

of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

13th Congress
First Regular Session



HOUSE BILL NO. 815

introduced by Representative Harlin Cast. Abayon

EXPLANATORY NOTE

The passage of Republic Act 8551 (PNP Reform and Reorganization Act of 1998) creating the Internal Affairs Service of the PNP has been viewed positively as the much needed catalyst in the PNP reforms, particularly in the aspect of discipline. However, unfolding events have manifested the inadequacy of the law for the Internal Affairs Service to enable it to fully perform its mandated functions as the watchdog agency of the PNP.

These inadequacies are traced to some ambiguous provisions of RA 8551. The law failed to provide adequate safeguards to guarantee the functional and budgetary independence of the IAS in the pursuit of its mandate independently and effectively.

The legislation is therefore, proposed to strengthen the capabilities of the IAS so that it will be potent force in the campaign against all forms of misconduct in the PNP.


HARLIN CAST. ABAYON

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AN ACT
STRENGTHENING THE INTERNAL AFFAIRS SERVICE FOR THE PHILIPPINE
NATIONAL POLICE AMENDING FOR THE PURPOSE TITLE V OF REPUBLIC
ACT NUMBERED EIGHTY-FIVE HUNDRED AND FIFTY-ONE ENTITLED, “AN
ACT PROVIDING FOR THE REFORM AND REORGANIZATION OF THE
PHILIPPINE NATIONAL POLICE, AS AMENDED” APPROPRIATING FUNDS
THEREFOR AND FOR OTHER PURPOSES

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

SECTION 1. This Act shall be known as “ AN ACT STRENGTHENING THE
INTERNAL AFFAIRS SERVICE FOR THE PHILIPPINE NATIONAL POLICE
AMENDING FOR THE PURPOSE TITLE V OF REPUBLIC ACT NUMBERED
EIGHTY-FIVE HUNDRED FIFTY –ONE TITLED. “AN ACT PROVIDING FOR THE
REFORM AND REORGANIZATION OF THE PHILIPPINE NATIONAL POLICE, AS
AMENDED” APPROPRIATING FUNDS THEREFOR AND FOR OTHER
PURPOSES”

TITLE V
INTERNAL AFFAIRS SERVICE

SECTION 2. Sec. 39, *Creation, Powers, and Functions.* – An Internal Affairs
Service (IAS) is hereby created to serve as an independent, impartial and objective
institutional watchdog agency for the Philippine National Police (PNP). It shall be
constituted as an autonomous investigative and adjudicator body and shall exercise the
following powers and functions:

- a.) Pro-actively conduct inspections and audits on PNP personnel and units;
- b.) Investigate complaints, gather evidence in support of an open investigation;
- c.) Hear and decide cases of PNP members facing administrative charges;
- d.) Submit a periodic report on the assessment , analysis, and evaluation of the
character and behavior of PNP members before the Prosecutors’s Office as
evidence warrants and assist in the prosecution of the case;
- e.) File appropriate criminal cases against in the prosecution of the case;

- f.) Provide assistance to the Office of the Ombudsman in cases involving PNP personnel;
- g.) Conduct overt and covert operations against erring members of the PNP.

The IAS shall also conduct, *muto propio*, automatic investigation of the following cases:

- a) incidents where a police personnel discharges a firearm;
- b) incidents where death, serious physical injury, or any violation of human rights occurred in the conduct of a police operations;
- c) incidents where evidence was compromised, tampered with, obliterated, or lost while in custody of police personnel;
- d) incidents where a suspect in the custody of the police was seriously injured; and,
- e) incidents where the established rules of engagement have been violated.

Finally, the IAS shall provide documents or recommendations as regards to the promotion of the members of the PNP or the assignment of PNP personnel to any key position .

SECTION 3. Sec. 40. Of Title V, RA 8551 is hereby amended to read as follows:

“SEC. 40. **Organization.**- National, regional, provincial, district and highly urbanized city offices of the IAS shall be established. The Internal Affairs Service shall be headed by an Inspector General who shall be assisted by a Deputy Inspector General with the rank of Police Director. The regional offices of the IAS shall be established. The Internal Affairs Service shall be headed by an Inspector General with the rank of the Police Director. The regional offices shall be headed by a Chief Superintendent while the provincial, highly urbanized city and district offices shall be headed by a Senior Superintendent: Provided, That the head of the IAS shall be civilian who shall possess the following qualification requirements:

- a) he or she is a citizen of the Philippines;
- b) member of the Philippine Bar with at least five (5) years experience in handling criminal or human rights cases or a holder of a master’s degree but preferably a doctorate degree in public administration, sociology, criminology, criminal justice, law enforcement, and other related disciplines; and,
- c) an individual of known probity and integrity in the community and who is neither a retired or an active member of the uniformed service.

SECTION 4. Sec. 40 of Title V. RA 8551 is hereby amended to read as follows:

“SEC. 41 **Appointments.**- The Inspector General shall be appointed by the President upon the recommendation of the Commission for a fixed term of six (6) years without reappointment and who can be removed only from the office for cause.

Provided, That the incumbent Inspector General already appointed by the President shall enjoy the term of office, salary and other benefits as provided herein from the effectivity date of this Act.

The IAS shall be composed of both uniformed and non-uniformed personnel, appointments of non-uniformed personnel from within or without the PNP shall be made by the Inspector General.

Once a PNP member has opted to join the IAS, the Chief, PNP shall immediately issue orders for his transfer to IAS upon request of the Inspector General. Thereafter, the Inspector General may appoint such PNP member to any position in the IAS based on an established career pattern and criteria to be promulgated by the Commission.”

SECTION 5. Sec. 42, Title V of RA 8551 is hereby amended to read as follows:

“SEC. 42. **Entry Qualifications to IAS.**- Entry to the Internal Affairs Service by uniformed members of the PNP shall be voluntary and subject to rigid screening where only PNP personnel who have at least five (5) years experience in law enforcement and who have no derogatory service records shall be considered for appointment.

Positions which are purely administrative, technical, confidential, clerical or menial in nature and other positions which are not actually and directly related to police operations as provided under Title IV, Section 13 of RA No. 8551 shall be filled up by civilian personnel either from within or without the PNP through appointments issued by the Inspector General and attested by the Civil Service Commission.”

SECTION 6. Sec 43, Title V of RA 8551 hereby amended to read as follows:

“SEC. 43. **Initial Appointments/Designations/Assignment to National, Regional, Provincial, Districts and Highly Urbanized City offices of the Internal Affairs Service.** – Initial appointments/designations/assignments of the heads of the offices in the Internal Affairs Service shall be made by the President upon the recommendation of the Inspector General and duly endorsed by the Commission. Thereafter, all appointments, promotions and assignments in the IAS shall be made by the Inspector General which shall follow the established requirements and procedures.”

SECTION 11. Sec. 50. Title V of RA 8551 is hereby amended to read as follows:

SEC. 50. **Appeals-** An aggrieved party may file his appeal from the decision of the Regional Internal Affairs Service to the Office of the Inspector General within ten (10) days from receipt of decision or upon receipt of the resolution denying his motion for reconsideration. Decisions of the Inspector General may be appealed by the aggrieved party to the National Appellate Board (NAB) of the National Police Commission within the same period in cases where the penalty imposed is **DISMISSAL** from the service, **DEMOTION** or **FORCED RESIGNATION**.”

SECTION 12. Separate Budgetary and Funding Support.- to efficiently and effectively carry out the provisions of this Act, the amount of Two Hundred Million Pesos (P 200,000,000) is hereby appropriated from the National Treasury as initial fund support in the organization, administration and operation of the IAS. Thereafter, starting the year 2002, such as sums as may be necessary for this purpose shall be carried in the IAS annual budget which shall be released directly to the Internal Affairs Service.

SECTION 13. Transitory Provisions.- Within two (2) years from the effectivity of this Act, shall establish its own organic budgetary and financial management system to insure that all its personnel, including those absorbed from the PNP shall be eventually serviced by the agency: Provided, that during the interim period, the PNP shall be responsible for the payment of salaries and allowances and other emoluments of the above uniformed and non-uniformed personnel.

SECTION 14. Implementing Rules and Regulations- The IAS Inspector General shall issue the necessary detailed rules and regulations to implement the provisions of the Act, subject to the approval of the Commission.

SECTION 15. Repealing Clause- The provisions of existing laws, rules and regulations contrary to or inconsistent with this Act are hereby repealed or modified accordingly.

SECTION 16. Separability Clause- If any Section or provision of this Act is declared unconstitutional, other sections or provision thereof shall not be affected thereby.

SECTION 17. Effectivity Clause.- This Act shall take effect upon approval.

Approved.