEGE, ABOLISHING FOR THE PURPOSE  
THE DEPARTMENT OF LOCAL GOVERNMENT AND  
COMMUNITY DEVELOPMENT, THE PHILIPPINE  
CONSTABULARY AND THE NATIONAL POLICE  
COMMISSION AND FOR OTHER PURPOSES; and
3. S. No. 330, introduced by Senator Pimentel, entitled:  
AN ACT CREATING THE DEPARTMENT OF INTERIOR,  
PLACING CERTAIN BUREAUS UNDER ITS  
SUPERVISION AND CONTROL AND FOR OTHER  
PURPOSES.

The Committees on National Defense and Security; and Local Government to which the bills were referred, both reported out a substitute bill, S. No. 463 (Committee Report No. 196) adopting the title of S. No. 324.

Senator Gonzales stated that, subsequently, he filed S. No. 816 creating the Philippine National Police, which Senator Maceda did not claim to be identical with either of the three bills nor with the substitute bill. Thus, considering that Senator Maceda questioned the propriety of the filing of S. No. 816, Senator Gonzales asked the ruling of the Chair on whether there has been a violation of the Rules or any rule of propriety.

Thereupon, on motion of Senator Guingona, there being no objection, the issue raised by Senator Gonzales was referred to the Committee on Rules.

SUSPENSION OF SESSION

The Chair suspended the session.

It was 5:17 p.m.

RESUMPTION OF SESSION

At 5:27 p.m., the session was resumed.

Upon resumption, Senator Guingona moved to suspend consideration of Committee Report No. 196 on S. No. 463.

REMARKS OF SENATOR ENRILE

Senator Enrile observed that the present procedure of allowing the sponsorship of measures and resuming the period of interpellations, only after a long period of time is burdensome and tedious.

In reply, Senator Guingona explained that he requested suspension of consideration of the Police bill to allow the Members to prepare for the interpellations on such vital measure, adding that the Sponsor has not yet distributed copies of the differences between the bill and the House version.

Senator Enrile clarified that he is raising a matter of general procedure, like what happened in the consideration of the carabao bill and the Islamic bank bill. He stated that it would take time before the Members could recapture their thoughts on these particular issues.

Senator Guingona explained that in the consideration of bills, deferments are inevitable because the Sponsors and the Members themselves request more time for deliberations.

POINT OF ORDER

Senator Laurel raised a point of order stating that while Senator Enrile raised a very important issue, it is hardly the occasion to take it up. He suggested that the matter be referred to the Committee on Rules.

In reply, the Chair affirmed that the matter should be threshed out in detail at the next meeting of the Rules Committee.

Senator Enrile stated that precisely he was raising the issue because the Majority Floor Leader was calling another bill for consideration when the Body has not yet finished the interpellation. He cited that even the Sponsor of the Islamic Bank bill who had studied the bill thoroughly found it difficult to recapture the ideas that he had before.

Senator Guingona explained that Senator Estrada requested deferment of the carabao bill because of time constraints, while Senator Tamano had to leave for Canada and the interpellations on the Islamic Bank bill had to be reset.

#### SUSPENSION OF SESSION

The Chair suspended the session.

It was 5:36 p.m.

#### RESUMPTION OF SESSION

At 6:09 p.m., the session was resumed.

#### SUSPENSION OF CONSIDERATION OF S. NO. 463

The consideration of S. No. 463 was thereupon suspended.

#### COMMITTEE REPORT NO. 679 ON S. NO. 1154

On motion of Senator Guingona, there being no objection, the Body considered, on Second Reading, Committee Report No. 679 on S. No. 1154, entitled:

AN ACT PROHIBITING A MEMBER OF CONGRESS FROM ENGAGING IN ANY BUSINESS OR CALLING OR IN THE PRACTICE OF A PROFESSION, COMMENCING ON JULY 1, 1992, AND IMPOSING PENALTIES FOR VIOLATIONS THEREOF.



# Senate Archives (LRAS)

CONSIDERATION OF COMMITTEE REPORT NO. 196  
ON S. NO. 463  
(Continuation)

Upon call of Senator Guingona, the Body resumed consideration of C. R. No. 196 on S. No. 463, entitled:

AN ACT CREATING A DEPARTMENT OF THE INTERIOR WITH SUPPORTING AGENCIES SUCH AS THE PHILIPPINE NATIONAL POLICE, PEOPLE'S ARM FOR COMMUNITY DEVELOPMENT, BUREAU OF LOCAL GOVERNMENTS, PHILIPPINE PUBLIC SAFETY COLLEGE AND A NEW NATIONAL POLICE COMMISSION, ABOLISHING FOR THE PURPOSE THE DEPARTMENT OF LOCAL GOVERNMENT, THE PHILIPPINE CONSTABULARY AND THE NATIONAL POLICE COMMISSION AND FOR OTHER PURPOSES.

Senator Guingona stated that the parliamentary status would still be the period of interpellations.

The Chair recognized Senator Maceda, Sponsor of the measure.

INTERPELLATION OF SENATOR PIMENTEL

Preliminarily, Senator Pimentel informed that Congressman Gutang, who was earlier reported by newspapers to have recommended that members of the Philippine Constabulary who would be phased out be subjected to examinations if they wish to qualify as members of the new national police, is now considering the outright integration of the PC and the police forces without need of any such qualifying examinations.

Senator Pimentel queried whether a definite position has been taken relative to the possible integration of the members of the PC into the new national police considering that the proposed measure calls for the creation of the Department of Interior and the establishment of one national police which could lead to the abolition of the Philippine Constabulary.

In reply, Senator Maceda affirmed that Congressman Gutang has recommended the automatic integration of the PC and INP as well as fire and jail forces into the national police as

contained in Section 11 of H. No. 23614, however, under the second paragraph of the same section, the officers and personnel of the PC may be appointed as members of the PNP provided that prior to their appointment thereto, they shall possess all the qualifications and eligibility prescribed under the Act. He stated that the basic objection of the PC personnel was that they would be required to take the civil service examinations under Section 11 of the House version while most of the members of the INP would already qualify either because they had already taken the examinations or were given testimonial eligibility with the creation of the Integrated National Police pursuant to Presidential Decree No. 765.

Senator Maceda pointed out that Section 11 of H. No. 23614 does not have a counterpart in the Senate version, although, its Section 19 may be the closest provision, to wit:

The present National Police Commission, the Integrated Philippine Constabulary-Integrated National Police presently organized and constituted shall cease to exist. The Philippine Constabulary which is the nucleus of the Integrated Philippine Constabulary-Integrated National Police shall cease to be a major service of the Armed Forces of the Philippines. The Integrated National Police which is the civilian component of the Integrated Philippine Constabulary-Integrated National Police shall cease to be the national police force and in lieu thereof a new police force shall be established and constituted by and pursuant to this Act.

Officers and enlisted men of the Philippine Constabulary of the rank of Lieutenant-Colonel or lower shall be given ninety (90) days from the effectivity of this Act to transfer to the Philippine National Police to be hereinafter constituted by an pursuant to this Act: Provided, That they meet the qualifications provided by existing laws including those provided in this Act: Provided, further, That the officers and men of the Philippine Constabulary who join any of the major services of the Armed Forces of the Philippines or the Philippine National Police shall be entitled to retain their rank or shall acquire the equivalent rank in the new outfit which they are joining.

He admitted that the Senate version is not clear on the matter since the real intention of the Committee was not to specifically require the PC officers and men to take the civil service examinations, however, he personally believes that since the positions to be created under the PNP would be civilian positions, they must qualify under the civil service requirements.

Senator Maceda also affirmed that the PC and INP will be abolished and in effect, everybody will be allowed to join the PNP with the exception of full colonels and generals.

On the same issue, he disclosed that in a memorandum it sent to the Senate President, the Philippine Constabulary claims that the House version discriminates against them because almost all the police officers and non-commissioned officers are already civil service qualified while most of the PC personnel are not. However, he pointed out that some 15 to 20 percent of the PC officers have already taken police civil service examinations similar to those taken by almost all of the officers of the INP.

Further, he opined that on the contrary, there would be no discrimination because nobody becomes a qualified member of the police unless he passes the required examinations. He added that assuming for the sake of argument that the PC officers and men would be automatically made members of the PNP without having to qualify through a civil service examination, a PC sergeant or a lieutenant who expects to be promoted to the rank of PNP Captain would have to take the examination for PNP Captain just the same, so that he does not see how PC officers who would join the PNP can avoid at one point or another taking the required examinations.

Senator Maceda argued that if the idea of examinations is abhorrent to the PC personnel, they can stay or transfer to the Philippine Army, Philippine Navy, Philippine Air Force or any other unit of the AFP where they will not be required to take examinations unless they want to become full colonels, in reply to which, Senator Pimentel pointed out that of the 41,000 PC personnel, only 4,000 can be accommodated by the Philippine Army, and about the same number by the Philippine Navy and by the Philippine Air Force, so that some 29,000 men may not be accommodated.

Senator Maceda believed that even if exams were insisted upon, more than 60% or 2/3 of the PC especially the younger and newer ones could pass the exams and be admitted into the PNP while those who would not pass could be absorbed by AFP, the Army in particular if this branch is charged exclusively with the anti-insurgency. He suggested for consideration of Congress in consultation with the Executive that the PNP concentrate on criminality which is a major problem by itself.

Senator Maceda emphasized that no PC officer or enlisted man will lose his job or his rank or be demoted in rank or salary.

On whether he would consider a compromise formula following the Gutang approach to automatically accept into the PNP the PC officers and men, but require them to qualify within two years under the Civil Service Laws, Senator Maceda stated that he is amenable to such an approach, however, such a waiver would discriminate against other personnel of the entire government bureaucracy who under Civil Service laws are required to take the appropriate exams.

SUSPENSION OF SESSION

Thereafter, on request of Senator Maceda, the Chair suspended the session.

It was 5:55 p.m.

RESUMPTION OF SESSION

At 6:21 p.m., the session was resumed.

SUSPENSION OF CONSIDERATION  
OF THE BILL

Upon resumption, on motion of Senator Guingona, there being no objection, the Body suspended consideration of S. No. 463 without prejudice to further interpellations by some Members who had previously made their reservations.

C. R. NOS. 542 AND 647  
ON H. NO. 2780  
(Continuation)

On motion of Senator Guingona, there being no objection, the Body resumed consideration of C. R. Nos. 542 and 647 on H. No. 2780, entitled:

AN ACT CREATING THE HOUSING INCENTIVES FUND.

Senator Guingona informed that the parliamentary status would still be the period of amendments.

Thereupon, the Chair recognized Senator Lina, Sponsor of the measure.

PROPOSED COMMITTEE AMENDMENT

Senator Lina informed that as a result of the caucus last August 17, 1989, the Committee is proposing an additional committee amendment on page 2, line 28, between the words "Support.-" and "Level A.-", to insert a new paragraph which shall read:



# Senate Archives (LRAS)

RESULTS OF THE VOTING

The results of the voting were as follows:

In favor

Aquino  
Enrile  
Estrada  
Gonzales  
Guingona  
Herrera  
Laurel  
Lina  
Maceda  
Mercado

Osmeña  
Paterno  
Pimentel  
Romulo  
Saguisag  
Salonga  
Tamano  
Tañada  
Ziga

Against

None

Abstention

None

With 19 affirmative votes, no negative vote and no abstention, the Body approved H. Nos. 947 and 5216 on Third Reading.

CONSIDERATION OF COMMITTEE REPORT

NO. 196 ON S. NO. 463

(Continuation)

Upon call of Senator Guingona, the Body resumed consideration of C. R. No. 196 on S. No. 463, entitled:

AN ACT CREATING A DEPARTMENT OF THE INTERIOR WITH SUPPORTING AGENCIES SUCH AS THE PHILIPPINE NATIONAL POLICE, PEOPLE'S ARM FOR COMMUNITY DEVELOPMENT, BUREAU OF LOCAL GOVERNMENTS, PHILIPPINE PUBLIC SAFETY COLLEGE AND A NEW NATIONAL POLICE COMMISSION, ABOLISHING FOR THE PURPOSE THE DEPARTMENT OF LOCAL GOVERNMENT, THE PHILIPPINE CONSTABULARY AND THE NATIONAL POLICE COMMISSION AND FOR OTHER PURPOSES.

The Chair recognized Senator Maceda, Sponsor of the measure, who stated that the Committee has been continuously reviewing the bill, especially in relation to the approved House version. Moreover, he informed that last Friday, he met with the bill's coauthor, Senator Pimentel, to discuss some provisions to be introduced in the period of Committee amendments.

#### INTERPELLATION OF SENATOR GONZALES

Senator Gonzales observed that the Department of Interior was one of the earliest executive departments that existed during the American regime, the Commonwealth period and for some time thereafter.

On the reason for the abolition of the former Department of Interior, Senator Maceda admitted that he does not know any particular reason since a lot of departments then had been created, recreated and abolished depending on the mood of the Reorganization Commission which had several reorganization plans, recalling that the Philippine Constabulary which used to be under the Department of Interior ended up under the Department of National Defense.

Senator Gonzales affirmed that there was even a time when control of the local police was taken away from the local governments and the same was constituted as a sort of national police which was called state police under the Department of Interior. He believed that there must be a valid reason for the abolition of the Department of Interior which is being revived under the bill.

Moreover, in reply to Senator Gonzales' query, Senator Maceda agreed to the observation that under the bill, the Department of Local Government will, in effect, be abolished and reduced to the status of a bureau under the Department of Interior. As the then Chairman of the Commission on Reorganization which created the DLGCD, he recalled that the latter had three separate functions, namely, the local government function under the Assistant Executive Secretary; the community development function which used to be under the Presidential Assistance on Community Development (PACD); and the non-agricultural cooperatives function which used to be under the Department of Commerce and Industry. He explained that while the Department of Local Government is being reduced to a bureau, the other department service agencies will still be present in the Department of Interior.

Further, Senator Maceda underscored the importance of putting the Philippine National Police under a separate department rather than keeping it under the Department of National Defense or the Office of the President since there are already too many offices under the Office of the President. He stated that he will leave it to the consensus of the Body on whether to keep the DLG and put the Philippine National Police under it although as reported out by the Committee, the first preference is to create a new department because of the creation of new bureaus, principally the PNP and the Coast Guard, and the revival of the PACD, which was transferred to the Ministry of Human Settlements.

Senator Gonzales expressed apprehension on whether it would be a wise move on the part of Congress to reduce to a bureau status a department that serves as the constitutional arm of the President in the exercise of her power of general supervision over provinces, chartered cities, municipalities and barangays whose total budgetary appropriation amounts to ₱501,772,000 and which directly administers the budgetary aid to local government units in the amount of ₱1.5 billion, in reply to which, Senator Maceda stated that the amount of appropriation is not only the standard because there are bureaus that have more than ₱500 million appropriation.

Senator Gonzales noted that under the Constitution, the President exercises control over all executive departments, bureaus and offices and only general supervision of local governments, which power is not even self-executing since the constitutional provision is further qualified by the phrase "as may be provided by law". He explained that the existence of the DLG is unique in the sense that while the President exercises the power of control which means the power to govern, to direct, to regulate and the power to substitute one's judgment and discretion for that of the subordinate, the power of general supervision does not include control and, therefore, it will be in keeping with the distinction in said constitutional powers of the President if the DLG is retained.

Senator Maceda opined that since the President merely exercises general supervision over local governments, a full-blown department is not needed to implement such lesser power, adding that part of the suggestion of the local

government units is for greater control over the police. On the other hand, Senator Maceda contended that putting the local government function under the same secretary who has supervision and control over the police would make it easier for the department head to coordinate and harmonize said agencies.

On Senator Gonzales' apprehension that the Secretary of the Interior would have a split character, since he would exercise supervision, direction and control over certain bureaus while he would merely exercise general supervision over the local government units, Senator Maceda pointed out that this situation also obtained even when the office was under the Office of the Executive Secretary.

Moreover, in reply to Senator Gonzales' query, Senator Maceda agreed to the observation that the Department of Interior would have the power of general supervision, direction and control over the National Police Commission.

On the observation that the intendment of Section 6, Article XVI of the Constitution is that the national police shall be under the administration and control of a National Police Commission, Senator Maceda stated that although there might be a double level of administration, there would not be much difference whether the department head would be the Executive Secretary or the Secretary of Interior since they would only be the alter egos of the President who is the Chief Executive.

Commenting thereon, Senator Gonzales opined that there is a difference between a department head like the Secretary of Interior exercising the power of control and an Executive Secretary acting for in the name and by authority of the

Furthermore, in reply to Senator Gonzales' query, Senator Maceda clarified that in his sponsorship, he mentioned that security and police matters are under the "Cabinet Cluster E Committee" whose most influential member is the Secretary of National Defense.

In this regard, Senator Gonzales suggested that in building up institutions it is important to consider institutional and organizational value rather than the personalities who occupy said positions.

With respect to the People's Arm for Community Development which is proposed to be part of the Department of Interior, Senator Gonzales recalled that during their campaign for the Senate, Senator Maceda was able to command loyalty from the personnel of the defunct PACD.

On the apprehension that huge powers concentrated in one department of the government might be exercised for personal and political reasons, Senator Maceda admitted that it is a possibility, pointing out, however, that the proposed department would not be any bigger or more politically potent than the Department of Education, Culture and Sports, the Department of National Defense or even the Department of Agriculture and Food. He explained that community development was included in the proposed department because in practice, community development program, being a self-help program, works well with local government officials.

Senator Gonzales clarified that his concern is not just on the vastness of the powers but the scope and reach of those powers since the department would have all the local government units which would already encompass the entire

political and territorial subdivisions of the country, aside from having the Philippine National Police, the Philippine Coast Guard, and the People's Arm for Community Development.

On whether the People's Arm for Community Development would handle livelihood programs, Senator Maceda explained that the concept of community development before was to have a team composed of the community development officer, a rural health physician or the rural health nurse, an agricultural extension worker and a representative of the municipal or city government, who went to the barrios and on behalf of the national government and the municipality concerned, worked for the integration and coordination of the development of the barangay or community. He added that the CDO, as a de facto coordinator of the mayor in all programs, would be the head of a team which would coordinate the planning and implementation of projects in the barangay. However, he admitted that almost all departments like DECS, DSSD, DOA and DENR organize and implement certain specific livelihood programs.

Senator Gonzales stated that, precisely, he brought out the matter because in a meeting of the Committee on Finance, the Department of Budget and Management (DBM) identified 35 livelihood programs supported by the General Appropriations Act for 1989 which are being administered by no less than seven different executive departments. Besides, the Philippines is part of the programs of several organizations under the International Commitment Fund (ICF) which is also administering livelihood programs.

On whether the People's Arm for Community Development would take over all livelihood programs as well as programs of the Executive departments on community development, Senator Maceda stated that it would not, however, they would be coordinated by a municipal development council or a provincial development council in their respective levels. He recalled that in the past the PACD officers served as executive secretaries or technical men in municipal development who coordinated the programs of the various departments, a concept which is expressly provided in the proposed measure, specifically Section 47(b), to wit:

- b) organize and strengthen community development councils at the provincial, municipal and barangay levels and coordinate and integrate activities of the departments and offices of the government relative to community development in order to increase their effectiveness and avoid duplication and overlapping of activities.

Commenting on the DBM's claim that there are 35 livelihood projects administered by seven departments, Senator Maceda disclosed that the DSWD does not have 42,000 workers nor 1,600 municipal or city social workers, an indication that budget-wise or personnel-wise, the 35 livelihood programs do not cover every barangay or every municipality. He expressed hope that the time will come when there will be a competent extension service for all departments, admitting that he does not foresee the time when there will be 42,000 social workers, 42,000 agricultural extension workers, 42,000 midwives or 42,000 nurses to cover each and every barangay. He opined that having one efficient multipurpose extension worker for every barangay would be

most important in the delivery of services

Senator Gonzales expressed apprehension that "coordination" could eventually graduate into one of control, as what happened in the Ministry of Human Settlements which had a highly centralized system of control and coordination of all community development plans and projects throughout the country. He noted that there is also something wrong with the present highly decentralized system which does not have actual coordination, however, he was informed that NEDA had created an inter-agency body which would effect coordination of all livelihood programs and community development plans.

Responding thereto, Senator Maceda stated that community development like cooperatives, rural health and agricultural extension work, is established as a separate discipline that, in fact, there is a separate examination for community development workers and a separate college for community development at the University of the Philippines. He stressed that the concept of community development worker or officer is technically defined.

On whether the coast guard is a military or a civilian body, Senator Maceda explained that as far as patrolling of the coastlines is concerned it is a military body but with respect to its functions like safety of vessels or passengers, it is a civilian entity. He disclosed that the Philippine Navy is opposed to the proposal because it would mean reducing its size in terms of coast guard personnel and vessels, however, it would have no objection if it is given a substitute number of personnel and vessels.

On whether the Maritime Industry Authority (MARINA) would be detached from the Department of Transportation and Communications and placed under the Bureau of Local Governments, Senator Maceda replied that it would not, stating that he would be amenable to placing the Coast Guard under the MARINA or the DOTC. He explained that the only reason why the Coast Guard is being placed in the Department of the Interior is that it is exercising police functions in the sea; therefore, it should be a part of the national police.

Senator Gonzales opined that the change in the character of the Coast Guard from military to civilian may upset the line of command because it would now be under the control and supervision of the Secretary of Local Government, in reply to which, Senator Maceda reiterated that it has both military and civilian functions but there is nothing that will prevent Congress from transferring its civilian functions to the new department with the AFP retaining its military functions.

As to what department the National Parks and Wildlife belongs, Senator Maceda stated that it is with the Department of Environment and Natural Resources, however, there are certain parks which under presidential decrees, still belong to the Department of Tourism.

On whether the function of overseeing national parks and wildlife as in the United States could be added to the functions of the Department of Interior, Senator Maceda agreed, stating, however, that the US government has only 12 departments, with no Department of Natural Resources (DNR) which is why a lot of functions under the DNR are placed under the Department of Interior.

Thereafter, Senator Gonzales made a reservation to continue his interpellation on the specific provisions of the bill to a later date.

#### PARLIAMENTARY INQUIRY OF SENATOR ENRILE

Senator Enrile informed that, as a member of the Committee on National Defense and Security, he was being asked to sign the Committee Report on H. No. 23614, the PNP bill, recommending the consolidation of said House bill with S. No. 463 under discussion. He then inquired whether as a matter of procedure, the proposed consolidation shall be done on the floor or in the Committee, and whether it is proper to debate on S. No. 463 in the light of such recommendation.

Replying to the Chair's query whether the matter was taken up in the Committee on Rules, Senator Enrile stated that that is the reason why he made the inquiry.

#### SUSPENSION OF SESSION

The Chair suspended the session.

It was 5:14 p.m.

#### RESUMPTION OF SESSION

At 5:25 p.m., the session was resumed.

#### SUSPENSION OF CONSIDERATION OF THE BILL

COMMITTEE REPORT NO. 438  
ON S. NO. 890  
(Continuation)

Upon call of Senator Guingona, the Body resumed consideration of Committee Report No. 438 on S. No. 890, entitled:

AN ACT PROVIDING FOR THE 1988 CHARTER OF THE ISLAMIC AMANAH INVESTMENT BANK OF THE PHILIPPINES, AUTHORIZING ITS CONDUCT OF ISLAMIC BANKING BUSINESS, AND REPEALING FOR THIS PURPOSE PRESIDENTIAL DECREE NUMBERED TWO HUNDRED AND SIXTY-FOUR AS AMENDED BY PRESIDENTIAL DECREE NUMBERED FIVE HUNDRED AND FORTY-TWO (CREATING THE PHILIPPINE AMANAH BANK).

Senator Guingona stated that the parliamentary status is the period of interpellations.

Thereupon, the Chair recognized Senator Tamano who stated that Senator Enrile was seeking clarification on certain matters when consideration of the bill was suspended.

REMARKS OF SENATOR ENRILE

Senator Enrile observed that 1) the bill suffers from constitutional infirmity because while it seeks to establish a charter for a bank, it carries certain provisions of general application which are not germane to the subject matter stated in the title of the bill; and 2) some of the provisions should be properly presented as amendments to the General Banking Act.

In response, Senator Tamano stated that during the period of amendments, the bill could be excised of provisions which are not germane to it, however, he maintained that the so-called extraneous matters are necessary for understanding the novel ideas built into the proposed charter.

Senator Enrile stated that he would then introduce amendments at the proper time.



# Senate Archives (LRAS)

printed copies of which were distributed to the Members on August 31, 1989.

The Secretary of the Senate called the Roll for nominal voting.

RESULT OF THE VOTING

The result of the voting was as follows:

In favor

Alvarez  
Angara  
Enrile  
Estrada  
Guingona  
Herrera  
Laurel  
Maceda  
Mercado

Osmeña  
Paterno  
Romulo  
Saguisag  
Salonga  
Tamano  
Tañada  
Ziga

Against

None

Abstention

None

With 17 affirmative votes, no negative vote and no abstention, the Chair declared H. No. 2780 approved on Third Reading.

WRITTEN EXPLANATION OF VOTE

Senator Saguisag made a reservation to submit a written explanation of his affirmative vote.

COMMITTEE REPORT NO. 196

ON S. NO. 463

(Continuation)

Upon call of Senator Guingona, there being no objection, the Body resumed consideration of Committee Report No. 196 on S. No. 463, entitled:

AN ACT CREATING A DEPARTMENT OF THE INTERIOR WITH SUPPORTING AGENCIES SUCH AS THE PHILIPPINE NATIONAL POLICE, PEOPLE'S ARM FOR COMMUNITY DEVELOPMENT, BUREAU OF LOCAL GOVERNMENTS,

PHILIPPINE PUBLIC SAFETY COLLEGE AND A NEW NATIONAL POLICE COMMISSION, ABOLISHING FOR THE PURPOSE THE DEPARTMENT OF LOCAL GOVERNMENT, THE PHILIPPINE CONSTABULARY AND THE NATIONAL POLICE COMMISSION AND FOR OTHER PURPOSES.

Senator Guingona stated that the parliamentary status would be the period of interpellations.

Thereupon, the Chair recognized Senator Maceda, who, in answer to previous questions, gave the following comparative personnel data: 41,000 personnel in the Philippine Constabulary (PC) and 67,000 in the PNP; 19 brigadier generals in the PC and 15 in the INP; 149 full colonels in the PC and 55 in the INP; 358 lieutenant colonels in the PC and 143 in the INP; 573 majors in the PC and 707 in the INP; 599 first lieutenants in the PC and 1,528 in the INP; 20,000 PC sergeants (master, technical, staff and sergeant) as against 4,811 in the INP; 6,755 PC corporals as against 7,983 in the INP; 8,679 private first class (also known as constable second class) in the PC and 13,371 in the INP; and 4,742 constables or privates in the PC and 25,037 patrolmen in the INP.

Senator Maceda noted that from the ranks of sergeants up, with the exception of first lieutenants, there is a 3:1 ratio in favor of the PC while in the lower ranks, a 6:1 ratio in favor of the INP. He pointed out that the figures sustain the fear that a complete merger or integration of the two units will place the PC in positions of command and responsibility while the INP will have the bulk of the rank and file.

INTERPELLATION OF SENATOR ENRILE

Replying to Senator Enrile's query, Senator Maceda affirmed that the Secretary of the Interior, being a member of the Cabinet, will become the principal adviser of the President on police matters. Besides, there is no provision in the bill that considers the Chairman of the National Police Commission as the principal adviser since the Commission is a line agency.

He added that in the Office of the President it is not clear whether it is the National Security Director or the Presidential Assistant on Military Affairs who acts as principal adviser on police matters, therefore, the job should be given to the Secretary of Interior or the Secretary of Local Government, whichever name will be adopted.

On whether the Department of Interior would have similar jurisdiction with the Department of National Defense or whether the former, wielding the state's police power, would deal with internal security problem, leaving external defense to the latter, Senator Maceda replied in the affirmative, adding that the principal function of the Philippine National Police (PNP) would focus on criminality and would only serve as a supplementing or reserved force in the government's counterinsurgency campaign. Moreover, the bill would strengthen the proposal to establish the one-ground force concept under which the Philippine Army would handle the counterinsurgency campaign while the PNP would handle the anti-criminality effort.

Senator Enrile informed that some countries have a Department of Home Affairs which deals particularly with insurgency problem and, as a directing agency, calls upon the military to actively enforce the law when police authority is not adequate. He inquired whether such practice could be adopted in the Philippines, in reply to which, Senator Maceda confirmed that in England, for instance, the Department of Home Affairs is responsible for handling the insurgency in Northern Ireland. He believed that since the country is essentially dependent on the United States for external defense, the Armed Forces of the Philippines (AFP) can continue to concentrate its efforts on counterinsurgency campaign. He adverted to the opinion of Defense Undersecretary Gacis that it would take the AFP at least five years to achieve minimum capacity to supplant the present external security being provided by the United States.

Senator Enrile pointed out the need to delineate the authority of the Department of Interior over internal security because the Department of National Defense and the military would be enmeshed in purely political matters if it would continue to have jurisdiction over local governments which represent political power and the PNP which handles law enforcement.

In response, Senator Maceda opined that, on a medium to long range basis, the Department of Home Affairs or the Department of Interior should ideally handle the counterinsurgency program on its own, however, considering the realities in the next five to ten years, the AFP would have to remain under the Department of National Defense (DND) with primary responsibility for the anti-insurgency

campaign while the Department of Interior would handle criminality through the PNP, although it can play secondary role in the counterinsurgency program. He stated that he would welcome a restructuring of the bill provided it contains a provision for an appropriate transition regarding the responsibilities of the DND and the Department of Interior.

Thereafter, Senator Enrile also noted that in countries such as Malaysia, Singapore, Indonesia and Thailand, the Department of Home Affairs handles the insurgency problem with the active support of the military organization since the national police alone could not handle it. He then inquired whether a separate field force for the PNP would have to be created in order to avoid further militarization of the police, to which Senator Maceda agreed, explaining, however, that a separate PC field force has to be maintained if only to give a substantial number of PC officers and men something to do especially if all of its 41,000 members would opt to join the PNP. He observed that with the normal police organizational setup, 20 to 25 sergeants cannot be assigned in PNP stations or precincts as there would then be more sergeants than privates. He affirmed that the PC and police field forces may be allowed to continue pending the retirement of some officers over the next five to ten years.

On whether the training of the PNP after the creation of the Department of Interior would still focus on combat and military operations rather than on real law enforcement regulations and understanding of the psychology of

On whether the armaments of the police would be the same as those of the military, Senator Maceda opined that the matter can be reviewed although the PNP in the province can continue to use M-16s and M-14s as their basic firearms since the complete change to .38 caliber police pistols, automatic weapons and shotguns would take certain period of time.

On whether the police would still use the uniforms and follow the same ranking and insignias of the military organization, Senator Maceda stated that since the House and Senate versions have strongly proposed a new nomenclature of rankings, the police would therefore also be expected to have different uniforms although some quarters from the PC have manifested their desire to retain the traditional military and police ranks for both officers and non-officers to avoid confusion in the identification of PNP personnel as well as to facilitate coordination in joint or combined operations of the two organizations. He stressed, however, that words like "superintendent" and "chief of police" would be used instead of their military counterpart labels.

On whether the appointment of the Secretary of the Interior as well as those of the ranking officers of the AFP would be subject to confirmation by the Commission on Appointments, Senator Maceda explained that the proposed bill does not require the appointment of the superintendent-general or his deputy to be confirmed by the Commission on Appointments since their position would only be equivalent to a bureau chief.

On whether a military commander and a police superintendent would share the same level of authority if both are stationed in a locality to undertake anti-insurgency operations, Senator Maceda stated that counterinsurgency being the principal responsibility of the Department of National Defense (DND) and the Armed Forces of the Philippines (AFP), it is the military commander who must take charge of the counterinsurgency operation in the locality although he cannot just order the chief of police and his men but must go through the usual coordination channels - the regional or provincial police superintendent

On the suggestion that the bill specify the general rule that the Department of Interior shall have complete control and supervision over internal security matters except when the President places the area under the operational control and jurisdiction of a military commander when in her judgment lawlessness has reached a proportion beyond the capacity of the police to control, Senator Maceda pointed out that Section 23 of the bill recognizes the President's power to call on the elements of the Philippine National Police (PNP) to assist the AFP in times of national emergencies. He agreed to clarify in detail the matters over which responsibility for internal security shall be given to the police.

On whether the bill envisions to grant the Secretary of the Department of Interior the power to place any police elements under the operational control and jurisdiction of the local government executives where they are assigned, Senator Maceda explained that under Section 20 of the bill the city or municipal mayor shall be designated ex-officio representative of the National Police Commission in his jurisdiction and shall have command of all elements of the local police forces therein, however, there is also the provision that the National Police Commission or its regional representative can suspend or terminate this control on a temporary basis. He added that the language of Section 20 is a compromise to avoid a possible constitutional problem.

Senator Enrile noted that one of the reasons for the high incidence of criminality in the country is the inability of the local executives to employ policemen in their areas. He opined that the system of putting up a NAPOLCOM representative office in every town and city throughout the country or

multiple layering of headquarters would enlarge the bureaucracy at the expense of the taxpayers. He believed that it would be better to let the elected local executives handle the function for the police commission as was practiced in the past when the police commission under General Crispino de Castro was first created.

Reacting thereto, Senator Maceda pointed out that each system has its advantages and disadvantages, however, he explained that the bill does not envision the setting up of a NAPOLCOM office in every city or municipality but only the designation of the city or municipal mayor as its ex-officio representative therein, adding that the placing of police forces under the mayor's full control might again be subject to abuse; hence, the proposal to place the police forces under the operational, if not general, control of the mayors subject to termination or suspension of such power if they abuse it.

As to what would be the jurisdiction of the Secretary of the Interior over the National Police Commission, Senator Maceda stated that under Section 18(t) of the bill the NAPOLCOM shall exercise administrative control and supervision over local police forces through their ex-officio representatives at the local level, however, since the NAPOLCOM would be placed under the jurisdiction of the DOI, then the Department Secretary's decision will prevail over that of the NAPOLCOM Commissioner.

On Senator Enrile's suggestion to delete Section 18(a) of the bill which provides that the Commission shall advise the President on all matters involving police administration and to place such power and duty under the Secretary of the Interior to avoid discord between the two offices and to

On the extent of the jurisdiction of the Philippine Coast Guard once transferred to the DOI, Senator Maceda explained that vis-a-vis the Philippine Navy, the Coast Guard would exercise all police and law enforcement functions while the Philippine Navy would be primarily for control of insurgency and external defense, however, the President may task the Coast Guard to assist the Philippine Navy on military functions if the situation calls for it. He affirmed that the Navy as a component of the AFP would have no police powers whatsoever since the jurisdiction of the Coast Guard would eventually have to extend even to the Philippine economic zone. Therefore, the enforcement of laws against illegal fishing, smuggling, illegal immigration, overloading of passengers and the like will be the responsibility of the Coast Guard, although the Navy, upon directive of the President, can assist the Coast Guard in appropriate cases. He agreed that their system of deputation will have to be written in the law.

#### INTERPELLATION OF SENATOR ANGARA

In reply to Senator Angara's query, Senator Maceda affirmed that the bill intends to abolish the Philippine Constabulary, the Integrated National Police and the Department of Local Government. He explained that while the present personnel of the Integrated National Police will be automatically integrated, merged or transferred into the new Philippine National Police (PNP), there will be no automatic absorption of the personnel of the Philippine Constabulary not only because they have to qualify but also because there are

PC officers who do not want to be absorbed by the new PNP, hence it was proposed to be optional which the PC and both Houses of Congress accept; the remaining controversy being on the terms and conditions for the exercise of the option.

Senator Angara stated that there should be no automatic absorption of the PC into the new PNP—and, in reply to Senator Maceda's inquiry, agreed that the rule should also apply to the members of the INP. Moreover, he proposed that an entirely new police organization be established by recruiting new personnel rather than putting together the old complement. Reacting thereto, Senator Maceda stated that he would welcome the suggestion if adopted by the majority and would go as far as maintaining the entire PC organization as a separate unit of the AFP, however, a compromise has to be arrived at especially because the members of the police organization are not included in the law on early retirement. He explained that the members of the PC have the alternative of retaining the same rank, salary and allowances as members of the AFP if they do not qualify or are not allowed to transfer to the PNP; in the case of the police, there would be need for extending them special retirement privileges or absorbing them in other government offices.

Further, Senator Maceda stated that in the Senate bill, the generals and colonels of the PC are disqualified from making a choice which could be applied to the police in order to obviate question of discrimination. He added that two other possible standards could be the age limitation, for instance, that only those who are 50 or younger should

Senator Angara stressed that in the long run, Congress might be paying a very high price if it merely puts together and gives a new dressing to an old organization. He believed that following the mandate of the Constitution, Congress is presented with a good opportunity to establish a police organization which is civilian in character and national in scope, composed of well-motivated, well-trained and a younger police force which the people will really trust.

In reply, Senator Maceda suggested that Senator Angara formulate the proposal which could be taken up in caucus.

On the observation that the bill will subject the new PNP to political control in the sense that the police will now follow the duly elected or appointed civilian authority in the country, Senator Maceda affirmed that the choice is between political control to be exercised by the President through the Department of Interior, or more directly, through the Office of the Executive Secretary.

Senator Angara noted that under the bill the line of command would be confusing because while one provision says the Secretary of Interior shall exercise control and supervision over the national police, another provision stipulates that the Superintendent General of the PNP will exercise control and command and still scattered over the bill are provisions which indicate that it is the city or municipal mayor who will effectively wield control.

In reply to his query on the intent of the bill, Senator Maceda stated that while he would like to go the full route of local autonomy by giving the power of control

he would leave it to the Body

to decide the extent of participation of the local executives. He informed that he and Senator Pimentel have agreed to propose Committee amendments that would remove the bulk of Section 22 and to convert the powers of the mayor from being one of appointment to recommendatory powers to the National Police Commission.

Senator Angara stated that, although he personally believes in giving the mayors control over the police force, the larger issue is how to reconcile the constitutional mandate making the police national in scope and the equally urgent constitutional mandate for local autonomy.

On the concept of the auxiliary police and how they can help the national police force, Senator Maceda stated that they are in the nature of an expanded barangay tanod, traffic aides and parking aides. He agreed to the suggestion to call them "aides" rather than give them the "police" appellation.

On the concept of the field force and how it fits into the police system, Senator Maceda explained that they are the strike force assigned to temporarily augment police capability in municipalities which happen to have special need for them. He informed that these field forces are created by the national organization which are already in existence.

On the difference between the auxiliary field police force and confidential, security and special agents and informers of mayors and governors to be created under the bill as an informal network of policemen which, he noted, could destroy the very idea of professionalizing the police system, Senator Maceda replied that their creation would give local officials a little more control over the police agents. He added that the provision would ensure some form of control by subjecting their appointments to approval by the NAPOLCOM.

Upon inquiry, Senator Maceda clarified that they would not be subject to normal police discipline since they would be civilian employees of the provincial governor and city mayor and neither would they be subject to qualification requirements for regular policemen. He reiterated that the provision is a safeguard to ensure that the National Police Commission would have some control, otherwise, the local executives could always create items for confidential agents or assistants in the provincial or city budgets.

Senator Angara expressed apprehension that the bill while creating a professional national police force would also create an informal network of agents which could detract from the goal of professionalization. He suggested either bringing the informal network of agents formally under the police system, subject to police qualifications, discipline, rules and regulations or not authorizing them at all leaving the matter of creating items to the inherent power of each provincial or municipal council.

Reacting thereto, Senator Maceda assured that he would consider the matter at the appropriate time but requested Senator Angara to study its implications from the standpoint of local autonomy specifically whether the Senate could

interfere with the provision on qualifications for confidential or coterminous positions. He stressed that even the Members themselves would not want the Civil Service Commission or any other agency to interfere with their choices of confidential staff. In reply, Senator Angara assured that he would have the matter studied.

Senator Angara stated that the creation of a board of investigators would be a good idea in order to bring the police under civilian authority and control, however, he noted, its members would be picked from the ranks of the police rather than from prominent citizens,

Replying thereto, Senator Maceda stated that under the present formulation, the board would be composed of the city or municipal treasurer as chairman, a representative of the National Police Commission, a councilor chosen by a majority of the city or municipal council, and the municipal or city mayor as ex-officio representative. He informed that before martial law or before the PC/INP was established, it was the municipal council which investigated police cases, hence, the provision is to return to and a recognition of that practice, however, he would have no objection to adding other civilians in the board of investigators.

Further, Senator Maceda informed that the Committee would present an amendment to limit the power of the board to deal with cases of policemen from the ranks of patrolman to senior sergeant, while the National Police Commission would have jurisdiction to discipline and investigate police officers with rank higher than sergeant to superintendent-general.

Upon inquiry, Senator Maceda reiterated that he would have no objection to increasing the members of the board from three to five including at least two prominent citizens of

INTERPELLATION OF SENATOR LAUREL

In reply to Senator Laurel's query on whether the bill has taken into account Constitutional provisions, specifically Sections 4, 13 and 16 of Article X, Senator Maceda replied that it has, although, more weight had been given to the provision on the National Police as an agency, national in scope and civilian in character.

On Senator Laurel's observation that there could be conflict between the local police of the autonomous region; to be created by virtue of Section 2 of Article XIV of R.A. 6734, and the Philippine National Police or the Department of Interior, Senator Maceda admitted the possibility of conflict, however, he underscored that the autonomous regions would be treated as special cases, meaning that the local police forces would be autonomous but subject to the pertinent provision on control and supervision of the National Police Commission. He believed that in actual practice, the supervision of the National Police Commission would be minimal in the autonomous regions compared to its supervision in other regions. He agreed, however, to spell out in the bill supervision of the National Police Commission over the autonomous regional security force in Muslim Mindanao and/or the Cordilleras.

On whether Section 3, Article XIV of R.A. 6734 is in keeping with the provisions of the bill, or whether it is being amended by the bill, Senator Maceda noted that the

concept of municipal mayors as ex-officio representatives of the National Police Commission is exactly the same concept found in the bill.

With respect to Section 4, Article XIV of R.A. 3734, Senator Maceda agreed with the observation that the first sentence is a reiteration of the constitutional provision that national defense will continue to be the responsibility of the national government. On the second sentence thereof, relative to the preference of local inhabitants to be assigned in the autonomous region, Senator Maceda averred that this is being done nationwide in view of the constitutional provision on proportional representation in the Armed Forces of the Philippines in the recruitment of officers and men.

As to which provision shall prevail in case of conflict in the decisions of the Department of the Interior, the AFP and the National Police, Senator Maceda opined that in case of conflict, the special law, in this case the charters of the autonomous regions, would prevail over the general law.

In reply to Senator Laurel's query, Senator Maceda denied that one of the considerations of the proposed measure is the alleged failure of the Department of Local Government to discharge its responsibilities under the law, the basic motivation being the principle that the Philippine National Police should be under a department separate from and not under the Department of National Defense or even the Office of the President and it does not matter what name the department will have or who will head it.

On Senator Laurel's observation that Section 6 which provides that the Department of Interior shall have executive supervision over the administration of local governments and Section 9 which puts the Bureau of Local Government and all other support agencies under the control, direction and supervision of the Department Secretary would negate the objectives of coordination and cooperation, Senator Maceda agreed that the point is well taken.

At this juncture, Senator Guingona informed the Body that one of the country's debt negotiators, PNB President Espiritu, would give a briefing on the ongoing debt negotiations.

Thereupon, Senator Laurel made reservation to continue his interpellation later on.

#### SUSPENSION OF SESSION

On motion of Senator Guingona, the Chair suspended the session.

It was 5:59 p.m.

Monday, September 4, 1989

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RESUMPTION OF SESSION

At 7:11 p.m., the session was resumed.

SUSPENSION OF CONSIDERATION OF  
S. NO. 463

On motion of Senator Maceda, there being no objection, the Body suspended consideration of the bill.

ADJOURNMENT OF SESSION

On motion of Senator Maceda, there being no objection, the Chair declared the session adjourned until four o'clock in the afternoon of the following day.

It was 7:11 p.m.

I hereby certify to the correctness of the foregoing.

EDWIN P. ACOBA  
Secretary of the Senate

DDD/WRD/oea





# Senate Archives (LRAS)

Senator Tamano informed that a study made by Congressman Garcia of the House Committee on Ways and Means revealed that such exemption would mean loss of big revenue to the government. He explained that while the bill would stimulate business in the countryside and make the so-called "underground economy" surface, it might also be used by unscrupulous persons to evade payment of taxes.

Thereupon, Senator Tamano abstained from voting.

By the Senate President

The Senate President voted Yes with a reservation to submit an explanation of his vote.

RESULT OF THE VOTING

The result of the voting was as follows:

In favor

Alvarez  
Angara  
Aquino  
Enrile  
Gonzales  
Guingona  
Herrera  
Laurel  
Lina  
Maceda

Mercedo  
Paterno  
Rasul  
Roco  
Saguisag  
Salonga  
Shabani  
Tañada  
Ziga

Against

None

Abstention

Tamano

With 19 affirmative votes, no negative vote and one abstention, the Chair declared S. No. 369 approved on Third Reading.

CONSIDERATION OF C. R. NO. 196  
ON S. NO. 463

(Continuation)

Upon call of Senator Guingona, the Body resumed consideration of C. R. No. 196 on S. No. 463, entitled:

AN ACT CREATING A DEPARTMENT OF THE INTERIOR WITH SUPPORTING AGENCIES SUCH AS THE PHILIPPINE NATIONAL POLICE, PEOPLE'S ARM FOR COMMUNITY DEVELOPMENT, BUREAU OF LOCAL GOVERNMENTS, PHILIPPINE PUBLIC SAFETY COLLEGE AND A NEW NATIONAL POLICE COMMISSION, ABOLISHING FOR THE PURPOSE THE DEPARTMENT OF LOCAL GOVERNMENT, THE PHILIPPINE CONSTABULARY AND THE NATIONAL

Senator Guingona stated that the parliamentary status would still be the period of interpellations.

#### SUSPENSION OF SESSION

At this juncture, the Chair suspended the session.

It was 5:44 p.m.

#### RESUMPTION OF SESSION

At 6:30 p.m., the session was resumed.

Upon resumption, Senator Maceda adverted to an earlier question on the abolition of the Department of Interior, for which he gave the following background information:

Originally, the Department of Interior was created on September 6, 1901 under Act 222 providing for the organization of the Department of Interior that had within its executive control the Quarantine Services of the Marine Corps Hospital and the Bureaus of Health, Forestry, Mining, Agriculture, Fisheries, Weather, Pagan and Mohammedan Tribes, Public Lands, Government Laboratories and Patents and Copyright.

On November 8, 1916, under Act 2666 reorganizing the Executive Department of the Government of the Philippine Islands, the Department of Interior was limited to the Non-Christian Tribes, the Philippine General Hospital, the Board of Pharmaceutical, Medical and Dental Examinees, Executive bureaus, provinces and cities governed by special laws, and the Philippine Constabulary.

In 1932, Act 4007, the Reorganization Act, renamed the department as the Department of Interior and Labor that exercised executive jurisdiction over the administration of provinces, municipalities, chartered cities and other local political units. Among the bureaus added was the Board of Censorship for Moving Pictures. In 1933, the Department was divided into the Departments of the Interior, and of Labor.

In 1936, Commonwealth Act 78 transferred to the Secretary of Finance the powers and supervision exercised by the Secretary of Interior over the financial agencies of provincial, municipal and city governments.

In 1950, pursuant to the power to reorganize the government under RA 422, President Quirino signed EO 383 abolishing the Department of Interior and transferred all its powers, duties and functions to the Office of President with the exception of the Philippine Constabulary which was transferred to the Department of National Defense.

Upon inquiry of the Chair, Senator Maceda informed that President Quirino gave the following reasons for the abolition of the Department of Interior:

The abolition was in consonance with the recommendation of the Reorganization Commission to effect simplicity and efficiency in government activities. Both Chairmen of the Senate and House Reorganization Commissions, Senator President Pro Tempore Quintin Paredes and Congressman Agustin Kintanar, urged on the President a more radical reduction of government personnel to achieve greater economy. The abolition of the said department is part of a sweeping move to streamline the government machinery to fit the current austere budget. The President has no political design in placing the provincial governors and city mayors directly under his office with said abolition for he has no plans of running for reelection. If the local governments shall be placed under him directly, he would deal with them directly and share with them the responsibility for the solution of their problems.

During the critical times when there are threats to internal peace and order, inhuman assault on innocent people by forces who would like to deliver this country to a foreign

power, there is need for better coordination of the functions of national and local government, better cooperation between national and local officials.

Senator Maceda also noted that former Nueva Ecija Governor Juan Ochoco said:

This step would remove all traces of colonial administration. The Department of Interior is rendered unnecessary with the absorption of its major functions by the Office of the President.

CONTINUATION OF INTERPELLATION  
OF SENATOR LAUREL

Senator Laurel recalled that in his last interpellation, he noted the apparent conflict between Sections 4 and 16, Article X of the Constitution which gives the President the power of general supervision over local governments and autonomous regions respectively, and the provisions of the bill vesting the President with powers of supervision "and control" over the Philippine National Police, and in effect, over local police agencies. He recalled Senator Maceda's answer to his observation that the Regional Autonomy Act being more specific would govern and prevail over the bill.

However, he noted that Section 73 of the bill would be more decisive in the resolution of conflicts as it states:

All laws, ordinances, provisions of city charters and rules and regulations and other issuances or parts thereof which are inconsistent with this Act are hereby repealed or modified accordingly.

Senator Maceda gave assurance that he would be receptive to an amendment clarifying the matter.

In relation to another provision which empowers the National Police Commission to issue subpoenas and subpoena duces tecum, Senator Laurel inquired as to the sanctions the Commission can impose in case of non-compliance. Senator Maceda replied that there is a standard general law or provision containing such sanctions which are not specified in the bill.

Senator Laurel suggested that the matter be also specified in the bill.

Adverting to the provision that states that a local government unit should use its own funds for the salaries, benefits, equipment and other expenses in maintaining its police force, Senator Laurel asked whether local government units would have difficulty in funding such items since they operate on a shoestring budget.

In reply, Senator Maceda explained that while the provision cannot be carried out at present, it nevertheless aims to strengthen the control of local governments over the police on such matters upon approval of the municipal council and the mayor. He likewise explained that the provision anticipates the time when local governments can afford to shoulder such expenses once the Local Government Code is passed and when the principle of automatic retention of 50% of all national internal revenue taxes under the Organic Act for Autonomous Regions is enforced. However, he admitted that there was an objection to the provision and, upon consultation with Senator Pimentel, an amendment was adopted whereby the matter will again be left to the national government, specifically the Philippine National Police. The paragraph, he said, will be proposed for deletion.

On whether the bill would vest in the President or his alter ego, the Secretary of Interior, control over local police units and take away such power from the mayors, Senator Maceda clarified that the police agencies are at present under the control of the National Police Commission (NAPOLCOM) which is under the Office of the President and, for purposes of operations, it is under the PC-INP which, pursuant to a presidential decree, is considered a bureau under the Department of National Defense which is of course under the Office of the President.

Senator Laurel, however, inquired if the bill would not, contrary to the pertinent constitutional provisions, take away from the mayors the responsibility of maintaining peace and order within their respective localities, in reply to which, Senator Maceda explained that the Committee adopted the predominant view of the Constitutional Commission that the PNP would be "national in scope and civilian in character". He stated that he would welcome an amendment which would give local officials full control over police forces provided that the same would have a constitutional basis. However, he pointed out that, upon the insistence of the President, DND Secretary Ramos and NAPOLCOM Chairman Campos, the Committee introduced a compromise provision which states that the mayors would have control over the police forces in their municipalities only as ex-officio representatives of the NAPOLCOM.

In response, Senator Laurel enumerated several reasons as to why mayors should have operational supervision and control over police units within their jurisdiction:

1. The local mayor is entrusted with the responsibility to ensure compliance with the laws within his jurisdiction; and
2. He, as the duly-elected representative of the people, is aware of the local conditions obtaining in his own city or municipality.

He opined that the bill would even increase the power of the President beyond what the Constitution envisages since she has supervision over the NAPOLCOM.

Adverting to Section 6 which states that the State shall establish and maintain one police force that would be national in scope and civilian in character, to be administered and controlled by a national police commission, Senator Maceda reiterated the compromise provision making the local officials ex-officio members of the NAPOLCOM although such ex-officio appointment could be suspended if abused or if the local executive violates the rules and regulations to warrant such suspension.

Senator Laurel maintained that the bill should be fashioned in accordance with the spirit of the local autonomy provisions of the Constitution to extend to local executives or government units the prerogative to supervise and control over police agencies as part of their responsibility.

Senator Laurel likewise pointed out that the Department of the Interior would be very powerful especially during the election years since it would supervise local government units, control police agencies, and handle certain functions of the People's Arm for Community Development (PACD), etc.

(In the course of Senator Laurel's interpellation, the Senate President relinquished the Chair to Senator Tañada.)

RESERVATION OF SENATOR HERRERA

Senator Herrera made a reservation for a turn to interpellate in the next day's session.

SUSPENSION OF CONSIDERATION  
OF THE BILL

On motion of Senator Guingona and there being no objection, the Body suspended consideration of the bill.

CONFERENCE COMMITTEE REPORT ON  
SENATE BILL NO. 523 AND  
HOUSE BILL NO. 13646

On motion of Senator Guingona and there being no objection, the Body considered the Conference Committee Report on the disagreeing provisions of S. No. 523 and H. No. 13643, re the functional and structural organization of the Office of the Ombudsman, copies of which were distributed on September 7, 1989.

The Chair recognized Senator Angara for the sponsorship.

SPONSORSHIP REMARKS OF SENATOR ANGARA

Senator Angara stated that the Report, consisting of 10 pages, was unanimously adopted by the Conference Committee. He asked that the text thereof be incorporated into the Record of the Senate and moved that the Body approve the same.



# Senate Archives (LRAS)

WEDNESDAY, SEPTEMBER 20, 1989

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HEREIN AUTHORIZED FOR THE THREE-YEAR PERIOD SHALL BE THE ACTUAL MONTHLY RENTAL AS OF DECEMBER 31, 1989;

PROVIDED, FINALLY, THAT THE INCREASES AUTHORIZED HEREIN SHALL NOT BE CUMULATIVE AND COMPOUNDED."

I believe, Mr. President, that the proposed amendment already contains all the necessary changes in order to conform to the amendment removing the cumulation and the compounding of the increase.

The President Pro Tempore. Has the Committee amendment been fully comprehended by the Members of the Chamber? (Silence.)

Is there any objection to the same? (Silence.) There being none, the same is approved.

Senator Guingona. Mr. President, if there is no individual amendment, I move that we close the period of amendments.

The President Pro Tempore. Is there any objection to the motion to close the period of amendments? (Silence.) The Chair hears none; the same is approved.

#### APPROVAL OF S. NO. 1262 ON SECOND READING

Senator Guingona. Mr. President, I move that we vote on Senate Bill No. 1262 on Second Reading.

The President Pro Tempore. We shall now vote on Senate Bill No. 1262 on Second Reading. As many as are in favor of the bill will please say Aye. (Several Senators: Aye.) As many as are against will please say Nay. (Silence.) Senate Bill No. 1262 is approved on Second Reading.

#### BILL ON SECOND READING

S. No. 463 - Creation of the Department of the Interior  
(Continuation)

Senator Guingona. Mr. President, I move that we resume consideration of Senate Bill No. 463 as reported out under Committee Report No. 196.

The President Pro Tempore. Resumption of consideration of Senate Bill No. 463 is now in order.

Senator Guingona. Mr. President, we are still in the period of interpellations. I ask that we recognize Senator Maceda.

The President Pro Tempore. Senator Maceda is recognized.

Senator Maceda. Mr. President, we are ready for further interpellations.

The President Pro Tempore. Are there any further

interpellations?

Senator Romulo. Mr. President.

The President Pro Tempore. Senator Romulo is recognized.

Senator Romulo. G. Pangulo, mayroon lamang po tayong ilang katanungan, kung papayag ang ating kaibigan at classmate sa Ateneo.

Senator Maceda. Malaking karangalan po na subukang magbigay ng paliwanag sa napakagaling na Senador na taga-Quezon City at Tarlac.

Senator Romulo. Maraming salamat po.

Dito lamang po sa Section 19. Sinasabi rito na: "The present National Police Commission, the Integrated Philippine Constabulary-Integrated National Police presently organized and constituted shall cease to exist." At itong "Philippine Constabulary, which is the nucleus of the Integrated Philippine Constabulary-Integrated National Police shall cease to be a major service of the Armed Forces of the Philippines."

Samakatwid po, magkakaroon ng bagong organisasyon ngayon?

Senator Maceda. Opo. Magiging isa na lamang at ang tawag nga ay PNP o Philippine National Police.

Senator Romulo. Dito po sa Philippine National Police, ang magiging miyembro rian, mga opisyaes at mga sundalo, ay iyong mga present members of the National Police. Ganyan po ba?

Senator Maceda. As a general rule po, lahat ng mga PC at lahat ng mga police ngayon ay malilipat dito sa PNP. Ang pinagdidibatihan nga po hanggang ngayon ay kung mayroon tayong mga rekwisito o requirements para sa mga PC, katulad ng examination, bago sila payagang lumipat. Kailangan bang ang bilang nila ay limitado sa certain ranks? Mayroong sinasabi o suggestion na kung hindi lilimitahan--sapagkat doon sa Senate version ay ating nililimitahan to the ranks of lieutenant colonel and below ang puwedeng lumipat--na magkaroon ng age limitation upang iyong mga talagang malapit nang mag-retire ay payagan na lamang na mag-retire. Iyon namang mga nasa PC na malapit nang mag-retire, kung hindi sila maaaring lumipat, ay di sila ay maiwan bilang miyembro ng Armed Forces of the Philippines, hindi na sa PC, sapagkat ma-a-abolish na iyong PC. Pipili sila kung sila ay lilipat sa Philippine Army, sa Philippine Air Force o sa Philippine Navy.

Senator Romulo. Samakatwid po, ang mga pulis ay walang problema sapagkat sila ay magiging miyembro na agad, magiging opisyaes o magiging non-officials nitong tinatawag na PNP?

Senator Maceda. Iyan po ang ating original at existing

formulation. Pero, ang laging ipinipilit ng PC sa kanilang position papers ay kung mayroon man daw restrictions or kondisyones na applicable sa kanila, para equal daw at walang discrimination, ay dapat na maging applicable din sa mga pulis. Ngayon, sa present formulation ho kasi ay tinatanggap na ang lahat ng mga pulis ay makalilipat without restriction sa dahilang maliwanag na ang mga pulis ay sibilyan/ Pangalawa, maliwanag na ito ay police organization, hindi military organization, at ang INP ay police organization. At, pangatlo, sapagkat kung hindi sila lililipat, wala naman silang malilipatang iba sapagkat wala silang alternatibo o option na manatili sila sa AFP bilang army, airforce or navy. So, as a matter of fair play, talagang kailangang payagan na lumipat lahat.

Ngunit, mayroon din namang merito iyong sinasabi ng PC na kung kami ay lilimitahan ninyo, kailangan ay the same exclusions, limitations and conditions that you will make applicable to us, should also be made applicable to the police. In which case, if we finally adopt that, ang mangyayari na lamang siguro ay kailangang bigyan natin ng additional and liberal retirement privileges iyong mga police na hindi maka-qualify na ma-absorb.

Senator Romulo. Siguro po iyan ay dapat na pag-uusapan natin lalung-lalo na sa period of amendments. Hindi ba ang mga pulis ay nagdaan na sa mga examinations? Hindi lamang iyan. Hindi po ba ang mga pulis ay mayroong educational qualification? Totoo ho ba na mayroon silang educational qualification? Ang mga police officers, sa pagkaintindi ko, mayroon silang college degree at hindi sila maaring maging police officer kung walang college degree. Totoo po ba iyan?

Senator Maceda. Totoo po at kailangan nilang ipasa iyong specific Civil Service National Police Commission Examination. Meaning to say, para ka maging police lieutenant, you have to pass the examination for police lieutenant. Pagkatapos, bago ka maging police captain, you have to pass the examination for police captain and so on down the line.

Senator Romulo. Samakatwid po, ang police, hindi sapagkat nakapasa na ng Civil Service examination for police lieutenant, ay puwede na siyang ma-promote na captain. Ang sinasabi ninyo, bago siya ma-promote na captain, kailangang pa ay isang examination uli...

Senator Maceda. That is correct.

Senator Romulo. ... and major, and so forth and so on.

Senator Maceda. Yes, Mr. President.

Ngayon, pati ho sa police corporal, police sergeant, mayroon din niyan. Because of that, we thought it was common sense--and this was adopted by the House and also adopted by us--na kung ang isang PC Officer ay lilipat sa Philippine National Police, katulad ng mga police or INP officers, kailangang kumuha rin

sila, kung kapitan man sila, noong examination for captains within one year or whatever it is, two years after this Act is passed. Doon tutol iyong PC na hindi daw sila dapat pakunin pa ng examination. At ang sinasabi pa, in the event na sila ay pakukunin ng examination, kailangan daw pati iyong police, kahit nakakuha na ng examination in the past, since this is a new organization at dapat ay may bagong examination, lahat daw kukuha uli. Pero ang kanilang talagang pinupuntirya ay lahat sila ay malipat nang walang examination.

Senator Romulo. Ang pagkaintindi ko po niyan, kung iyong mga police officers, sabi nga ninyo, simula sa corporal, sarhento, lieutenant, tinyente, capitan, major, iyan ay may examination at the various levels. Bakit naman kailangan pa silang pakunin ng examination gayong natapos na sila? Iyon pong hindi pa kumuha, iyon siguro ang kailangang kumuha ng examination. In other words, hindi naman po iyan unfair sapagkat ang pinagbabasihan, iyong the same examination. Sapagkat ito namang examination ay to test the ability, the adaptability and the suitability of the respective corporal, sergeant, et cetera, lalo na iyong ibang gustong pumasok na hindi pa nakakakuha ng eksamenasyon and have not yet qualified as to suitability, adaptability and ability; tila may basehan iyong original idea dito sa minumungkahing bill because these people are occupying sensitive positions which is no less than safeguarding and protecting the interest of every citizen. Kaya, siguro, may basehan iyong mga educational qualifications at iyong examination. Hindi po ba?

Senator Maceda. Totoo po iyan. Kung ako po ang tatanungin, and we were under normal times, so to speak, ang gusto ko sanang mangyari ay ma-upgrade natin sa pamamagitan ng bill na ito ang bagong Philippine National Police.

Ang basa at ang intindi ko po, wala sigurong problema doon sa mga officer corps ng PC, mula sa lieutenant pataas.

As a matter of fact, marami sa kanila, in anticipation of this, have already passed the appropriate police civil service eligibility. Palagay ko po, ang talagang pinag-uusapan ay iyong mga 30,000 sarhento at kabo na marami-rami rin naman, lalo na iyong matatandang na-enlist noong nagdaang panahon katulad noong mga tipo nina Rizal Alih na umabot lamang ng Grade Five o Grade Six. At inaamin naman nila iyon. Palagay ko po ay hindi makakapasa iyong mga police corporals or police sergeants pag pinakuha natin ng examination. Kaya ipinipilit nila na dahil sa matagal na silang sarhento, in effect they are saying they should be given the equivalent already of a testimonial civil service eligibility which, according to them, has been granted in the past to policemen.

Senator Romulo. Palagay ko po ang pinag-uusapan natin ay kung ano ang ating magagawa upang ma-improve at maitaas ang quality ng ating mga law enforcement officials. Wala pong mapeperhuwisyo sapagkat mayroon namang choice. At ang choice na

iyang ay nasa panukalang-batas. Puwede silang pumili sa Air Force, sa Marines, sa Navy, sa Army. At nabanggit po ninyo na baka magkaroon pa ng isang choice--isang liberal retirement program. Ngunit, hindi natin dapat isakripisyo ang quality, ang improvement of public service. Sapagkat kung gagawin pa natin iyan, baka hindi na tama itong gagawin natin. Hindi po dapat mapeperhuwisyo iyong mga kabo at sarhento. Kaya naman binibigyan natin sila ng choice, either liberal retirement program or a choice of anyone of the Armed Forces.

Kaya, hindi ko po lubos na maintindihan iyong binanggit na compromise. Because in public service, hindi natin dapat i-compromise ang interest of the people, the interest of the ordinary citizen for protection and for improved services. Hindi naman natin piniperhuwisyo ang mga taong ito. Ano po ang masasabi ninyo rian?

Senator Maceda. Tama po kayo. At kung sinasabi na sila ay mapeperhuwisyo dahil mawawalan sila ng trabaho, hindi po sila mapeperhuwisyo. Na sila ay mapeperhuwisyo dahil bababa ang kanilang ranggo, hindi po mangyayari iyan. Na sila ay mapeperhuwisyo dahil bababa ang kanilang suweldo at mga allowances, hindi po mangyayari iyan.

Pero ipagpalagay na natin na ang mga ito ay mga patriotic, magagaling at mga police-minded officers. Marahil kaya nila gustong magpatuloy sa serbisyo ay upang masugpo iyong mga illegal gambling, illegal logging, narcotics, checkpoints, at mga nababasa nating carnapping, syndicates, holdupping, kidnapping. Ngayon paano nila magagawa yon kung hindi na sila pulis, wala at wala nang jurisdiction sa mga bagay na iyon. Marahil, iyon ang kanilang pinupuntiriyang gawin bilang ambag o kanilang kontribusyon para sa kabutihan ng ating bansa. Kaya kung sila ay magpapatuloy sa pagpupulis, iyong mga bagay na hindi nila nagawa noong nakaraan ay baka magawa nila under the PNP at tuloy ay mahinto iyong mga illegal gambling at iba pang criminal acts that will be under their jurisdiction. Baka lamang po.

Senator Romulo. Kagaya noong nabanggit ninyo, siguro ang gusto nila ay ipagpatuloy ang kanilang napakahusay na serbisyo sa bayan. Ano po ba ang masasabi ninyo?

Senator Maceda. Sa akin pong kaisipan, hindi man karapat-dapat sabihin, ako ay naniniwala na iyon ang isang malaking dahilan.

Ngunit mayroon din namang talagang magagaling sa kanila. Ang problema nga lamang at inaamin din naman ay marami rin sa kanilang magagaling. Kaya marahil, madali nating malulutas ang problema kung iyong malapit nang mag-retire ay payagan na nating mag-retire at iyong may matataas na ranggo ay doon na lamang sa AFP. Sa ganitong paraan, magkakaroon ng mas malaking pag-asa ang mga bata pa sa bagong organisasyon. Sapagkat magkakaroon ng mga bakante sa dahilang hindi lahat ay malilipat sa PNP--iyon pong mga bagong recruits na papasok.

Hopefully, we can start with a balance of about 75 percent who are transferees and 20 or 25 percent who will be brought in to reinvigorate the organization, and instead of full colonels and full generals running the organization nationwide we will have a new set of younger, newly promoted colonels and lieutenant colonels running the show. And, hopefully, with remnants of some more idealism in their younger age compared to the older generals and colonels.

Senator Romulo. Ako ay naniniwala na kung talagang they are qualified dapat silang kumuha ng examination or test. Sapagkat gaya nga nang nabanggit ng Ginoo. iyong mga nasa police organization ay nagdaan na sa pagsubok na iyan na walang perhuwisyo. Kung papayagan natin sila ng mag-qualify thru educational qualification and the test examination, sa palagay ko ay dapat ding gawin ang gayon sa lahat hanggang sa heneral. Sapagkat iyon namang mga pulis na heneral ay nagdaan din diyan. Payagan na nating lahat, provided they undergo the same test and qualification that those in the present police force have undergone. Iyon po ay fair sa lahat. Wala namang mapupuwertisyo diyan.

Senator Maceda. Puwede po akong pumayag diyan. Ang akin pong obserbasyon, for a Philippine Police Organization, if we allow all the generals about 20 of them or with the new ones 25 of them, and we allow all the colonels about 150 or so of them, I think, for police organization, we will be top heavy. Meaning to say, I could see why the PC, being a military organization and essentially a part of the Armed Forces of the Philippines, has got to have Recon Commanders, and all the support and supply organizations. Kasi, kasama iyan sa anti-insurgency; kasama iyan sa giyera. Mayroon iyang mga "rear command post" kung tawagin, mayroong mga barracks, at mayroong mga kampo all over the place. Kung PNP lamang, alam naman natin na ang mga pulis ay hindi nagba-barracks. Umuwi iyan sa sariling bahay. Wala iyang mga rear command posts and their main job will be police or anti-criminality, peace and order.

We can simplify the organization which, I think, should be the main object of this bill by phasing out, if not immediately, maybe, we can put a transition period or make it even longer; that, eventually, the table of organization of the PNP should be, let us say, 300,000 three years from now. Based on that, there should only be ten generals; there should only be--just to round up--50 colonels; there should only be 75 lieutenant colonels, and the like. Pero, kapagka pinayagan nating pumasok na lahat iyan, unang-una, magkakagulo sapagkat maraming ihanap ng command at jurisdiction at kailangang mag-create tayo ng mga bagong command o jurisdiction, so that both the FC and the police generals, all the PC and police colonels, will be happy. Iyan ang isang problema na hindi ko alam kung ano ang ating magiging final decision. Pero kung ako ang tatanungin ninyo, kumbinsido ako na we can live with only one-half of the present number of police generals and police colonels and, still, run this organization more efficiently.

Senator Romulo. Samakatwid, ang sinasabi ninyo ay hindi lamang ang PC generals kundi kahit na iyong present roster ng police generals, are already top-heavy sa inyong palagay. Kaya maski na iyan, ang sabi nga ninyo, ay magkakaroon ng number per grade or roster para hindi napakarami. Katulad ng ibang organisasyon sa ibang bansa, we can only have so many three-star generals, so many two-star generals, so many one-star generals, et cetera, so that hindi masyadong top-heavy. Kung, filled up na ang mga slots na iyan ay hindi ka makapagpo-promote. Iyon ang gusto ninyong sabihin.

Senator Maceda. Kasi po, simple lamang. Kung mayroon tayong No. 1 man na kung tawagin nga ay Superintendent General, tatlong Deputy Superintendent General, di apat na. Pagkatapos, iyong 13 RECOM commanders ay mga heneral, di 17 lamang ang kailangan. Hindi naman siguro dapat na ang isang RECOM o PNP regional office ay magkaroon ng maraming heneral. Pero, ganiyan ang situwasyon sa PC. Kahit na RECOM office, it is possible that besides the RECOM commander there are other generals in the RECOM.

Ngayon, pagdating naman dito sa Camp Crame, dahil sa they follow the AFP style, mayroon silang C1, C2, C3 up to C8. Heneral na lahat iyan. Pati na iyong kung tawagin natin sa civilian office ay Supply Officer, iyong procurement officer, na usually ay division chief lamang sa Department of Budget and Management o Department of Environment and Natural Resources, ang tawag doon sa PC ay Chief of the Constabulary Support Command, COSCOM, at heneral din iyon. Pero, kung civilian office, Supply Officer lamang ang tawag doon.

Senator Romulo. Totoo po iyon. Kaya siguro iyon ang isang subject na kailangang pag-aralan at kailangang maayos din.

Ngayon po, iwanan muna natin iyan at gusto ko lamang magtanong. Napag-usapan na natin iyong kabo o corporal at sarhento. Ngayon naman iyong below that, iyong mga enlisted personnel, ano ba ang mga palakad diyan sa mga nasa ibaba?

Senator Maceda. Ang tawag po sa mga pulis ay Patrolman First Class at Patrolman. Ang tawag naman sa PC ay Constable Second Class at Constable First Class. Iyan ang mga appellation.

Bago ko po makalimutan, babalik ako duon sa mga heneral. Alam po ninyo, ang regulasyon sa Armed Forces of the Philippines, kapag ikaw ay naging heneral na, you are no longer a PC, Army, PN or Air Force General. You are supposed to be a General of the Armed Forces of the Philippines. So, technically, even on that, the PC Generals do not have an inchoate or vested right to transfer as policemen because they are not, technically.

Even now, if the Chief of Staff would like to transfer General Nazareno, the RECOM Commander in Tarlac, let us say, to the Philippine Army, it can be done because he is no longer just

a PC General. As soon as one reaches the rank of a general, he is a General of the Armed Forces of the Philippines.

Senator Romulo. So, hindi po kamukha ng pulis, Police General lamang?

Senator Maceda. Pulis ka lamang.

Senator Romulo. I see. Maganda po iyang paliwanag ninyong iyan.

Ngayon, iyon namang mga patrolman at mga constable. Ito namang mga patrolman na pulis, ano po ba ang educational qualification, test o examination na kailangan nilang madaanan upang sila ay maging Patrolman I, Patrolman II or Patrolman III. Ano po ba ang dapat nilang qualification?

Senator Maceda. Iyan ang isang malaking argumento naman ng mga pulis sapagkat, as they point out, to be accepted as a patrolman besides passing again the examinations, they require at least two years in college, samantalang sa PC, high school graduate lamang ay puwede na.

Ngayon, along that line again, kung talagang gusto nating gamitin itong bill na ito upang ma-improve ang quality ng National Police, puwede nating ilagay dito na lahat ng papasok henceforth should be college graduates sa dami ng college graduates na unemployed.

Senator Romulo. Maganda po iyan sapagkat ang atin pong objective dito ay hindi lamang maipasa ang bill na ito. Kapagka naipasa natin ang bill na ito, therefore, magkakaroon ng improvement ang police services na siyang hinihingi ng bayan. I think, the people deserve the best. Kaya nga po, kung iyan ang inyong panukala, siguro mas mapagaganda at mapalalakas ang bill na ito. Siguro naman ay ito ang maibibigay natin sa bayan as our offering, to improve the police service and protection. After all, alam po natin na iyan ang isang napakahalagang serbisyo sa isang mamamayan. Siguro doktor ang isa. Ang isa ay iyong may tiwala sila sa pulis, sa mga nagpo-protekta sa kanila, mayroon silang malalapitan, mayroong nakakaintindi ng problema nila lalung-lalo na iyang mga patrolmen at constables. Siguro, kailangan iyong at least nakatapos ng two years sa college education.

Sa palagay ko po, kung ako ang tatanungin ninyo, mas maganda pa iyong nabanggit ninyong we require, at least, a college education degree sapagkat napakadami namang college graduates who can fit into that. Siguro po ay iyong two year college o iyong high school ay noong kapanahunan pang walang enough educational opportunities.

Ngayon, dahil sa maraming kolehiyo at unibersidad kaya kung iyan ay imumungkahi ninyo, sasama ako sa inyo diyan because it will improve, it will elevate, it will enhance the service through more educated patrolmen and constables.

Senator Maceda. Tutoo po. Kung maaari sana ay iyan nga ang mangyari, na itong batas na ito ay huwag lamang semantical ang pagbabago ng pangalan from PC/INP or five letters to three letters na PNP. Ngunit sana ay magkaroon ng pagbabago doon mismo sa laman.

With the distinguished Senator's permission, may I just mention that I just opened this table. Dito po sa proposed organizational setup ng Philippine National Police, as submitted by the National Police Commission and the PC, ang numero ng heneral na gusto nilang ma-appoint dito ay 98 generals. Can we imagine, for an organization of about 120,000, they are proposing that the organizational setup would be 98 generals, 271 colonels, and 492 lieutenant colonels.

Now, I wonder how many officers with the rank of general there are in the Los Angeles Police Department or the Federal Bureau of Investigation which would be the biggest organization. But, precisely, ang problema po dito, ipinipilit ng PC na i-retain pa rin nitong civilian police agency ang military features that they have, of course, to accommodate the present number of senior officers that they have. There is nothing personal about this. As I repeat over and over again, I do not think that the Philippine National Police, being going to be purely civilian Police Organization should have the equivalent of 98 generals, whatever name we call them.

Senator Romulo. Nabanggit po ninyo ang Los Angeles police. Siguro ay kailangang banggitin na rin natin ang New York police. Ilan po ba ang heneral nila sa dalawang police departments na iyan? Because they should constitute two of the biggest cities in the United States.

Senator Maceda. Iisa po ang kanilang heneral, iyon lamang chief of police. So, that is the top man. And then there is a deputy chief of police. After that, they are all, in effect, iyong tinatawag natin either precinct commander or station commander or detective division or secret service division which are not, in any way, considered as general.

Senator Romulo. Maitanong ko po ang tungkol sa mga heneral. Doon po ba sa police ay ire-retain natin iyong titulong heneral?

Senator Maceda. Inalis po nating lahat ang mga titulong iyan, pero sa rekomendasyon ng PC ay gusto nilang i-retain lahat iyong mga titulong militar.

Senator Romulo. Ngunit sa rekomendasyon ng inyong Komite, sa halip na heneral, ano po ba ang ilalagay nating titulo?

Senator Maceda. Well, superintendent, although I must admit na mayroon tayong isang titulo ng heneral na ni-retain, at ito ay ang superintendent general. Narito po: Superintendent General, Deputy Superintendent General, Chief Superintendent,

Senior Superintendent, Superintendent, Police Captain, Police Lieutenant, Police Senior Sergeant, Police Sergeant, Police Senior Corporal, Police Corporal, Senior Patrolman, at Patrolman. Iyan po ang ating ranking.

Senator Romulo. Samakatwid, dito sa mga present police generals, kung maipapasa ang panukalang-batas ninyo ay dalawa o tatlo lamang ang magkakaroon ng titulong heneral. At hindi lamang may titulong "general" kundi "superintendent general."

Senator Maceda. Opo. At iyong iba, other than the top two men, they would be called "superintendent."

Senator Romulo. Ang gusto po ninyong sabihin, doon sa mga general na hindi magiging superintendent general o deputy superintendent general, ang itatawag na lamang sa kanila ay "superintendent," et cetera?

Senator Maceda. Opo.

Senator Romulo. I see. Ngayon, mabalik po tayo sa patrolman at constable, sapagkat importante at marami din po ang mga ito. Nabanggit ninyo na kailangang two-year college iyong sa mga patrolmen, at sang-ayon din kayo kung gagawin nating college graduate. Ang mga patrolmen po ba, bukod sa kanilang educational qualification, ay kailangang may examination or test or civil service eligibility? Maaari po bang ipaliwanag ninyo sa amin kung ano pa ang ibang hakbang na kailangan nilang pagdaanan bukod sa kanilang pagiging two-year college student or college graduate na kanilang kailangang pagdaanan?

Senator Maceda. Section 27; of course, is subject to amendments.

...(a) A citizen of the Philippines; (b) Of good habits and moral conduct; (c) Of sound mind and body, (d) At least a high school graduate for appointment to the lowest rank;...

and this is meant to put it at the same level as the PC,

...Provided, That those to be appointed in metropolitan stations of the Philippine National Police,...

katulad ng Metro Manila,

...must have finished at least second year college; (e) Must not have been dishonorably discharged or separated from the military or dismissed or separated for cause from the civil government service; (f) Must not have been convicted of an offense or crime involving moral turpitude, (g) Not less than twenty-one or more than thirty years of age, (h) At least one meter and sixty-two centimeters in

height for male, and one meter and fifty-seven centimeters for female; and (i) Must weigh not more or less than five kilograms of the standard weight corresponding to his or her height, age and sex.

Iyan po ang mga requirements.

Senator Romulo. Samakatwid, hindi gaya ng kabo o ng sarhento o ng mga opisyal sa Police ay walang examination or civil service test. Ang kailangan lamang ay iyong educational requirement. Tama po ba iyong sinabi ko?

Senator Maceda. Ang intindi ko po ay mayroon. Under Section 32 it says that members of the PNP shall be employees of the National Government and shall be included in the Career Service Category of the Civil Service. In which case, if one is in the career service category, he must have a career service eligibility.

Senator Romulo. Ang nakalagay lamang po sa panukalang-batas ay iyong Metro Manila. Totoo po ba ang narinig ko na kailangan, at least, he has finished second year of a college course?

Senator Maceda. Tila may pagtanggap o acceptance na kung ito ay pulis sa San Esteban, Ilocos Sur, sa bayan ko, sa Camiling, Tarlac--I do not know if that is acceptable to the Gentleman--ay baka puwede na iyong mas mababa ang educational attainment kaysa sa pulis ng Quezon City o Maynila. Siguro, kung itataas natin iyong pulis ng Cagayan de Oro o Maynila, Metropolitan Areas to college graduate, ang ibig sabihin, puwedeng itaas o i-apply iyong at least two years of college requirement outside the Metropolitan Areas.

Senator Romulo. Hindi lamang sa Metro Manila kundi maging sa urban areas, gaya ng Davao, Cebu o Dagupan. Iyong mga ganiyan?

Senator Maceda. Opo, mayroon pong ganiyan, iyong tinatawag na Metrodiscom Angeles City, Metrodiscom Davao, Metrodiscom Cagayan de Oro, lahat ng chartered cities.

Senator Romulo. At ang sabi ninyo, siguro ay mauumpisahan natin ito sa urban areas maski na college graduate.

Senator Maceda. Right, and maybe just upgrade the municipal police from high school to two years of college.

Senator Romulo. At siguro, up to two years college iyong outside. At ang sabi ninyo, mayroon pa iyong career service. Kaya kumukuha rin sila ng examination or test sa Civil Service.

Senator Maceda. Opo.

Senator Romulo. Ngayon, ano po ba ang present educational requirement or qualification para sa PC, sa constable?

Senator Maceda. High school graduate lamang po, at wala silang civil service examination. All they have to do is pass the physicals and undertake the training either in Camp Castaneda or Jaguig, or Capinpin, wherever the training is undertaken.

Senator Romulo. Ang mga pulis na sarhento at kabo po ba ay kailangang college graduate din? Hindi ko po naitanong iyon.

Senator Maceda. Not necessarily, kasi if they entered as college graduate or second year college at hindi nila tinapos, as long as they pass the police corporal and the police sergeant examinations, and they are chosen for promotion by their Commanding Officers, then they become corporals or sergeants.

Senator Romulo. So, ang may college graduate qualification lamang ang mag-uumpisa bilang tenyente ng pulis?

Senator Maceda. Totoo po iyan.

Senator Romulo. Ito po siguro ang mga dapat nating pag-usapan sapagkat sa palagay ko itong educational requirement, itong paligsahan, at itong mga civil service eligibilities, ay hindi siguro dapat i-compromise o hindi dapat bawasan. If at all, siguro, dapat itaas. Gaya nga ng sabi ninyo na siguro sa, at least, Metrodiscom iyon po ang gagamitin natin. Maski na mga patrolmen should be college graduates.

Senator Maceda. Wala po sigurong problema diyan sa mga bagong papasok. But if we are going to apply it to the incumbent personnel, siguro ay medyo may kahirapan. What the Gentleman and myself are proposing here is that we apply it to the new recruits.

Senator Romulo. Ngayon, bumalik po tayo sa mga PC sapagkat dito parang nagkakaroon ng diskusyon. Ano naman ang inyong panukala rito sa paglilipat ng mga PC constables, corporals, and sergeants? In other words, ano ang inyong panukala for noncommissioned officers and the so-called enlisted men?

Senator Maceda. Maging sa House po, ang panukala is that they have to take the civil service eligibility corresponding to their new police rank within a certain period after the effectivity of the law. One year, I think, is the present proposal, which is, of course, subject to discussion. At iyan ang ayaw ng PC.

Senator Romulo. Ang sabi ninyo ay iyan ang bill ng House at ng Senado na magkakaroon ng, even within one year, qualifying examination or test for them to qualify to move over to the police.

Senator Maceda. Kung sarhento siya and will opt to join

the PNP, he will join the PNP; member na siya ng PNP. But, for him to continue to be a member of the PNP, he has to pass the civil service examination for police sergeant.

Senator Romulo. Ganoon din po ba ang kabo at konstable?

Senator Maceda. Sa kabo po ay ganoon din.

Senator Romulo. At ganoon din po ang konstable?

Senator Maceda. Ganoon din po, may patrolman eligibility.

Senator Romulo. Mayroon din po ba silang second year college requirement? Papaano kung hindi sila nakaabot sa second year college, gaya ng requirement?

Senator Maceda. Hindi na po iri-require iyon, because since they are already in the service, hindi naman natin puwedeng i-retroact, unless we really want to. But I think malaking gulo po iyan. I would say that the great majority of PC sergeants, corporals and constables are high school graduates and do not have the two years of college requirement.

Senator Romulo. Of course, wala namang perhuwisyo sa kanila sapagkat puwede silang magpatuloy sa Air Force, Navy, Army, Marine, Coast Guard, at iyong nabanggit ninyong liberal retirement pay. Mayroon naman pong choice. Hindi naman po perhuwisyo iyan sapagkat gusto nating ma-improve ang police force from patrolman up to the Superintendent General, hindi po ba?

Senator Maceda. Totoo po. In theory and in legality, walang perhuwisyo. Pero sa kanilang perception, marámi silang sina-cite na perhuwisyo. Halimbawa, ang isa na mayroong basehan, at ito lamang ang babanggitin ko, kung papasok sila sa Army ay magiging second class citizen sila roon. Kasi, iyong mga magkakasama na matagal nang mga army officers and members, siyempre, bibigyan nila ng priority iyong mga talagang tunay na Army kaysa itong mga bagong PC na papasok sa Army. Iyon ang isang puntong sinasabi nila.

Senator Romulo. Di second class din pagpasok sa pulis?

Senator Maceda. Hindi ho. Kasi, since the time of the PC/INP, sila na ang amo at ang second class ay iyong mga pulis.

Senator Romulo. Sapagkat ngayong pulis na, sila naman ang magiging second class citizen?

Senator Maceda. Hindi po. Kasi, kaya nila pinipilit na halos lahat sila ay mapasok on the level of the officers ay sapagkat karamihan sa mga opisyaes na hahawak ng PNP, just by sheer number, ay PC. Kaya sila pa rin ang mamumuno at magiging amo sa bagong PNP.

Senator Romulo. Wala na pong oras. Siguro, kung

pahihintulutan ninyo, uupo na tayo ngayon at nagpapasalamat tayo sa ating kasama at kaibigan sa pagpapaliwanag dito sa ating mga tanong.

Salamat po.

Senator Maceda. Salamat din po.

The President Pro Tempore. The Majority Floor Leader.

#### SUSPENSION OF CONSIDERATION OF S. NO. 463

Senator Guingona. Mr. President, I move that we suspend consideration of Senate Bill No. 463.

The President Pro Tempore. Is there any objection? (Silence.) Hearing none, the same is approved.

Senator Guingona. Tomorrow afternoon, Mr. President, we will have the Privilege Speech of Senator Herrera. We will consider Senate Bill No. 176, the veterans benefit; Senate Bill No. 1154, prohibiting legislators from practicing profession; and Senate Bill No. 332, the anti-gambling.

#### ADJOURNMENT OF THE SESSION

I move, Mr. President, that we adjourn the session until four o'clock tomorrow afternoon.

The President Pro Tempore. The session is adjourned until four o'clock tomorrow afternoon, if there is no objection. (There was none.)

It was 6:52 p.m.

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# Senate Archives (LRAS)

17. Rizal Province (Jueteng) - Cesar Reyes,  
Tony Santos & Doring  
Marquez
18. Laguna (Jueteng) - Engineer Sanchez, Cesar Reyes,  
Tony Santos, Tony Manambit,  
Manalo Family, Romy Pamatmat,  
Charing & Fred Magbuños & Linda  
Reyes
19. Cavite (Jueteng) - Tony Santos
20. Cavite City - alias Amas & Freddie
21. Batangas (Jueteng) - Tony Maristela, Alias Haruta,  
Naning Mayo, Cesar Reyes &  
Engineer Sanchez
22. Quezon Province (Jueteng) - Charing Magbuños, Romy  
Pamatmat & Naning Viceo
23. Bicol (Jueteng) - Bong Villafuerte, Tony Santos & a  
certain Mercado

(SGD) EDMUNDO F. EUSTAQUIO  
CAPTAIN PC  
Team Leader IFAG

Thereupon, on motion of Senator Maceda, there being no objection, the Chair referred the document to the Blue Ribbon Committee.

COMMITTEE REPORT NO. 196  
99 SENATE NO. 463  
(Continuation)

Upon call of Senator Guingona, there being no objection, the Body resumed consideration of Committee Report No. 196 on S. No. 463, entitled:

AN ACT CREATING A DEPARTMENT OF INTERIOR WITH SUPPORTING AGENCIES SUCH AS THE PHILIPPINE NATIONAL POLICE, PEOPLE'S ARM FOR COMMUNITY DEVELOPMENT, BUREAU OF LOCAL GOVERNMENTS, PHILIPPINE PUBLIC SAFETY COLLEGE AND A NEW NATIONAL POLICE COMMISSION ABOLISHING FOR THE PURPOSE THE DEPARTMENT OF LOCAL GOVERNMENT THE PHILIPPINE CONSTABULARY AND THE NATIONAL POLICE COMMISSION AND FOR OTHER PURPOSES

Senator Guingona informed that the parliamentary status would still be the period of interpellations.

Thereupon, the Chair recognized Senator Maceda, Sponsor of the measure, and Senator Shahani for her interpellation.

#### INTERPELLATION OF SENATOR SHAHANI

In reply to Senator Shahani's query on the status of the Coast Guard if the bill is approved into law, Senator Maceda informed that the Secretary of Defense and other AFP officials expressed no objection to the House version transferring to the PNP the civilian functions of the Coast Guard, as long as its vessels, ships and other properties and its officers and men remain with the Philippine Navy. He stated that the Senate version does not contain a similar provision, a gap which can be corrected during the period of amendments, adding that the Committee is currently studying the specific civilian functions that could be transferred to the PNP such as the campaign against illegal dynamite fishing and smuggling, and safety functions like inspecting ships for overloading. With respect to the possible transfer of officers and men as well as equipment, he disclosed that the Committee is still studying the matter, stating that if the PC pattern is followed, the Coast Guard personnel should be allowed to opt for transfer to the PNP.

Senator Shahani suggested that distinction must be made between the police functions of the Coast Guard and its functions as enforcer of maritime safety and maritime laws since the latter are not only formulated, adopted and implemented by the Government but are subject to international protocols and conventions ratified by the government.

In reply, Senator Maceda agreed that there is indeed some distinction between the police function and the maritime function of the coast guard as there are even suggestions that the latter function really pertains to the MARINA. He noted that the leaderships of the Department of National Defense and the AFP have no objection to keeping the Philippine Navy as a purely military organization, their only concern being that they would not want to reduce its personnel and equipment resources by transferring them to the Philippine Coast Guard.

On whether the bill took into account the importance of the Coast Guard considering that the country's coastline is much longer than that of the United States and its water area is five times larger than its entire land area, Senator Maceda explained that the low priority given to the navy and the coast guard could be attributed to the tremendous amount of money that would be needed to meet their requirements. He pointed out that the repair of only one small patrol escort craft would cost \$6 million. He stressed that while the Philippine Navy should be kept as a purely military organization, the Philippine Coast Guard will have to be eventually separated as a non-military entity whether it will have maritime functions or police functions or both.

provide a two-year transition period with the hope that thereafter the government could already afford to buy new ships for the separate needs of the Navy and the Coast Guard.

On whether two to four years would be enough time for the Coast Guard to be independent of the Navy and be able to discharge its own important responsibilities, Senator Maceda opined that it would depend on how fast funds are made available or how fast the country's economy recovers, however, he conceded that two to four years would not be sufficient.

Senator Shahani agreed that the separation of the Coast Guard from the Navy might take a longer time considering the expenses involved as well as the technical training which would be required to have an efficient Coast Guard. She expressed hope that the bill would consider the requirements of the country as an archipelago and the need of protecting it from its neighbors.

#### INTERPELLATION OF SENATOR LINA

Replying to Senator Lina's observation that Section 18 of the bill which grants the National Police Commission the power to exercise administrative control and supervision over the local police forces through its ex-officio representatives at the local level would, in effect, reduce the power of the Commission to directly administer and control the Philippine National Police as provided in the Constitution, Senator Maceda explained that if the Constitutional Commission really intended to make the National Police Commission as the exclusive administering agency of the PNP, it could have opted to make it a

... supervision by the

Office of the President either through the Executive Secretary or, as proposed in the bill, through the Secretary of the Department of the Interior. He pointed out that the bill merely seeks to define the extent of the power of administration and supervision of the National Police Commission which is not prohibited by the Constitution and since it is not a constitutional commission, it must be placed under a department, whether under the Office of the President, the Department of the Interior, the Department of Local Government or the Department of Justice.

Senator Lina noted that the bill also provides for a Superintendent-General who shall have the power to direct and control tactical and strategic movements, deployment, placement and/or utilization of the PNP or any of its personnel and property, including its equipment, facilities and other resources; however, he can delegate such power to lower level officials with respect to the units under their respective commands, in accordance with the rules and regulations prescribed by the National Police Commission. On his query as to how this position could be reconciled with Section 20 under which the mayors are given command over the elements of the local police within their jurisdiction, Senator Maceda explained that under Section 14, the Superintendent-General is an ex-officio member of the Commission besides being the line commander responsible for implementing the policies and instructions of the National Police Commission to the elements of the PNP. He clarified that the top echelon would be the National Police Commission to be followed by the PNP, headed by the Superintendent-General and by the municipal mayors who will

be ex-officio members of the Commission. He agreed with Senator Lina's observation that the general guidelines drawn by the Commission on strategic movements, deployment and the utilization of the PNP or any of its units and personnel, including equipment, facilities and other resources would be implemented by the local mayors in their capacity as heads of the local police force. He added that except to a limited extent, the mayors would not have the power to hire or fire personnel.

On the possibility that the power of local executives to appoint confidential security and special agents as well as informers may be used to circumvent the intent of the bill, Senator Maceda pointed out that under the concept of local autonomy, there is nothing that can prevent the governor or the provincial board from hiring local employees whether as police aides, traffic aides or jail guards. He believed that the possible abuse is a matter for the President, the Secretary and the public through media to control or minimize.

Senator Lina noted that while the Constitution mandates that the police force should be civilian in character, some provisions of the bill, however, provide that it shall complement and support the Armed Forces of the Philippines in counter-insurgency operations. He then asked whether quelling a rebellion or an insurgency situation is something which requires military and not police action.

Replying thereto, Senator Maceda explained that presently, the 110,000 component of the PC/INP is part of the anti-insurgency campaign as a supplementary role, and immediately divorcing or prohibiting them from participating

Monday, September 25, 1989

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Besides, the NPAs are enemies of the state against whom even private citizens are expected to pitch in.

On whether the enactment of the bill into law would reduce the Department of Local Government (DLG) into a mere bureau, Senator Maceda stated that although its function will be handled by a bureau the size of the organization requires a body bigger than the present DLG. He affirmed that, in effect, the present DLG would be abolished.

#### INTERPELLATION OF SENATOR RASUL

In reply to Senator Rasul's query, Senator Maceda affirmed that the Department of the Interior would be subject to the Civil Service rules in the same manner and the appointments and discipline of personnel of the Department of Agriculture and Natural Resources or any other department of the government is subject to the jurisdiction of the Civil Service Commission.

On Senator Rasul's observation that the officers and uniformed members of the Department shall be exempt from all wage and position classification laws, including the standardization law, Senator Maceda clarified that the civilian employees shall not be exempt. He surmised that this was requested by the proponents of the original draft to make easier the upgrading of wages, adding that it is something that the Body has to decide upon.

On whether their exemption from the benefit of the standardization law would not be unfair considering that all other civilian employees benefit therefrom, Senator Maceda stated that, in effect, it is not unfair because normally

offices that are exempt from wage and classification laws always have a much higher pay standard and classification than those who are under the normal wage and classification laws.

On Senator Rasul's suggestion to merge the Bureau of Local Governments and the People's Arm for Community Development because of their seemingly overlapping functions, Senator Maceda agreed that it is possible to merge certain functions, pointing out, however, that historically, the two offices have been separate and have worked out well. He explained that while the Bureau of Local Governments performs the administrative and housekeeping duties of the towns and cities, the People's Arm for Community Development deals with all aspects of the development of the municipality or province.

On the reasons why the DLG would be reduced to a mere bureau, Senator Maceda clarified that all the existing offices and the other bureaus like the PACD, Philippine National Police, the Philippine Public Safety College, etc. would be under the new Department of the Interior and they would still be under the regular undersecretaries, assistant secretaries and department service chiefs.

Senator Rasul expressed concern that what is sought to be established might fall short of the constitutional standard, pointing out that the Philippine Constabulary (PC), in the first place, should have been a paramilitary force performing special police duties and not purely military functions.

Replying thereto, Senator Maceda stated that everything got mixed up and jumbled when Marcos put up martial law since he did not give due regard to the principles or policies that should have been observed. In this connection, he stated that a very strict interpretation of the technical considerations would disallow the PC from entering the PNP, which, however, would cause a rebellion from the 38,000 PC officers and men.

On whether the PNP would just be like the present PC, Senator Maceda stated that he could not give an assurance that it would not happen.

As to how may the militarization of the PNP be prevented considering that it would be performing tough special police tasks, with military equipment and subjected to the same discipline of the military, Senator Maceda stated that all departments, bureaus and agencies are supposed to work together and to disregard the dividing lines between offices. He expressed the hope that over a transition of three to five years the PNP would be equipped properly as a police organization, and that with the early retirement of the officers from the PC and the recruitment of new officers and men under new training programs, the PNP would become a truly civilian organization.

On the suggestion to give members of the PNP civilian titles instead of military titles, Senator Maceda stated that he supports the idea but the PC would surely put up a very strong lobby against it in order to keep their superiority over the INP.

Regarding the DLG, he believed that the Department of the Interior would have enough functions to make it relevant even if the DLG is maintained as a separate department.

#### INTERPELLATION OF SENATOR HERRERA

In reply to Senator Herrera's query, Senator Maceda affirmed that the bill is based on Section 6, Article XVI of the Constitution which, he believed, should be amended in the future so that police functions could be assigned to the local governments instead of institutionalizing a police force that is national in scope which is a carryover from the Marcos dictatorship. He noted that there is no such national police force in the United States or England. He added that in the light of the constitutional provision which goes against the grain of local autonomy, the Committee was hard pressed in coming out with a compromise provision in the bill which would give local executives as much as possible operational control over local police forces without denying the national character of the PNP.

On the creation of the DOI, Senator Maceda stated that it is not a new idea considering that as early as September 6, 1901 Act 222 created the Department of the Interior of which the PC was made part when it was established in 1916. He also informed that there are only about two or three countries in the world which have a Department of Local Government, the

Department of the Interior or Home Ministry being the more popular terminology.

On the advantages of putting the PNP under the DOI instead of creating it as an independent entity, Senator Macceda explained that the PNP cannot be made independent because it is not one of the constitutional agencies, so that once created, it would fall under the umbrella provision for all other offices in the administrative scheme under the Office of the President which, in practice, has the Executive Secretary as its head, or the Secretary of the DOI, who would also be an extension of the President's personality. However, he stressed that one of the main reasons for the creation of the DOI is to have a department that would balance the power of the Department of National Defense so that it would no longer be as big and powerful as it was under the martial law years. He added that if the DOI would be placed under the Office of the President, considering the provisions of the present Administrative Code which has anointed the Secretary of National Defense as the Vice Commander-in-Chief of the Armed Forces of the Philippines, the PNP would still be under the influence of the Department of National Defense, thus, it would be safer to place it under the DLG, the Department of Justice (DOJ) or the proposed DOI.

On the contention that placing the national police directly under the President would insulate it from local politics, Senator Macceda pointed out that it would really depend on how political or apolitical the President would be.

Senator Herrera stated that in 1971 he personally experienced the cruelty and abuse of policemen who were under

professionalized police force that is free from local politics, in reply to which, Senator Maceda believed that while the experience of Senator Herrera would be correct in the context of the pre-martial law days, under the proposal, the local officials would not have direct control over the police as they will only be ex-officio representatives of a national body.

On the observation that the bill would give the mayors the power to recommend for promotion non-officers of the police force which in itself is a manifestation of control and supervision, Senator Maceda explained that it is the contention of the mayors that since they are responsible for peace and order in their cities or municipalities, they must at least be given certain amount of recommendatory and, if possible, disciplinary power. He stressed that while the constitutional mandate for a national police force should be respected, the local government officials should be given as much participation as possible in running the local police. He maintained that if and when times normalize, the police function should no doubt be a local government function.

On the contention that Section 30 of the bill would enable mayors to augment their local police forces and, perhaps, create their own private armies, Senator Maceda stated that it is a possibility, but one has just to depend on the normal mechanisms of checks and balances to ensure that it does not happen. He added that in actual practice this would be limited to very few cities like Manila, Quezon City, Cebu or municipalities like Makati which can afford to put up auxiliaries.

Senator Maceda stated that while there is the possibility of abuse, the whole line of problems or possible problems is always a matter of how the provision will be used or abused in practice. He agreed that if one cannot totally eliminate the risk, he should at least minimize it. He asked that Senator Herrera suggest other ways of minimizing the risk in addition to making it subject to the approval of the regional superintendent. He opined that if a city or municipal government believes that peace and order or police work is its legitimate concern just as a garbage collection is, there is nothing that would prevent it from hiring aides, because the concept has always been to encourage city and municipal government, to decide what is best for them.

Senator Herrera, however, questioned the wisdom of creating the Department of the Interior with seven offices under it, thus, making it one of the few super departments in the government. He warned on the very high risk of failure considering the magnitude of responsibility of the Department Secretary who will be heading a personnel component of about 300,000, the bulk of which would be the police force which will account for about 130,000 based on the study that for every 500 there should be one policeman, plus the Coast Guard and the PACD personnel.

Senator Maceda disagreed by citing the Department of Education, Culture and Sports as the biggest department which has over 500,000 personnel component, followed by the Department of National Defense, the Department of Agriculture, the Department of Transportation and

He recalled that departments were either merged or split as in the case of the Department of Public Works and Public Highways which had been separate departments before and the Department of Agriculture and the Department of Natural Resources which were formerly one department together. He pointed out, moreover, that in terms of variety of functions, the widest ranging department is the Department of Transportation and Communications with the transportation function encompassing land, sea and air while the communications function includes, among others, the postal service. He stated that personally he would like to see a strong Department of Local Government or a strong Department of the Interior to balance off a strong Department of National Defense. He also noted that putting the National Police Commission under the Office of the President would create another problem, that is, the President, as in the case of the Task Force Anti-Gambling, would become directly involved. He opined that there are good reasons to insulate the police department from the Office of the President.

Senator Herrera agreed that while all arguments have their own merits, it is the task of Congress to look for the lesser evil. He argued, that there will be no uniformity on matters of discipline, promotion and training if the police force is placed under the supervision and control of over 1,000 mayors. He opined that the government can only professionalize the national police force if there is uniformity on such matters as promotion and salary structure which would not be attained through the bill because the municipal council is authorized to define the salary structure of the police force under its jurisdiction.

Senator Herrera agreed that there are departments bigger than the Department of the Interior but pointed out that in the Department of Education, Culture and Sports and the Department of National Defense for instance, the functions of the offices under said departments are interrelated, which would not be the case for the offices under the Department of the Interior. Moreover, he questioned the rationale for requiring the Secretary of Interior to be a member of the Philippine Bar before he can be appointed to the position.

In reply, Senator Maceda explained that the bill envisions training and standards of compensation to be the functions of the National Police Commission and that the Committee intends to propose the deletion of the provision that the city or municipal government can provide or augment the salary of the policemen.

Adverting to his meeting with the Secretary of National Defense and some Generals of the AFP, Senator Herrera sought Senator Maceda's reaction to their claim that transferring the Coast Guard to the Department of the Interior will further weaken the Navy's capability to protect the country against possible intrusion or threat via the sea, in reply to which, Senator Maceda stated that the argument boils down to the fact that the Navy has inferior equipment, so that if its capability is now 5%, the bill would reduce it to, say, 4%, which would not alter the situation that even if kept at

its present state, the Navy would still not have enough snips to guard the country's territories. He noted, however, that the military leadership would not object to the transfer of the Coast Guard as long as there is no reduction in personnel and equipment of the Navy.

Senator Herrera opined that the issue raised by the Secretary of National Defense is something that should be studied along with the crucial issue whether to integrate the PC with the INP or do away with the present PC-INP and create a new organization. He opined that the general feeling is to accommodate, as much as possible, the members of the PC in the new Philippine National Police, however, he is not prepared to suggest that they should be required to take the examination of the members of the police force.

**SUSPENSION OF THE SESSION**

At this juncture, the Chair suspended the session.

It was 5:59 p.m.

RESUMPTION OF SESSION

At 6:40 p.m., the session was resumed.

SUSPENSION OF CONSIDERATION  
OF S. NO. 463

On motion of Senator Guingona, there being no objection, the Body suspended consideration of the bill.

COMMITTEE REPORT NO. 703  
ON S. NO. 1258

On motion of Senator Guingona, there being no objection, the Body considered C. R. No. 703 on S. No. 1258, entitled:

AN ACT TO RATIONALIZE AND PROMOTE SMALL SCALE ENTERPRISES, ESTABLISH A CREDIT AND GUARANTEE CORPORATION, PROVIDE FUNDS THEREFOR, AND FOR OTHER PURPOSES.

With the permission of the Body, only the title of the bill was read without prejudice to the insertion of its text into the Record of the Senate.

The Chair recognized Senator Shahani for her sponsorship speech.

SPONSORSHIP SPEECH OF SENATOR SHAHANI

In her sponsorship speech, Senator Shahani recalled that on 15 March 1988 she delivered a privilege speech on the subject of industrialization for the Philippines in which she categorically expressed full support for the agricultural thrust in economic development. However, she reiterated that agriculture without comprehensive industrialization will only be a partial and inadequate



# Senate Archives (LRAS)

Upon resumption, Senator Guingona withdrew his proposed amendment.

There being no other amendments, the Body closed the period of amendments.

APPROVAL OF S. NO. 144  
ON SECOND READING

Submitted to a vote and with the majority of the members voting in favor, the Body approved S. No. 144 on Second Reading.

MANIFESTATION OF SENATOR AQUINO

Senator Aquino manifested his objection to the bill, stating that the bill's passage would impair the credit worthiness of government; reduce the country's ability to borrow; cause delays in servicing the country's debts; trigger penalty charges and adverse consequences to the government's existing loan agreements.

COMMITTEE REPORT NO. 196  
ON SENATE BILL NO. 463  
(Continuation)

Upon call of Senator Guingona, there being no objection, the Body resumed consideration of Committee Report No. 196 on Senate Bill No. 463, entitled:

AN ACT CREATING A DEPARTMENT OF THE INTERIOR WITH SUPPORTING AGENCIES SUCH AS THE PHILIPPINE NATIONAL POLICE, PEOPLE'S ARM FOR COMMUNITY DEVELOPMENT, BUREAU OF LOCAL GOVERNMENTS, PHILIPPINE PUBLIC SAFETY COLLEGE AND A NEW NATIONAL POLICE COMMISSION, ABOLISHING FOR THE PURPOSE THE DEPARTMENT OF LOCAL GOVERNMENT, THE PHILIPPINE CONSTABULARY AND THE NATIONAL POLICE COMMISSION AND FOR OTHER PURPOSES.

Senator Guingona stated that the parliamentary status would still be the period of interpellations.

The Chair recognized Senator Maceda, Sponsor of the measure, and Senator Laurel for the continuation of his interpellation.

INTERPELLATION OF SENATOR LAUREL  
(Continuation)

In reply to Senator Laurel's inquiry as to the purpose of the bill, specifically whether it seeks to reorganize the Department of Local Government or to draft a code governing the various agencies to be placed under the Department of the Interior, Senator Maceda clarified that its principal purpose is to establish the new Philippine National Police, although in the process, it would reorganize the Department of Local Government.

Senator Laurel observed that S. No. 463 puts together three bills, namely, S. No. 332 creating the National Police Commission, S. No. 324 creating a Department of the Interior and Public Safety with supporting agencies; and S. No. 330 creating the Department of the Interior and placing under its supervision and control certain bureaus. Senator Maceda added that pursuant to C. R. No. 575, it also consolidates S. No. 816, sponsored by Senator Gonzales.

Senator Laurel also observed that the bill seeks to establish an administrative body, more particularly, an executive department and contains, at the same time, a number of provisions which, ordinarily, would not fall under a reorganization bill. He cautioned that it might suffer constitutional infirmities since a reorganization bill simply places certain departments under one agency or branch of department while the bill contains certain sections which should properly be contained in a separate bill like a police code.

So specifically cited Section 25 of the bill providing that appointments to a local police agency shall be made by the mayor from the list of eligibles certified by the National Police Commission, Section 27 providing for their qualifications, and Section 28 stating that the manning level of the Philippine National Police shall be in accordance with the police-to-population ratio. He reiterated that these may be proposed in a separate police code.

Senator Maceda took exception, stating that in the creation of an office or department the general rule is to include in the law as many substantive provisions as possible to avoid splitting bills into the organization proper and the code proper which can be time consuming, citing the case of the Cooperative Code vis-a-vis the Cooperative Development Authority and the bill on the Department of Fisheries vis-a-vis the Fisheries Code.

On the observation that the bill would amend the Mindanao Autonomy Act even before the latter is ratified considering that under Section 2, Article XIV of R.A. 6734, the police force to be created shall be under the administration and control of the National Police Commission which is sought to be abolished under the proposed measure, Senator Maceda clarified that in case of conflict, the laws creating the autonomous regions, being special laws, would prevail. Moreover, he explained that the National Police Commission which is being recreated under the bill would be a substitute for the whole Philippine National Police Commission. As regards the implications of Section 2, Article XIV of the Mindanao Autonomy Act, Senator Maceda stated that while the regional autonomous government is allowed to create its own regional police force, this would still be

under the control and administration of the National Police Commission. He stressed that any question of constitutionality should be addressed not to the proposed measure but to the provision of the law that was approved.

With respect to Section 73 of the bill, Senator Maceda stated that being a de cajon provision, he would consider any suggestion to specify that the Muslim Mindanao Autonomous Act would prevail in case of doubt.

Moreover, in reply to Senator Laurel's queries, Senator Maceda stated that the bill does not specify the regional police force but rather the function of the National Police Commission and the Director-General of the Philippine National Police under whom would be seven regional commands. In addition he confirmed that the regional police force is under a regional superintendent, similar to the regional directors of the Department of Education who are still under the control of the Secretary of Education.

As regards the Cordilleras and Muslim Mindanao, Senator Maceda clarified that once the autonomous acts become effective, the regional security force although it is created by the regional autonomous region would still be under the control and administration of the National Police Commission.

On Senator Laurel's observation that Section 3, Article XIV of the Mindanao Organic Act, which provides that the regional police force shall be under the supervision of the regional governor, is in conflict with the proposed measure, Senator Maceda reiterated that the conflicting provisions are in the law creating the Mindanao Organic Act and not in the proposed measure.

#### SUSPENSION OF CONSIDERATION OF S. NO. 455

On motion of Senator Gulogon, there being no objection, the Body suspended consideration of the bill.



# Senate Archives (LRAS)

REFERENCE OF BUSINESS

The Secretary of the Senate read and the Chair made the corresponding referrals of the following matters:

RESOLUTION

P. S. Res. No. 647, entitled:

RESOLUTION CALLING ON PRESIDENT CORAZON C. AQUINO TO DECLARE A PERIOD OF NATIONAL MOURNING TO EXPRESS THE GRIEF OF THE FILIPINO PEOPLE OVER THE DEATH OF THEIR FORMER PRESIDENT, FERDINAND E. MARCOS, AND TO DIRECT THAT THE PHILIPPINE FLAG BE RAISED AT HALF-MAST IN HONOR OF A DEPARTED FORMER LEADER OF THE NATION

Introduced by Senator Enrile

TO THE COMMITTEE ON RULES

COMMUNICATION

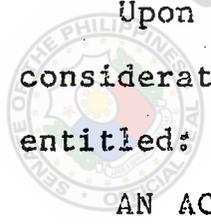
Letter from the Honorable Eufemio C. Domingo, Chairman, Commission on Audit, submitting pursuant to Section 4, Article IX-D of the Constitution, the 1988 annual Financial Report for Local Governments (Volume III) showing the financial condition as of December 31, 1988.

TO THE COMMITTEES ON FINANCE; AND LOCAL GOVERNMENT

COMMITTEE REPORT NO. 196  
ON S. NO. 463  
(Continuation)

Upon call of Senator Guingona, the Body resumed consideration of Committee Report No. 196 on S. No. 463, entitled:

AN ACT CREATING A DEPARTMENT OF THE INTERIOR WITH SUPPORTING AGENCIES SUCH AS THE PHILIPPINE NATIONAL POLICE, PEOPLES' ARM FOR COMMUNITY DEVELOPMENT, BUREAU OF LOCAL GOVERNMENTS, PHILIPPINE PUBLIC SAFETY COLLEGE AND A NEW NATIONAL POLICE COMMISSION, ABOLISHING FOR THE PURPOSE THE DEPARTMENT OF LOCAL GOVERNMENT, THE PHILIPPINE CONSTABULARY AND THE NATIONAL POLICE COMMISSION AND FOR OTHER PURPOSES.



By: \_\_\_\_\_  
Date: Oct 03 1989  
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RECORDS AND ARCHIVES DIVISION

Senator Guingona stated that the Body was still in the period of interpellations.

Thereupon, the Chair recognized Senator Maceda, Sponsor of the measure.

#### INTERPELLATION OF SENATOR PIMENTEL

Senator Pimentel noted that, except for the PACD, law-enforcing activity is a common feature of the various agencies being proposed to be placed under the Department of the Interior (DOI). On his query whether the National Bureau of Investigation (NBI) can also be placed under it, Senator Maceda stated that a proposed amendment to that effect would be acceptable although he believes that the agency has maintained better stature, public acceptance and respectability under the Department of Justice (DOJ) to which it has been traditionally attached. He added that it is also possible to place the entire Philippine National Police (PNP) under the DOJ.

On the observation that police functions should really form part of the activities of the local governments, hence, should be placed under the DOI, Senator Maceda affirmed that even in the early 1900s the police has always been placed under the supervision of the DOI which, just like in the United States, is really a catch-all department. He added that if the Body really wants to implement consistently the policy of reducing the number of agencies under the Office of the President, then some of them, like the NICA, should be transferred to the DOI.

Historically, Senator Maceda recalled that the present Department of Local Government was originally called the Department of Local Governments and Community Development but its community development functions were transferred to the Ministry of Human Settlements because the former First Lady wanted a gargantuan ministry. He stated that with the abolition of the ministry, the community development functions should be given back to the Department of Local Government. He affirmed that the DOI's predecessor was called the Executive Bureau and it was only during the administration of President Quirino when the Department of the Interior was abolished and many offices under it were transferred to the Office of the President; thus, such agencies as the Philippine Constabulary (PC), Philippine Racing Commission, the Games and Amusement Board, the Video Regulatory Board, and Task Force Anti-Gambling should again be transferred to the proposed DOI.

#### INTERPELLATION OF SENATOR LAUREL

Senator Laurel noted that Section 5(4), Article XVI of the Constitution provides:

No member of the armed forces in the active service shall, at any time, be appointed or designated in any capacity to a civilian position in the Government including government-owned or controlled corporations or any of their subsidiaries.

He inquired whether the designation of a military officer to a civilian position would automatically terminate his commission in the armed forces, to which Senator Maceda replied that strictly speaking the constitutional provision applies only to the appointment of a military officer, for instance, as Acting Commissioner of Customs. He believed,

however, that with the transfer of the PC to the Philippine National Police once the bill is approved, the members thereof would no longer be considered members of the Armed Forces in active service.

On Senator Laurel's observation that such being the case, the bill would violate Section 5(4), Article XVI of the Constitution which states that "No member of the armed forces in the active service shall, at any time, be appointed or designated in any capacity to a civilian position in the Government", Senator Maceda stated that the consequence of such interpretation would be that the PC cannot be allowed to transfer to the Philippine National Police, an interpretation which, he opined, was not intended by the framers of the Constitution especially considering the background in a related provision which states that there shall be a Philippine National Police which is national in scope and civilian in character. He stressed that the PC, as an organization, would be detached from the Armed Forces of the Philippines and converted as part of the new Philippine National Police. He agreed that a military man cannot remain a member of the Armed Forces and at the same time be assigned to a civilian position, however, he could not accept the suggestion that upon acceptance of a civilian position, he loses his commission or status as a military man, because he has to be charged administratively for such violation. For instance, an importer may question the validity of the acts of a colonel

who has been designated Commissioner of the Bureau of Customs and if the Court sustains him, the colonel has to go back to the Armed Forces. However, he suggested that Senator Laurel may file a bill to define the status of a member of the Armed Forces who is appointed or designated in any capacity to a civilian position, specifically, whether he automatically loses his commission once he accepts the appointment or designation or whether he would be allowed to go back to the Armed Forces.

Senator Laurel, however, maintained that apart from the responsibility for such an invalid act, the appointment is null and void from the very beginning in the light of the prohibition he has cited.

On the difference between general supervision to be exercised by the President under Section 16, Article X of the Constitution and operational supervision vested in the mayors, Senator Maceda explained that operational supervision refers to the day-to-day activities of units in the field while general supervision has something to do with the general supervision of the President without being involved in the details of the day-to-day operations.

Senator Laurel noted that the bill provides for actual control or something more than the general supervision which the Constitution provides, in reply to which, Senator Maceda suggested that the matter be resolved in a caucus.

On whether the Commission or the Board of Investigators has contempt powers incident to its power to issue subpoena and subpoena duces tecum, Senator Maceda stated that the

bill does not specify contempt powers because there is a general law on the matter which, however, could be reiterated in the bill. He affirmed that where the general law does not specify, the interested party has to apply to the courts for compliance or execution of the subpoena or subpoena duces tecum.

On another point, Senator Laurel noted that the Organic Acts for the Cordilleras and Muslim Mindanao provide that powers over economic and industrial matters are vested in the autonomous governments, however, the bill takes away such powers from the autonomous regions and places them in the hands of the Department of the Interior, in reply to which, Senator Maceda stated that as a general rule, the autonomous regions would not be covered by the bill.

On Senator Laurel's observation that the bill would create a very powerful department of government that could be an instrument for trampling upon the will of the people for political purposes because the Department of the Interior will be in charge of the police that will complement the Army in maintaining peace and order which under the Constitution is basically the concern of local governments, Senator Maceda stated that as far as the police is concerned, his preference is to place it under a separate department rather than under the Office of the President.

#### INTERPELLATION OF SENATOR ANGARA

In reply to the query of Senator Angara as to the relationship between the National Police Commission and the Secretary of the Interior, specifically whether the latter would exercise direct control and supervision over the

Commission as one of the bureaus under the Department, Senator Maceda stated that this is how it is envisioned in the same way that the Bureau of Foods and Drugs and the Philippine Medical Care Commission are to a certain extent directly under the Secretary of Health.

Senator Angara noted that being attached agencies to the Department of Health, the BFD and Medicare exercise a measure of autonomy within their own respective jurisdictions. He expressed concern that if the Secretary of the Interior would have direct control and supervision over the NAPOLCOM, it would politicize the NAPOLCOM because the Secretary as a political appointee may have to respond to political pressures which, he averred, would be backtracking on the move to professionalize the police force. He stated that he would rather see the NAPOLCOM as an attached agency wielding some measure of autonomy within its own jurisdiction and exercising exclusive authority over training, recruitment and promotion. He expressed concern that if the bill does nothing but shuffle the offices and put them under a new department, it would not effect a genuine change.

Replying thereto, Senator Maceda clarified that the NAPOLCOM would not just be a line bureau because as provided in Section 12 it would have a chairman and four members while Section 16 specifies its powers and duties. He averred that the apprehension raised by Senator Angara is more an exception than the rule because if the Secretary would be doing his job properly, he would not arbitrarily

overrule the decision of an attached agency like NAPOLCOM but would take it up with the agency before modifying or reversing any decision.

On the issue of "politicizing", Senator Maceda underscored that the Executive Secretary traditionally has been a premier political position and Executive Secretaries were all political appointees. He believed that placing NAPOLCOM under Secretary Santos of Local Government or a new Secretary of the Interior would be equally politicizing it if it is placed under the Office of the President because it would be under a political Executive Secretary.

Senator Angara argued that it is not just putting the NAPOLCOM under one department which would politicize it but the ambiguous and unclear definition of its relationship with the Secretary. He stated that he would not mind attaching NAPOLCOM to the Department of the Interior provided that its functions and the area of intervention on the part of the Secretary are well-defined, although the Secretary, as department head, would certainly have some leeway in interfering in some of its functions. He underscored that he would not want to see the Secretary interfering with NAPOLCOM's policies on personnel, training and recruitment because opening NAPOLCOM to interference would subject it to politization and partisan interest.

Senator Maceda agreed with the observation but argued that under existing decisions, as generally carried in the Administrative Code, the chain of exhaustion of administrative remedies in the Executive Department, whether specified in the law or not, goes from bureaus and offices

to the Department Secretary and then to the Office of the President owing to the constitutional provision that the Chief Executive is, de facto, the sole Executive. He stated that only with quasi-judicial bodies like the SEC are the decisions appealable to the Supreme Court or a judicial body. He pointed out that the courts would not entertain an appeal until all administrative remedies are exhausted.

Senator Angara stated that such an administrative setup would not be conducive to a professional police force because an appeal would have to go through several political layers, namely, from NAPOLCOM to the Department Secretary and then to the Office of the President. He suggested specifying in the bill that cases relating to recruitment, promotion and merit policies are to be exclusively triable by the Commission and appealable, bypassing the Secretary and the Office of the President, directly to the courts, which is possible under existing jurisprudence. He suggested a better, effective and credible NAPOLCOM to effect a real change in the whole police system. He observed that citizens are unhappy with the present police system and are more afraid of the police some of whom, along with soldiers, head criminal syndicates.

Upon inquiry, Senator Maceda clarified that the personnel and property of the Philippine National Police Academy would be transferred to the Philippine Public Safety College which would take its place.

On whether there is need for replacing the Philippine National Police Academy considering that there would not be any drastic change in its function, Senator Maceda explained

that it would upgrade the Academy to a college with better faculty and personnel who would hopefully produce better trained policemen.

Senator Angara expressed concern that if the Philippine Public Safety College would be a bureau under the Department, the Secretary would have direct control and supervision over it; but it would need a certain measure of autonomy to be a good school.

Senator Maceda observed that this may be true of the University of the Philippines but other small colleges and training schools could only improve their schools if they have the direct and active support of the department secretary. He recalled that while he was Secretary of Commerce and Industry, he was also Chairman of the Philippine Maritime Academy which complained about his lack of support. He stated that institutions insist that the Secretaries have a more active role in running their affairs because they do not have the stature to go direct to the Budget Commission of the Office of the President to improve their facilities and operations. He noted that it is only when the department secretary is personally interested in an institution that it gets better allocation of resources.

Senator Angara argued that it would be wrong to structurally and institutionally establish a method of control over schools since experiences here and abroad indicate that schools run with certain autonomy come up far

better than schools run by the bureaucracy, or a political official, in reply to which, Senator Maceda cited the Philippine Military Academy which, while directly under the Secretary of National Defense, produces better graduates than those from ordinary engineering schools.

However, Senator Angara pointed out that the PMA enjoys autonomy in designing its curriculum and in recruiting students. He averred that the Secretary of National Defense, like the Secretary of Education as Chairman of the UP Board of Regents, has no operating authority over the school, which is the kind of autonomy he envisions for the police college.

Senator Maceda noted that in principle, the Secretary of National Defense could interfere because, budget-wise, the PMA is a line agency under the Department of National Defense. He argued that making the school a line agency under a Department Secretary, who has been chosen on the basis of strong qualifications and has gone through the Commission on Appointments, does not mean that the Secretary would be mature and responsible enough not to politicize or take advantage of his powers over an office like NAPOLCOM or a school like the National Public Safety College and interfere with their policies.

Senator Angara stressed that he would rather leave things to institutions than to personalities for an institutional arrangement would ensure effective agencies under the Department of the Interior.

On the suggestion to delete provisions authorizing the recruitment and hiring of pseudo-policemen like confidential agents, special forces and the like, Senator Macada pointed out that governors and city mayors support the provision, however, the same can be discussed lengthily in a caucus where all written or proposed changes would be considered before any provision is finalized.

Senator Angara opined that while the hiring of pseudo-policemen may be popular among governors and mayors, it will open up the opportunity to recruit private armies for the coming elections, in reply to which, Senator Macada explained that there are areas where they can be useful if certain safeguards are provided. He cited the example of the 3,000 auxilliary police aides hired by the Quezon City government as well as the traffic and parking aides hired by the City of Manila which is within the purview of the provision. He agreed that some other types of guards, like those hired by the provincial government of Negros Occidental, could be formed because if the matter is not provided in the bill, there is nothing that will prevent provincial governments from passing a budget for the purpose. He reiterated that the matter should be further discussed in a caucus.

Commenting thereon, Senator Angara opined that this can be provided for in the Local Government Code but would not be a good signal to include such categories of policemen in a professionalization bill.

INTERPELLATION OF SENATOR GUINGONA

In reply to Senator Guingona's query, Senator Macada affirmed that under the proposed measure the control and administration of the police forces shall be undertaken by the Department of Interior through the Philippine National Police and the National Police Commission, pointing out that in actual practice 70% of the issues on control and supervision would be exercised by the Superintendent General of the Philippine National Police while the discipline aspects of it would be the responsibility of the NAPOLCOM.

On whether final control and administration would still be lodged with the Department of Interior, Senator Macada replied in the affirmative, explaining, however, that although technically the Superintendent General of the PNP decides who should be the provincial superintendents, in practice, the wishes of the Secretary of National Defense carry a lot of weight. On whether this would not violate the mandate of the Constitution which lodges such control and supervision in the NAPOLCOM and not in a department, Senator Macada stated that it would not, since such constitutional provision is subject to further specifications by law, which is being done through this measure. He pointed out that while the NAPOLCOM is intended to be independent of administration and control by any other executive officer of the government including the President, as long as it is not a constitutional body, it would be under the Executive Department, subject to control and supervision of the President.

With respect to the chain of command, Senator Maceda explained that it would be from the Department Secretary to the Superintendent General down to the provincial superintendents and the mayors as the ex-officio representatives of the NAPOLCOM in their respective municipalities. He added that it is not for the Department Secretary to initiate action because the functions and duties of the NAPOLCOM are specified and that the former would just be an authority to which appeal or approval can be sought on specific cases.

Moreover, he affirmed that operational control is lodged with the local executives while full control is with the NAPOLCOM which has the power to hire and fire.

Likewise, upon inquiry, Senator Maceda confirmed his earlier statement that the presence of NPAs in a certain province would be the initial responsibility of the military which can request assistance from the police under the proposed setup, stating that it is an intentional change of policy since the present setup where both the military and PC-INP handle the situation does not work out well.

On the opinion that the peace and order situation in a province should be the primary task of a provincial governor, especially under the proposed Autonomy Code which grants more autonomy to local executives, and that the military should intervene only when called upon for assistance, Senator Maceda pointed out that provincial governors are interested in taking over the police functions but not in assuming responsibility for fighting the insurgents in their province, especially because the communist fronts may not cover only one town but a province or region considering that the CPP-NPA-NDF aggrupation of forces is nationwide in scope.

On the suggestion that the provincial or city government should be given the initial task to quell a local rebellion or uprising mounted by a minimal number of fifty or a hundred insurgents, Senator Maceda maintained that any provincial governor would not be able to handle it because there is an active insurgency situation in 68 of the country's 73 provinces. He cited the cases of Negros Occidental where seven battalions of the Armed Forces consisting of about 7,000 soldiers are assigned and the Province of Bataan where more than two battalions are stationed.

Or whether members of the PC from the rank of colonel and below would be required to take qualifying examinations if the INP members have already qualified under the appropriate examination, Senator Maceda replied in the affirmative, adding that he would also agree to a compromise that new examinations be given to both the PC and INP, as he could not accept the transfer of the whole PC organization, lock, stock and barrel, to the proposed Philippine National Police without any condition.

Reacting thereto, Senator Guingona observed that the prevailing situation in many municipalities and provinces is that many members of the police force, like Patrolman Rizal Alih, have not also taken any qualifying examination which is unfair to the PC, in reply to which, Senator Maceda stated that in the context of the last 14 years of martial law, it was the PC that acted as the real police organization while the policemen were only second-class law enforcers. He believed that in order to improve the service, the basic change should be in the PC component of the proposed Philippine National Police.



# Senate Archives (LRAS)

TERMINATION OF THE PERIOD OF AMENDMENTS

There being no further amendments, on motion of Senator Guingona, there being no objection, the Body closed the period of amendments.

APPROVAL OF S. NO. 518 ON SECOND READING

On motion of Senator Guingona, there being no objection, the Body approved S. No. 518 on Second Reading.

COMMITTEE REPORT NO. 196  
ON S. NO. 463  
(Continuation)

Upon call of Senator Guingona, the Body resumed consideration of Committee Report No. 196 on S. No. 463, entitled:

AN ACT CREATING A DEPARTMENT OF THE INTERIOR WITH SUPPORTING AGENCIES SUCH AS THE PHILIPPINE NATIONAL POLICE, PEOPLE'S ARM FOR COMMUNITY DEVELOPMENT, BUREAU OF LOCAL GOVERNMENTS, PHILIPPINE PUBLIC SAFETY COLLEGE AND A NEW NATIONAL POLICE COMMISSION, ABOLISHING FOR THE PURPOSE THE DEPARTMENT OF LOCAL GOVERNMENT, THE PHILIPPINE CONSTABULARY AND THE NATIONAL POLICE COMMISSION AND FOR OTHER PURPOSES.

Senator Guingona stated that the parliamentary status would be the period of Committee amendments.

Thereupon, the Chair recognized Senator Maceda, Sponsor of the measure.

REMARKS OF SENATOR MACEDA

Senator Maceda stated that in addition to the old bill, he has caused the distribution of a new draft incorporating therein the amendments which he will submit one by one.

He suggested that he be allowed to present all the amendments on the understanding that individual amendments or revisions of the Committee amendments would be entertained at the proper time. He stated, however, that the Members may object to the Committee amendments.

## COMMITTEE AMENDMENTS

As proposed by Senator Maceda, there being no objection, the Body approved the following Committee amendments, one after the other:

1. On page 1, line 2, change "1988" to 1989;
2. On the same page, lines 15 to 18, convert the two paragraphs of Section 2 to one paragraph;
3. On page 2, delete the whole sentence from the word "unless" on line 11 up to the word "subdivisions" on line 18;
4. On the same page, line 27, after the word "supervision", insert the words AND CONTROL;
5. On page 3, delete the whole sentence from the word "The" on line 1 up to the word "police" on line 7;
6. On the same page, lines 11 to 13, delete the sentence from the word "The" up to the word "Philippines";
7. On page 4, line 11, after the word "bar", insert the phrase OR HAS HELD A POSITION REQUIRING KNOWLEDGE OF THE LAW FOR AT LEAST FIVE (5) YEARS;
8. On page 5, delete the entire Section 11 from lines 23 to 28 up to page 6, lines 1 to 12, which Section would be transposed to the end of the bill;
9. On page 6, line 15, renumber Section 12 as Section 11;
10. On page 6, delete the entire paragraph from lines 20 to 25 and in lieu thereof, insert the following new Section 12:

SEC. 12. NO PERSON SHALL BE APPOINTED CHAIRMAN OR MEMBER OF THE COMMISSION UNLESS:

A) HE IS AT LEAST THIRTY-FIVE (35) YEARS OF AGE; AND

B) A MEMBER OF THE PHILIPPINE BAR OR A HOLDER OF A MASTER'S DEGREE IN PUBLIC AND BUSINESS ADMINISTRATION/MANAGEMENT, SOCIOLOGY, CRIMINOLOGY, LAW ENFORCEMENT, NATIONAL SECURITY ADMINISTRATION, DEFENSE STUDIES, AND OTHER RELATED DISCIPLINES, OR A FIRE PROTECTION SERVICE OFFICIAL OR EXPERT.

C) THE CHAIRMAN AND AT LEAST TWO (2) MEMBERS SHALL HAVE HAD EXPERIENCE IN LAW ENFORCEMENT WORK FOR AT LEAST FIVE (5) YEARS.

## INQUIRY OF SENATOR GUINGONA

In reply to Senator Guingona's query as to the meaning of the phrase "have had experience in law enforcement work for at least five (5) years", Senator Maceda explained that to qualify, the Chairman should have had five years experience in law enforcement, so that presumably he could come from the NBI, the PC or the police agencies. He affirmed that the Chief of Police could qualify.

11. On page 7, lines 1 and 2, delete the entire Section 13;
12. On the same page, line 6, after the word "only", insert a colon (:) and the phrase PROVIDED, THAT ANY PERSON WHO SHALL BE APPOINTED IN THIS CASE SHALL BE ELIGIBLE FOR REGULAR APPOINTMENT;
13. On page 11, line 7, substitute "only the Court of Appeals" with the words TO THE PRESIDENT OF THE PHILIPPINES;
14. On the same page, lines 20-31, delete the entire paragraph;
15. On page 12, line 7, after the word "jurisdiction", insert a comma (,) and the phrase EXCEPT DURING THE THIRTY (30) DAYS PERIOD IMMEDIATELY PRECEDING ANY NATIONAL, LOCAL OR BARANGAY ELECTIONS, and the following new paragraphs:



THE PRESIDENT MAY TERMINATE THE POWER OF GENERAL AND OPERATIONAL CONTROL, SUPERVISION AND DIRECTION OF ANY LOCAL EXECUTIVE OVER PHILIPPINE NATIONAL POLICE UNITS ASSIGNED OR STATIONED IN HIS JURISDICTION ON ANY OF THE FOLLOWING GROUNDS: ABUSE OF AUTHORITY, PROVIDING MATERIAL SUPPORT TO CRIMINAL ELEMENTS, OR ENGAGING IN OTHER ACTS INIMICAL TO NATIONAL SECURITY OR WHICH NEGATE THE EFFECTIVENESS OF THE PEACE AND ORDER CAMPAIGN. UPON GOOD CAUSE SHOWN, THE PRESIDENT MAY, MOTU PROPRIO OR UPON THE RECOMMENDATION OF THE NATIONAL POLICE COMMISSION, RESTORE SUCH POWER WITHDRAWN FROM ANY LOCAL EXECUTIVE.

THE TERM "OPERATIONAL SUPERVISION" SHALL MEAN THE POWER TO DIRECT, SUPERINTEND, OVERSEE, AND INSPECT THE POLICE UNITS OR FORCES.

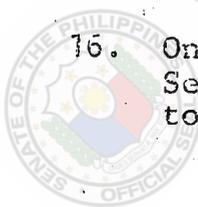
IT SHALL INCLUDE THE POWER TO EMPLOY AND DEPLOY UNITS OR ELEMENTS OF THE PNP THROUGH OR IN COORDINATION WITH THE STATION COMMANDER OR CHIEF OF POLICE TO ENSURE PUBLIC SAFETY AND EFFECTIVE MAINTENANCE OF PEACE AND ORDER WITHIN THE LOCALITY. FOR THIS PURPOSE, THE TERM "EMPLOY" AND "DEPLOY" SHALL MEAN AS FOLLOWS:

1) EMPLOY REFERS TO THE UTILIZATION OF UNITS OR ELEMENTS OF THE PNP FOR PURPOSES OF PROTECTION OF LIVES AND PROPERTIES, ENFORCEMENT OF LAWS, MAINTENANCE OF PEACE AND ORDER, PREVENTION OF CRIMES, ARREST OF CRIMINAL OFFENDERS, INVESTIGATION OF THE COMMISSION OF CRIMES/OFFENSES AND BRINGING THE OFFENDERS TO JUSTICE, PREVENTION AND CONTROL OF FIRES, AND ENSURING PUBLIC SAFETY, PARTICULARLY IN THE SUPPRESSION OF DISORDERS, RIOTS, LAWLESS VIOLENCE, REBELLIOUS OR SEDITIONARY CONSPIRACY, INSURGENCY, SUBVERSION OR OTHER CRIMINAL ACTIVITIES.

2) DEPLOY SHALL MEAN THE ORDERLY AND ORGANIZED PHYSICAL MOVEMENT OF ELEMENTS OR UNITS OF THE PNP WITHIN A PROVINCE, CITY OR MUNICIPALITY FOR PURPOSES OF EMPLOYMENT AS HEREIN DEFINED.

16. On the same page, lines 8-14, delete the entire Section 21 which would likewise be transposed to the later part of the bill;

17. Delete the entire provision of Section 22 from line 17 of page 12 up to page 13, line 9 and in lieu thereof, insert the following new provisions of Section 21;



SEC. 27. THE PHILIPPINE NATIONAL POLICE IS HEREBY ESTABLISHED, INITIALLY CONSISTING OF THE QUALIFIED AND ELIGIBLE MEMBERS OF THE POLICE, FIRE AND JAIL FORCES WHO WERE INTEGRATED INTO THE INTEGRATED NATIONAL POLICE (INP) PURSUANT TO PRESIDENTIAL DECREE NO. 765 INCLUDING OFFICERS AND ENLISTED PERSONNEL OF THE PHILIPPINE CONSTABULARY (PC); THOSE ASSIGNED OR DETAILED WITH THE NARCOTICS COMMAND OR THE CRIMINAL INVESTIGATION SERVICE (CIS); THOSE OF THE TECHNICAL SERVICES OF THE AFP ASSIGNED WITH THE PC, THE REGULAR OPERATIVES OF THE CIS AND OF THE ABOLISHED NAPOLCOM INSPECTION, INVESTIGATION AND INTELLIGENCE BRANCH: PROVIDED, THAT THE APPROPRIATE POLICE/NAPOLCOM CIVIL SERVICE EXAMINATIONS SHALL BE REQUIRED AFTER THE EFFECTIVITY OF THIS ACT FOR ANY PROMOTION TO ANY HIGHER RANK: PROVIDED, FURTHER, THAT WITH THE EXCEPTION OF PC GENERALS, ANY PC/INP OFFICER OR ENLISTED MAN MAY WITHIN TWELVE (12) MONTHS FROM THE EFFECTIVITY OF THIS ACT RETIRE AND SHALL BE PAID RETIREMENT BENEFITS CORRESPONDING TO A POSITION TWO RANKS HIGHER THAN HIS PRESENT GRADE: PROVIDED, HOWEVER, THAT AT THE TIME HE APPLIES FOR RETIREMENT, HE HAS RENDERED AT LEAST TWENTY (20) YEARS OF SERVICE AND HE STILL HAS AT LEAST 24 MONTHS OF SERVICE REMAINING BEFORE THE COMPULSORY RETIREMENT AGE PROVIDED BY LAW FOR HIS OFFICE.

ALL PC GENERALS ARE HEREBY RETIRED UPON THE EXPIRATION OF THE TRANSITION PERIOD PRESCRIBED IN THIS ACT: PROVIDED, HOWEVER, THAT A GENERAL OF THE PHILIPPINE CONSTABULARY MAY BE ALLOWED TO TRANSFER TO ANOTHER BRANCH OF THE ARMED FORCES OF THE PHILIPPINES UPON APPROVAL BY THE PRESIDENT.

IN THE EVENT THAT AT LEAST FIVE THOUSAND (5,000) OFFICERS AND MEN OF THE PHILIPPINE CONSTABULARY OPT TO REMAIN WITH THE ARMED FORCES OF THE PHILIPPINES, THEY SHALL BE CONSTITUTED AS A SEPARATE UNIT UNDER GENERAL HEADQUARTERS, AFP TO PERFORM MILITARY POLICE OR SIMILAR FUNCTIONS AS DETERMINED BY THE CHIEF OF STAFF.



REMARK OF SENATOR ENRILE

At this juncture, Senator Enrile recalled that while the Body had agreed in caucus to designate the National Police Commission as a bureau of the Department of the Interior; to allow all members below the rank of brigadier general under the existing Philippine Constabulary Command to join the PNP without examination; and to grant those who will retire two ranks higher, the Body did not agree on maintaining a separate force for those members who opt to remain in the military organization.

In response, Senator Guingona pointed out that the Body actually agreed to his proposal to create a military police unit for those who would not qualify for the PNP.

Thereupon, Senator Enrile registered his objection to the last paragraph of the new Section 21.

SUSPENSION OF SESSION

At this juncture, the Chair suspended the session.

It was 6:10 p.m.

RESUMPTION OF SESSION

At 6:16 p.m., the session was resumed.

APPROVAL OF THE NEW SECTION 21

On motion of Senator Maceda and there being no objection, the Body approved the new Section 21 except the last paragraph thereof.



# Senate Archives (LRAS)

REFERRAL OF SENATOR LAUREL'S SPEECH  
TO THE COMMITTEE ON TRADE AND COMMERCE

On motion of Senator Guingona, there being no objection, the Body referred Senator Laurel's speech delivered on October 17, 1989 to the Committee on Trade and Commerce.

AFTERNOON SESSION'S AGENDA

Senator Guingona announced that in the afternoon, the Body will resume consideration of S. No. 463, the Department of the Interior; P. S. Res. No. 464, the ASEAN Tourism Information Center; S. No. 150, protecting temporary employees; and S. No. 1154.

ADDITIONAL REFERENCE OF BUSINESS

The Secretary of the Senate read the following Message of the President which the Chair referred to the Committees hereunder indicated:

MESSAGE OF THE PRESIDENT

Letter of Her Excellency, the President of the Philippines certifying to the immediate enactment of S. No. 1235, introduced by Senators Romulo, Shahani, Tamano, Maceda and Gonzales, entitled:

AN ACT STANDARDIZING AND UPGRADING BENEFITS FOR  
MILITARY VETERANS AND THEIR DEPENDENTS

TO THE COMMITTEES ON NATIONAL DEFENSE AND SECURITY; AND  
FINANCE

SUSPENSION OF SESSION

On motion of Senator Guingona, there being no objection, the Chair suspended the session until four o'clock in the afternoon.

It was 12:05 p.m.

RESUMPTION OF SESSION

At 4:19 p.m., the session was resumed.

COMMITTEE REPORT NO. 196  
ON S. NO. 463  
(Continuation)

On motion of Senator Guingona, there being no objection, the Body resumed consideration of C. R. No. 196 on S. No. ~~403~~, entitled:

AN ACT CREATING A DEPARTMENT OF THE INTERIOR, WITH SUPPORTING AGENCIES SUCH AS THE PHILIPPINE NATIONAL POLICE, PEOPLE'S ARM FOR COMMUNITY DEVELOPMENT, BUREAU OF LOCAL GOVERNMENTS, PHILIPPINE PUBLIC SAFETY COLLEGE AND A NEW NATIONAL POLICE COMMISSION, ABOLISHING FOR THE PURPOSE THE DEPARTMENT OF LOCAL GOVERNMENT AND COMMUNITY DEVELOPMENT, THE PHILIPPINE CONSTABULARY AND THE NATIONAL POLICE COMMISSION AND FOR OTHER PURPOSES.

Senator Guingona stated that the parliamentary status would be the period of individual amendments.

The Chair recognized Senator Maceda who manifested that the amended copy of October 13 is the same as the amended copy of October 17 except for page 12 which reflects two principal amendments on the constitution of a separate unit in the Armed Forces of the Philippines under the Chief of Staff.

On motion of Senator Maceda, there being no objection, the Body adopted the October 13 version as the basis for discussion.

TAMANO AMENDMENTS

As proposed by Senator Tamano and accepted by the Sponsor, there being no objection, the Body approved, subject to style, the following amendments, one after the other:

1. On page 1, reword Section 1 as follows:

CONSISTENT WITH THE MANDATE OF THE CONSTITUTION, THE FOLLOWING ARE HEREBY DECLARED TO BE THE PRIMARY OBJECTIVES OF THIS ACT:

- (1) THE PROMOTION OF LOCAL AUTONOMY;
  - (2) THE EFFICIENT DELIVERY OF THE PEOPLE'S BASIC NEEDS DOWN TO THE SMALLEST POLITICAL UNIT;
  - (3) THE COORDINATION AND COOPERATION BETWEEN LOCAL EXECUTIVES UNDER THE DEPARTMENT OF THE INTERIOR;
  - (4) THE EFFECTIVE ATTAINMENT AND ENHANCEMENT OF PEACE AND ORDER AND GENERAL PUBLIC SAFETY; AND
  - (5) TO NURTURE THE PARTICIPATION AND RESPONSIBILITY OF LOCAL GOVERNMENT EXECUTIVES IN RESOLVING THE INSURGENCY PROBLEM.
2. As modified by Senator Maceda, retain the sentence beginning on line 18 and ending on line 19 as a separate number;
  3. On page 2, line 6, replace "overall" with COMPREHENSIVE; and
  4. On the same page, line 9, put a period (.) after the word "order" and delete the rest of the sentence.

#### GUINGONA AMENDMENT

On page 3, Section 7, as proposed by Senator Guingona and accepted by the Sponsor, there being no objection, the Body approved the deletion on lines 28 to 27 of the phrase "or has held a position requiring knowledge of the law for at least five (5) years" and in lieu thereof the substitution of the phrase OR A HOLDER OF A MASTER'S DEGREE IN MANAGEMENT, PUBLIC ADMINISTRATION, SOCIOLOGY, CRIMINOLOGY, LAW ENFORCEMENT, NATIONAL SECURITY ADMINISTRATION, DEFENSE STUDIES OR OTHER RELATED DISCIPLINES AND PREFERABLY HAS HELD A POSITION REQUIRING KNOWLEDGE OF THE LAW FOR AT LEAST FIVE (5) YEARS.

INQUIRY OF SENATOR SAGUISAG

Senator Saguisag noted that there is some uncertainty as to the meaning of the phrase "hold a position requiring knowledge of the law for at least five years" because one has to have some knowledge of law in everything he does.

On the observation that a Senator who has served for six years would have some knowledge of the law, Senator Maceda replied that he would qualify, adding that any PC officer, police officer, judge, fiscal, or even a professor of commercial law would have knowledge of the law which is, however, more than the knowledge of a lower ranking government employee. The requirement, he stated, is present in prevailing legislation.

Senator Saguisag stated that he has difficulty in comprehending any position that does not require knowledge of the law, in view of which, he suggested that the provision be tightened.

As to whether there is any government position that does not require its holder to know the law, Senator Maceda replied that, for instance, the Secretary of Health would have an inkling of the law on medicine but not on legal matters in general. He further explained that the amendment would open the provision a little bit because of the objection to requiring membership in the Bar. He averred that the Department of the Interior would have some basis for imposing such a requirement since it would deal principally with police matters. He stated that in view of the decision of the Commission on Appointments, in the light of R. A. No. 3344, there are Cabinet posts which require specific qualifications. Moreover, in the light of complaints against

RECONSIDERATION OF THE APPROVAL  
OF THE GUINGONA AMENDMENT

On motion of Senator Maceda, there being no objection, the Body reconsidered the approval of the Guingona amendment.

Senator Maceda then proposed to amend the Guingona amendment by inserting the word SPECIALIZED before the word "knowledge".

SUGGESTION OF SENATOR TAMANO

Senator Tamano agreed with Senator Saguisag that Congress should not unduly restrict the choices of the President. He suggested stating the requirement as a preference for a member of the Philippine bar or someone who has held a position requiring knowledge of the law. He noted that the position should not be restricted to persons with legal knowledge because a successful agriculturist who has had extensive public relations work or a successful businessman could make a good Secretary of the Interior.

INQUIRY OF SENATOR ENRILE

In reply to the query of Senator Enrile as to whether the present Secretary of Local Governments would qualify as Secretary of the Interior, Senator Maceda replied in the affirmative, pointing out that Secretary Santos had been mayor and chief of police of the City of Davao.

On whether a barangay captain who is a commerce graduate could qualify, Senator Maceda stated that he could not unless he had served as a member of the police force or as a researcher in the Provincial Fiscal's Office for five years or more before being elected as barangay chairman.

the performance of some Cabinet members, it would be a good development for Congress to provide more stringent or specifically relevant qualifications for the different department secretaries.

Senator Saguisag pointed out that it is only in regard to the capitalized portion of the amendment that he stood up since it was not part of what he had signed as coauthor. He clarified that he is not questioning the position taken by the Commission on Appointments in regard to R.A. No. 3344, although, it is a nice legal question whether Congress can really require the alter egos or the extensions of the personality of the President to satisfy certain criteria. He averred that an argument can be made that they are really unconstitutional limitations on what is an otherwise absolute and plenary power of the President to appoint the Cabinet secretaries who are members of the official family, therefore, Congress should not interfere with the choices of the President. He stated that he was more comfortable with the original formulation because the amendment requires a high-level government official to know the law, underscoring that everyone in government is precisely required to know the law.

On the observation that what is needed is an adjective before the word "knowledge", Senator Saguisag proposed the word SPECIALIZED.

In reply to Senator Enrile's queries, Senator Macoda affirmed that one who has been a mayor for 20 years although he never studied law, as well as a former head of the Coast Guard would be qualified as Secretary of Interior.

#### REMARKS OF SENATOR TAMANO

Senator Tamano opined that the qualifications for the Secretary of the Interior should not be restricted to membership in the legal profession since what is needed is a generalist. He cited Mr. Anding Roces who is not a lawyer but who would make a good Secretary of the Interior.

In reply, Senator Maceda assured that the President's choice would not be restricted considering the number of members of the Bar or those who have specialized knowledge of the law.

Senator Tamano maintained that this should be made a preference but not a compulsory restriction.

#### SUSPENSION OF SESSION

At this juncture, the Chair suspended the session.

It was 4:42 p.m.

#### RESUMPTION OF SESSION

At 4:45 p.m., the session was resumed.

#### PROPOSED AMENDMENT OF SENATOR GONZALES

Senator Gonzales proposed to reword Section 7 to read:

THE HEAD OF THE DEPARTMENT OF THE INTERIOR SHALL BE THE SECRETARY OF THE INTERIOR HEREINAFTER REFERRED TO AS THE SECRETARY. NO PERSON SHALL BE APPOINTED SECRETARY OF THE INTERIOR UNLESS HE IS OF GOOD MORAL CHARACTER, OF SOUND JUDGMENT AND PROBITY, WITH AT LEAST TEN (10) YEARS EXECUTIVE OR MANAGEMENT EXPERIENCE AND PREFERABLY A MEMBER OF THE PHILIPPINE BAR OR HAS HELD A POSITION REQUIRING A WORKING OR GENERAL KNOWLEDGE OF THE LAW FOR AT LEAST FIVE (5) YEARS.

AMENDMENT TO THE TITLE  
OF THE BILL

As proposed by Senator Maceda, there being no objection, the Body approved the rewording of the title to read as follows:

AN ACT CREATING A DEPARTMENT OF THE INTERIOR, ABOLISHING FOR THE PURPOSE THE DEPARTMENT OF LOCAL GOVERNMENT, THE PHILIPPINE CONSTABULARY AND THE NATIONAL POLICE COMMISSION AND FOR OTHER PURPOSES.

Upon inquiry of the Chair, Senator Maceda stated that the new title appears on the October 18 version of the bill.

TAMANO OMNIBUS AMENDMENT

As proposed by Senator Tamano and accepted by the Sponsor, there being no objection, the Body approved the substitution of "Jail Service" wherever it appears in the bill with DETENTION AND CORRECTIONAL SERVICE.

PIMENTEL OMNIBUS AMENDMENTS

As proposed by Senator Pimentel and accepted by the Sponsor, there being no objection, the Body approved the following amendments one after the other:

1. Insert the article THE between the words "of" and "Interior" so that "Department of Interior" would read DEPARTMENT OF THE INTERIOR; and
2. Delete the word "Philippines" in the phrase "President of the Philippines", "Philippine Coast Guard" and "Philippine National Police".

GUINGONA AMENDMENT

On page 34, between lines 19 and 20, as proposed by Senator Guingona and accepted by the Sponsor, there being no objection, the Body approved the insertion of the following:

PHASE IV - INCLUSION OF ALL OFFICERS AND PERSONNEL OF THE DEPARTMENT OF THE INTERIOR WITHIN THE CIVIL SERVICE AND THE WAGE AND CLASSIFICATION LAWS

TERMINATION OF THE PERIOD  
OF AMENDMENTS

There being no further amendments, on motion of Senator Guingona, there being no objection, the Body closed the period of amendments.

APPROVAL ON SECOND READING  
OF S. NO. 463

Submitted to a vote and there being no objection, the Body approved S. No. 463 on Second Reading.

SECOND ADDITIONAL REFERENCE OF BUSINESS

The Secretary of the Senate read the following Message of the President:

Letter from Her Excellency, the President of the Philippines certifying to the necessity of the immediate enactment of Senate Bill No. 513, entitled:

AN ACT TO ORDAIN A COOPERATIVE CODE OF THE PHILIPPINES, PROVIDE APPROPRIATIONS THEREFOR, AND FOR OTHER PURPOSES

Pursuant thereto, Senator Guingona moved that the Body vote on Third Reading on the bill, to which Senator Enrile objected, on the ground that there is no calamity or emergency that would justify the issuance of the certification. He pointed out that there is no provision in the Constitution which grants the President the power to certify any proposed bill for immediate enactment by Congress except when it is to meet a calamity or emergency.

Thereupon, the Chair referred the Message of the President to the Committee on Rules.

SUSPENSION OF SESSION

The Chair suspended the session.

It was 5:46 p.m.



# Senate Archives (LRAS)

By Senator Romulo

Senator Romulo voted Yes, stating that cooperativism is one of the answers to the problem of poverty in the countryside. In this connection, he adverted to the latest Land Bank report that this year it will lend a total of ₱1 billion to farmers who have less than 5 hectares of which ₱400 million would directly go to the farmers, ₱340 million through cooperatives and ₱240 million through the rural banks. The Land Bank statistics show about 99% collection rate on loans made to cooperatives, 87% on those made directly to farmers and about 70% on loans coursed through the rural banks. He added that the Land Bank recommends the creation of more cooperatives to cover every barangay in the country.

Senator Romulo also made a reservation to submit for the Record the full text of his remarks.

By Senator Saguisag

Senator Saguisag made a reservation to file a written explanation of his vote.

By Senator Shanani

Senator Shanani likewise manifested that she would later submit an explanation of her vote.

By Senator Tamano

Senator Tamano voted in favor of the bill, noting that Senator Aquino labored long and hard for its approval. He then made reservation to submit his extended explanation of vote.

RESULT OF THE VOTING

The result of the voting was as follows:

In favor

Angara  
Aquino  
Estrada  
Guingona  
Herrera  
Laurel  
Lina  
Maceda  
Mercado  
Osmeña

Paterno  
Pimentel  
Rasul  
Romulo  
Saguisag  
Salonga  
Shahani  
Tamano  
Tañada  
Ziga

Against

None

Abstention

None

Senator Enrile desisted from participating in the voting.

With 20 affirmative votes, none against and no abstention, the Chair declared S. No. 513 approved on Third Reading.

APPROVAL ON THIRD READING  
OF SENATE BILL NO. 463

On motion of Senator Guingona, there being no objection, the Chair declared in order voting, on Third Reading, on S. No. 463, entitled:

AN ACT CREATING A DEPARTMENT OF THE INTERIOR,  
ABOLISHING FOR THE PURPOSE THE DEPARTMENT OF  
LOCAL GOVERNMENT AND PHILIPPINE CONSTABULARY  
AND THE NATIONAL POLICE COMMISSION, AND FOR  
OTHER PURPOSES.

Senator Guingona informed that H. No. 2361A, which was consolidated with S. No. 463, was certified as urgent by the President.

Thereupon, the Secretary of the Senate called the roll for nominal voting.

#### EXPLANATION OF VOTES

##### By Senator Angara

Senator Angara voted Yes with a reservation to file a written explanation of his vote. He expressed the hope that even with the modest structural changes, there will also be a change in the attitude of the policemen to whom the citizens can look for protection rather than fear.

##### By Senator Aquino

Senator Aquino voted in favor of the bill which, he said, will create an organization that will look after the welfare of policemen. He added that he is even in favor of doubling the policemen's salaries because they put their lives on the line although he is also in favor of doubling the penalties in the event they transgress the law.

##### By Senator Enrile

Senator Enrile voted Yes, stating that the certification by the President is justified by the continuing emergency on the peace and order situation in the country. He added that while he does not agree with the recent Supreme Court decision, it in fact indicated that it took judicial notice of the existence of an insurgency situation inside the City of Manila.

By Senators Guingona, Herrera and Laurel

Senators Guingona, Herrera and Laurel voted in favor of the bill with reservations to submit their written explanations of vote.

By Senator Maceda

Voting Yes, Senator Maceda noted that, taken together, the bills being approved by the Body are geared towards the improvement of the lives of those who are in the countryside. He added that the bill is an expression of hope that with a different police organization, there might be a better chance of improving the peace and order situation.

Senator Maceda stated that while there are some points on which some Members of the Senate have expressed reservations, the bill was crafted not on the basis of what is good for the police or for the PC, nor an order to assure that Gen. Lim or Gen. Montaña would be the new Chief of the PNP, for neither of them will qualify because of the prohibition against retired or retireable military or police officers from being appointed as Superintendent General. He pointed out that the bill has reduced the retirement age from 60 to 55, the thrust being to have younger officers in positions of leadership in the PNP.

Finally, Senator Maceda stated that if "1-4-3-4-4" means "I love you very much", Senate Bill No. 463 means "Love of the Police for You".

By Senator Mercado

Explaining his affirmative vote, Senator Mercado stated that there has been some amount of controversy in resolving some issues that have surfaced as a consequence of the measure. He pointed out, however, that nothing will happen if the Senate would not act resolutely on it, adding that the Senate should not be bogged down simply because certain people feel that their careers are threatened. He then reiterated his support for the measure which, he stressed, will reinstate the supremacy of civilian authority over the military.

By Senator Osmeña

Explaining his affirmative vote, Senator Osmeña recalled that one of the hopes he had expressed in connection with the 1987 Constitution was that it would be a vehicle for purging society of what those who fought for democracy have considered an instrument of oppression, that is, the Philippine Constabulary. He pointed out, however, that a Member of the Constitutional Commission, representing the military, succeeded in writing into the Constitution a provision institutionalizing the national police supposedly civilian in character and national in organization but would have actually permitted the Constabulary to remain intact by simply shedding its uniforms. He stated, however, that despite the objectionable provisions in the Constitution, he could accept the realities surrounding the bill under consideration.

Senator Osmeña further stated that as a former local official, he would have wanted the empowerment of local officials with the peace and order functions because the mayor, for instance, is the one who is really sought out whenever there is a disruption of peace and order in the community. He observed that Congress has not fully done something to purge the Constabulary and to empower the local officials.

However, he believed that the Members have worked hard within the framework of the Constitution and the realities of the times such as the constant threats from different sectors, in view of which, he stated that he was voting for the bill as a middle ground in the transition towards the desired goal.

By Senator Paterno

Senator Paterno stated that he was voting in favor of the bill which would implement the mandate of the Constitution to have a civilian police force, which he also hoped will be a civil police, behaving towards the citizens as protectors and guardians and not as oppressors. He believed that the bill would also implement decentralization by providing a greater power of supervision to the local governments.

Senator Paterno, however, reserved his right to submit an extended written explanation of his vote.

By Senator Pimentel

Senator Pimentel stated that he was voting in favor of the bill because there are several good features in it, the first being that the police is finally separated

from the Philippine Constabulary. This divorce, he stressed, is long overdue, recalling that the police and the PC were merged during the martial law years as a device to consolidate control of the dictatorship over the armed levers of societal power, working to the great disadvantage and prejudice of the Filipino people.

It is time, he stressed, that the police was separated from the PC because the very nature of police work is radically different from military work: the police is supposed to protect the life and limb of the citizenry while the PC, as a military unit, is designed to kill the enemies of the Republic; police work is essentially civilian while PC work is military.

Secondly, he stated that the authority of the local executives over the police is being returned under Section 20 of the bill which is good for the people because, contrary to the opinion expressed by Senator Osmeña, the mayors would have the responsibility to maintain peace and order but without actual authority to implement such responsibility.

In this connection, he suggested that the Organic Acts for Muslim Mindanao and for the Cordilleras be correspondingly revised because the grant of police power to the local executives in those Acts falls short of the broad grant of powers embodied in the proposed law.

Finally, Senator Fimentel stated that the members of the Philippine Constabulary need not be unduly agitated by the passage of the bill because they have the option to join any of the major services of the Armed Forces of the Philippines, retire with a handsome pension and other benefits, or be retained as a separate force.

By Senator Rasul

Explaining her affirmative vote, Senator Rasul commended the Sponsors of the bill which, she stated, will realize the objective of having a police force that is civilian in character a reality. She admitted, however, that she is not too happy with some of the provisions, for which she is reserving her right to submit a written explanation of her vote.

By Senator Romulo

Senator Romulo manifested that he was voting in the affirmative with a reservation. He believed that the members of the police should be the friends, guardians and protectors of the people and the nation, and that unfit elements should not continue in the service after the bill is passed into law. He pointed out that it is common knowledge that there are many elements in the police and in the PC who are either involved or at the head of illegal logging activities, carnapping, kidnapping, gambling and drug trafficking. He expressed the hope that in the days to come, the Senate will find ways and means, not necessarily through legislation, but through the screening and adjudication process, so that the country will be rid of all the bad elements in the police force.

Finally, he reserved his right to submit an extended explanation of his vote.

By Senator Saguisag

Senator Saguisag also reserved his right to submit a written explanation of his affirmative vote.

By Senator Shahani

Senator Shahani stated that she was voting in favor of the bill because it affirms the constitutional provision of the supremacy of civilian authority over the military. She added that with its enactment, there will be a more balanced relationship between the civilian and military authorities and will put under one roof the law enforcement agencies and those involved in the maintenance of peace and order. Moreover, she believed that the bill will promote local autonomy and will give more powers to the mayors.

She also noted that the bill puts high priority on the professionalization of the police and all members of the law enforcement agencies, however, one of the disturbing features of the bill is its broad scope in that it deals not only with the police but also with the People's Arm for Community Development, the Coast Guard, the Bureau of Local Government and the Philippine Public Safety College.

Senator Shahani pointed out that although there are measures relating to disciplinary machinery, it is not difficult to envisage, given the nature of Philippine culture, that this Department could be open to abuse and graft and corruption. In this connection, she stated that the creation of another government structure is no guarantee that the abuses of the past will be eliminated, however, she welcomed the creation of a new institution with the hope that it will not be open to abuse and other types of exploitation.

Finally, Senator Shahani reserved her right to submit an extended written explanation of her vote.

## RESULT OF THE VOTING

The result of the voting was as follows:

In favor:

Angara	Paterno
Aquino	Pimentel
Enrile	Rasul
Estrada	Romulo
Guingona	Saguisag
Herrera	Salonga
Laurel	Shahani
Lina	Tamano
Maceda	Tañada
Mercado	Ziga
Osmeña	

Against:

None

Abstention:

None

With 21 affirmative votes, no negative vote and no abstention, S. No. 463 was approved on Third Reading.

## CONFERENCE COMMITTEES

On motion of Senator Guingona, there being no objection, the Body approved the creation of a Senate Conference Committee composed of Senators Aquino, Angara, Alvarez, Pimentel, Osmeña, Saguisag, Enrile and Tamano to meet with its counterpart in the House of Representatives on the disagreeing provisions of S. No. 485, entitled:

AN ACT CREATING THE COOPERATIVE DEVELOPMENT AUTHORITY TO PROMOTE THE VIABILITY AND GROWTH OF COOPERATIVES AS INSTRUMENTS OF EQUITY, SOCIAL JUSTICE AND ECONOMIC DEVELOPMENT, DEFINING ITS POWERS, FUNCTIONS AND RESPONSIBILITIES, RATIONALIZING GOVERNMENT AGENCIES WITH COOPERATIVE FUNCTIONS, TRANSFERRING THE REGISTRATION AND REGULATION

FUNCTIONS OF EXISTING GOVERNMENT AGENCIES ON COOPERATIVES AS SUCH AND CONSOLIDATING THE SAME WITH THE AUTHORITY, APPROPRIATING FUNDS THEREFOR, AND FOR OTHER PURPOSES,

and H. No. 10787, entitled:

AN ACT TO PROMOTE THE GROWTH AND DEVELOPMENT OF COOPERATIVES AS INSTRUMENT FOR NATIONAL DEVELOPMENT AND CREATING THE COOPERATIVES DEVELOPMENT COMMISSION TO COORDINATE AND RATIONALIZE ALL GOVERNMENT POLICIES AND AGENCIES SUPPORTING COOPERATIVES DEVELOPMENT, APPROPRIATING FUNDS THEREFOR AND FOR OTHER PURPOSES,

as well as on the disagreeing provisions of S. No. 513, entitled:

AN ACT TO ORDAIN A COOPERATIVE CODE OF THE PHILIPPINES, PROVIDE APPROPRIATIONS THEREFOR, AND FOR OTHER PURPOSES,

and H. No. 13029, entitled:

AN ACT TO ORDAIN A COOPERATIVE CODE OF THE PHILIPPINES.

Likewise, on motion of Senator Guingona, there being no objection, the Body approved the designation of Senators Maceda, Pimentel, Saguisag, Angara, Gonzales Tamano and Enrile as members of the Conference Committee on S. No. 463 re the Department of the Interior.

APPROVAL ON THIRD READING  
OF H. NO. 6669

Upon call of Senator Guingona, there being no objection, the Chair declared in order, voting on Third Reading, on H. No. 6669, entitled:

AN ACT TO AMEND SECTION NINETY-SIX OF REPUBLIC ACT NUMBERED FORTY-FOUR HUNDRED AND EIGHTY-SEVEN, ENTITLED "AN ACT CREATING THE CITY OF SAN CARLOS IN PANGASINAN", BY ALLOWING QUALIFIED VOTERS OF THE CITY OF SAN CARLOS TO VOTE IN THE PROVINCIAL ELECTIONS OF THE PROVINCE OF PANGASINAN,

copies of which have been distributed on October 10, 1989.

Thereafter, the Secretary of the Senate called the Roll for nominal voting.

EXPLANATION OF VOTES

By Senator Lina

Senator Lina abstained, stating that H. No. 6669, in effect, practically reduces the status of San Carlos City from a component city independent of the province to a municipality which has to share its income with the province and submit its ordinances to the Sangguniang Panlalawigan for review. He observed that without the bill, San Carlos City would continue to be a component city with the status, however, of a highly urbanized city whose voters do not vote in the provincial election.

Senator Lina stated that he had hoped that his proposal for a plebiscite would have been threshed out with the House authors and that the voters of San Carlos City should have been consulted before the bill is approved.

By Senator Pimentel

Senator Pimentel voted in the affirmative, stating that H. No. 6669 merely empowers the voters of San Carlos City to vote in the provincial elections without downgrading the status or diminishing the powers and prerogatives of the city. He pointed out that San Carlos City is a component city, not a highly urbanized city.

By Senator Saguisag

Senator Saguisag abstained for the same reasons given by Senator Lina. He stated that the people could have been consulted in a plebiscite which had been done in the local government level even on less important matters.

(At this juncture, Senator Tañada relinquished the Chair to the Senate President.)



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bill provide a ceiling on the matter of compensation and leave it to the provincial board to determine as to how much salary can the provincial government afford.

Moreover, Senator Herrera contended that the salary rates would be biased because a member of the provincial board of Batanes with 7,000 voters would get a salary of ₱16,000.00 as against the mayor of Quezon City or Manila who gets only ₱18,000.00 a month.

In reply, Senator Pimentel argued that while it is true that Batanes has only an income of ₱6.8 million, under the proposed Code, it would get a share of IRA which is fixed at 40 percent and its income would go up to ₱30 million, therefore, it could afford to pay fixed salaries to the governor, vice-governor and other provincial officials.

#### SUSPENSION OF SESSION

At this juncture, the Chair suspended the session.

It was 5:29 p.m.

#### RESUMPTION OF SESSION

At 6:32 p.m., the session was resumed.

#### SUSPENSION OF CONSIDERATION OF SENATE BILL NO. 155

On motion of Senator Guingona, there being no objection, the Body suspended consideration of the bill.

#### CONFERENCE COMMITTEE REPORT ON HOUSE BILL NO. 23614 AND SENATE BILL NO. 463

Upon call of Senator Guingona, there being no objection, the Body considered the Conference Committee

Report on the disagreeing provisions of House Bill No. 23614, entitled:

AN ACT ESTABLISHING THE PHILIPPINE NATIONAL POLICE UNDER THE ADMINISTRATION AND CONTROL OF THE NATIONAL POLICE COMMISSION,

and Senate Bill No. 463, entitled:

AN ACT CREATING THE DEPARTMENT OF INTERIOR, ABOLISHING FOR THE PURPOSE THE DEPARTMENT OF LOCAL GOVERNMENT, THE PHILIPPINE CONSTABULARY AND THE NATIONAL POLICE COMMISSION AND FOR OTHER PURPOSES.

Thereupon, the Chair recognized Senator Maceda for the sponsorship.

#### SPONSORSHIP REMARKS OF SENATOR MACEDA

In his sponsorship, Senator Maceda pointed out the following salient features of the Conference Committee Report:

In the final version, no new department is being created, instead, the Department of Local Government is reorganized and expanded into the Department of Interior and Local Government (DILG) to bring under its wing the Philippine National Police, the Bureau of Fire Protection, the Bureau of Jail Management and Penology, the Philippine Public Safety College, and as an attached agency, the National Police Commission of which the Secretary of Interior and Local Governments is the ex-officio chairman.

The present three undersecretaries of DLG are reduced to two, namely, an undersecretary for local government and an undersecretary for peace and order; while the four assistant secretaries are reduced to three. In addition, the Bureau of Coast Guard and the People's Arm for Community Development (PACD) are eliminated.

Section 12 of the new version has a lengthy and detailed provision on the relationship of DILG with the Department of National Defense with regard to the anti-insurgency campaign. It provides that from the date of the effectivity of the Act and for 24 months thereafter, the AFP shall continue its present role of preserving internal and external security. The President can extend this arrangement for another 24 months if the situation calls for it; however, after 48 months, the responsibility regarding internal security and police matters, including the anti-insurgency campaign, will be exercised by the Philippine National Police and the local governments while the military will take over the external defense and security subject to the proviso that when there are serious threats to national security and public order, the President can call on the AFP to assume the primary role either on a national or local scale.

The bill requires two years of college or higher qualifications for incoming policemen. In lieu of the military ranks, the civilian ranks will be followed such as Chief Superintendent, Inspectors and Police Officers I to III. In the appointment of new police recruits, the principal appointing authority is the regional director while the PNP director general can only appoint new recruits for headquarters.

The concept of the People's Law Enforcement Board has been adopted as the principal disciplinary machinery for the PNP. Purely internal discipline will go through the usual process: from the chief of police to the provincial superintendent to the PNP chief; when civilians or non-PNP

members are the complainants, the disciplinary process is given to the chief of police; second, to the mayor; third, to the People's Law Enforcement Board; and fourth, to the provincial or regional superintendents or the PNP chief, depending on the gravity of the offense. The disciplinary procedure has been simplified so that it is only in cases of dismissal or demotion that decisions of the People's Law Enforcement Board are appealable to the Regional Appellate Boards.

It was the deliberate legislative intent of the conference committee to effect a system of expediting retirement to bring up junior officers to positions of leadership. To achieve this, the retirement age was lowered to 56 but in order not to prejudice senior police officers, a graduated retirement schedule was adopted whereby one year after the approval of the Act, the retirement age is 60; a year later, 59 and so on until the fifth year when the retirement age of the police will meet with the same retirement age of the PC. Additionally, the bill provides that any member of the PC or INP who still has at least 24 months before compulsory retirement, can retire and be given benefits for two ranks higher.

On the participation of the local governments in the administration of the PNP, the bill provides that the provincial governor shall be given the privilege or the right to choose the provincial police director from a list of three eligibles recommended by the PNP regional director while the chief of police on the municipal level shall be appointed by the municipal mayor from a list of five

The Committee has kept almost in toto the concept of the provincial and municipal mayors being deputized representatives of the National Police Commission in their jurisdiction and, as such, they have operational supervision and control.

Likewise, the organization of the Bureau of Fire Protection and the Bureau of Jail Management and Penology follows on a parallel the Philippine National Police.

To accommodate the stand of Senator Osmeña, the provincial boards of provinces that are interested are given three years to retain their control and supervision over the provincial jails.

There are new provisions added to the bill, namely, the incentives and awards; health and welfare benefits; longevity pay and allowances which were not in the Senate version; as well as new provisions addressing a variety of circumstances affecting disabilities, deaths and, especially, uniformed personnel missing in action as provided in Section 78 whose pay and allowances will be paid to his family but subject to reimbursement if he shows up.

Moreover, there is a new provision which allows and institutionalizes the complaints and grievance procedure of members of the Philippine National Police.

Finally, following the precedent established in the Organic Acts for the two autonomous regions, a Special Oversight Committee was created, revising the original provision under Senate Bill No. 463, to oversee the transition period of 18 months to address the following: the exercise of option of the PC whether they will transfer to

the PNP or not; the approval of the Table of Organization, as well as the matter of determining the distribution of properties and equipment; and, the adjustment of ranks and establishment of one linear roster of officers and another for non-officers to ensure that no member of the PNP shall suffer any diminution in the basic longevity and incentive pay. Likewise, this Special Oversight Committee, was raised to a higher level so that instead of representatives, it will be composed of the Secretary of DILG as chairman; the Secretary of DBM as co-chairman; and as members, the Secretary of DND, the PC-INP Director General, the Chairman of the Civil Service Commission, and two members each from the Senate and the House, specifically the Chairmen of the Committee on Local Government and the Committee on National Defense and Security for the Senate, and the Chairmen of the Committee on Public Order and Security and the Committee on National Defense, for the House.

Senator Maceda believed that after a long period dating back to July 1987 and after undergoing so many versions and changes which, in retrospect, are probably a blessing in disguise, Congress has finally come up with a version that has the least number of objectionable provisions and is generally acceptable to all the affected organizations, offices and personnel. He opined that the new PNP bill, the final title being:

AN ACT ESTABLISHING THE PHILIPPINE NATIONAL POLICE  
UNDER A REORGANIZED DEPARTMENT OF THE INTERIOR  
AND LOCAL GOVERNMENT AND FOR OTHER PURPOSES,

will finally usher in an era of improvement in the

in the country, and will give hope that the country has a chance that its citizens will finally be the recipients of protection by the police law enforcement agencies.

Senator Maceda then urged the Body to approve the Conference Committee Report.

SUSPENSION OF CONSIDERATION  
OF THE CONFERENCE COMMITTEE REPORT

On motion of Senator Guingona, there being no objection, the Body suspended consideration of the Conference Committee Report until the next session.

SPECIAL ORDER

On motion of Senator Guingona, there being no objection, the Body approved the transfer to the Calendar for Special Orders of Committee Report No. 1157 on S. No. 1678, entitled:

AN ACT PRESCRIBING THE TERMS AND CONDITIONS FOR FOREIGN INVESTMENTS AND ENTERPRISES DOING BUSINESS IN THE PHILIPPINES, AND FOR OTHER PURPOSES.

NEXT DAY'S AGENDA

Senator Guingona announced that the next day's session will consider the Conference Committee Report on the PNP bill; the Local Government Code; the Logging Ban; and the National Language Commission.