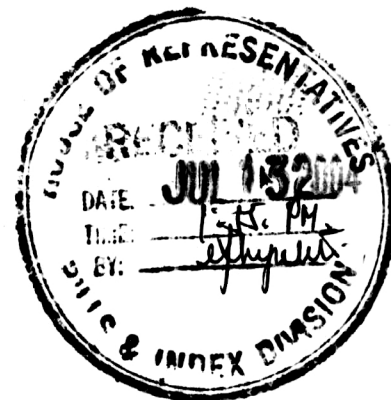


Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City



THIRTEENTH CONGRESS
First Regular Session

HB No. 1369

Introduced by Rep. Roseller L. Barinaga

EXPLANATORY NOTE

During the martial law years, the Armed Forces of the Philippines dominated, controlled and supervised the overall operation of our police force, firemen and jail guards. We then saw a completely different culture among our police force firemen and jail guards. That was then when the military still lorded over the civilian, a practice that is strongly regulated by the present Philippine Constitution of 1987.

Corollary to the shift from the tradition of military supremacy over the civilian to civil supremacy, the Congress necessitated the enactment of some amendatory laws which introduced necessary changes to existing laws that affect the institutional set up of the country's police force. Significant among these was the enactment of Republic Act No. 6963. The said law granted special financial assistance and benefits to the family of beneficiary of any police or military personnel or firemen killed or permanently incapacitated while in the performance of his duty or by reason of his office or position.

Specifically, under Republic Act No. 6963, the AFP and BFD share in the allocation of funds from the license fees of firearms collected by the PC-INP Firearms and Explosives Office (FEO) to support the educational program of their dependents. As a time-bound policy arrangement, the practice was feasible during that period as the police force was still under the AFP. However, with the enactment of Republic Act No. 6975 significant changes in the organization of our then PC-INP were introduced where the PC-INP was put under the administrative control and supervision of the National Police Commission (NAPOLCOM). The said law subsequently resulted in the establishment of a Philippine National Police (PNP) separate from the AFP and BFD. The Bureau of Fire Protection (BFP) and the Bureau of Jail Management Penology (BJMP) are under the supervision and control of the DILG. The Armed Forces of the Philippines (AFP), on the other hand, is left to the charge of the Department of National Defense (DND).

With such arrangement, therefore, it becomes logical that the proceeds of the fees collected by the PNP through the FEO should redound solely to its benefits. Besides, the strength of the PNP is almost equal to that of the AFP and, therefore, the amount generated out of the proceeds of the license fees will just be enough to support the needs of the PNP. Additionally, the AFP and the BFD have their own funding sources since they too have their own revenue generating activities to support their programs.

This proposed measure intends to amend the provisions of Republic Act No. 6963 to reflect the development brought about by the passage of Republic Act No. 6975. The important features of this proposed measure are the following:

a) *the proceeds of the firearms license fees being collected by the PNP Firearms and Explosives Office, which is the source of educational funds under RA No. 6963 shall be allocated solely for the use of the qualified dependents of the PNP;*

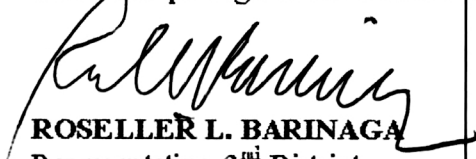
b) The educational benefits shall also extend to qualified dependents of non-uniformed personnel of the PNP;

c) The PNP shall manage the amount collected as educational funds for the dependents of PNP; and

d) The Chief, PNP shall be authorized to utilize the educational funds for other purposes in the PNP.

It is incumbent upon the government to provide the much-needed boost to our police personnel. Providing educational benefits to their respective qualified dependents will certainly make a lot of difference especially at this point when sending children to school is becoming a serious burden for parents.

Immediate passage of this measure is earnestly sought.



ROSELLER L. BARINAGA
Representative, 2nd District
Zamboanga del Norte

THIRTEENTH CONGRESS OF THE)
REPUBLIC OF THE PHILIPPINES)
FIRST REGULAR SESSION)

HOUSE OF REPRESENTATIVES

HB No. 1369

Introduced by Rep. Roseller L. Barinaga

AN ACT

AMENDING REPUBLIC ACT No. 6963, ENTITLED "AN ACT GRANTING SPECIAL FINANCIAL ASSISTANCE AND BENEFITS TO THE FAMILY OR BENEFICIARY OF ANY POLICE OR MILITARY PERSONNEL OR FIREMAN KILLED OR PERMANENTLY INCAPACITATED WHILE IN THE PERFORMANCE OF HIS DUTY OR BY REASON OF HIS OFFICE OR POSITION AND FOR OTHER PURPOSES"

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

SECTION 1. Section 1 of Republic Act No. 6963 is hereby amended to read as follows:

"Sec. 1. The family or beneficiary of any PERSONNEL OF THE PHILIPPINE NATIONAL POLICE (PNP), ARMED FORCES OF THE PHILIPPINES (AFP), BUREAU OF FIRE PROTECTION (BFP) AND BUREAU OF JAIL MANAGEMENT AND PENOLOGY (BJMP) [police or military personnel, including any fireman assisting in a police or military action], who is killed or becomes permanently incapacitated while in the line of duty or by reason of his office or position, provided he/SHE has not committed any crime or human rights violation by final judgement on such occasion, shall be entitled to the special financial assistance provided for in this Act in addition to whatever compensation, donation, insurance, gift, pension, grant, or any form of benefit which said deceased or permanently incapacitated person or his/her family may receive or be entitled to."

SEC. 2. Section 2 of Republic Act No. 6963 is hereby amended to read as follows:

"Sec. 2. **DEFINITION OF TERMS.**

(a) "PERSONNEL" - AS USED IN THIS ACT SHALL REFER TO THE UNIFORMED PERSONNEL OF THE PNP, AFP, BFP, OR BJMP;

(b) the term "family" OR "BENEFICIARY" [as used in this Act] shall refer to the surviving legal spouse and his/her legitimate children, or parents,

or brothers and sister, or aunts and uncles, in that respective order: Provided That, if the PNP, AFP, BFP, OR BJMP [police or military] personnel [or fireman] is ESPOUSING a MUSLIM [Muslim] FAITH, the pertinent provisions of the Code of Muslim Personal Laws (Shari'a) shall apply; and

(c) DEATH OR INJURY IN THE LINE OF DUTY - AS USED IN REFERENCE TO THE DEATH OR INJURY SUFFERED BY ANY MEMBER OF THE PNP, AFP, BFP, OR BJMP, THE PHRASE "IN THE LINE OF DUTY" SHALL BE CONSTRUED TO MEAN THAT THE DEATH OR INJURY WAS CAUSED WHILE IN THE PERFORMANCE OF ANY POLICE, MILITARY, FIRE OR JAIL DUTY, AS THE CASE MAY BE, OR OCCASIONED BY A FORTUITOUS EVENT, FORCE MAJEURE, OR ANY OTHER ACT OF A THIRD PARTY WITHOUT FAULT OR NEGLIGENCE ATTRIBUTABLE TO THE PERSONNEL CONCERNED. PROVIDED, THAT, WHERE THE DEATH OR INJURY WAS DUE TO HIS/HER OWN ACT, THE LATTER MUST BE SELF INFLICTED OR ABETTED BY HIS/HER GROSS NEGLIGENCE, ALCOHOLISM, DRUG ADDICTION, OR ABUSE OF AUTHORITY. PROVIDED, FURTHER, THAT THE PHRASE "LINE OF DUTY" SHALL INCLUDE GOING TO AND COMING FROM HIS/HER OFFICE OR WHILE ON LEAVE OR ON ADMINISTRATIVE MISSION. PROVIDED, FINALLY, THAT ANY DOUBT AS TO WHETHER OR NOT THE DEATH OR INJURY SUSTAINED BY ANY PNP, AFP, BFP, OR BJMP PERSONNEL IS IN THE LINE OF DUTY OR BY REASON OF HIS/HER OFFICE OR POSITION SHALL BE DECIDED IN HIS/HER FAVOR."

SEC. 3. Section 3 of Republic Act No. 6963 is hereby amended to read as follows:

"Sec. 3. The special financial assistance referred to in Section One hereof shall be that which is equivalent to the average six (6) months salary, including allowances and bonuses, during the last twelve (12) months preceding the death or permanent incapacity of the PERSONNEL [officer] which shall not be considered as part of the estate of the deceased and which shall be exempt from attachment, garnishment or execution and from income and other taxes."

SEC. 4. Section 4 of Republic Act No. 6963 is hereby amended to read as follows:

"Sec. 4. It shall be the duty of the cashier from whom the deceased PERSONNEL OF THE POLICE, MILITARY, FIRE OR JAIL BUREAU [or permanently incapacitated police or military personnel or [fireman] used to receive his/her salary, within three (3) days from receipt of a written certification from the station or unit commander of the fact of death and the circumstances thereof, to deliver to the beneficiaries such special financial assistance as stated in Section Three hereof. In case of permanent disability, a certification by the proper medical officer designated by the CHIEF OF THE PNP, OR the CHIEF OF STAFF OF THE AFP, OR THE DIRECTOR OF THE BFP, OR THE DIRECTOR OF THE BJMP, [the Chief of Staff of the Armed Forces of the Philippines or the Director General of the Integrated National Police] as the case may be, is necessary for the payment of the

aforesaid special financial assistance. After said payment, a report with the formal certificate of death or permanent incapacity shall be submitted to the CHIEF OF THE PNP, OR the CHIEF OF STAFF OF THE AFP, OR THE DIRECTOR OF THE BFP, OR THE DIRECTOR OF THE RIMP [Secretary of National Defense or the Director General of the Integrated National Police]."

SEC. 5. Section 5 of Republic Act No. 6963 is hereby amended to read as follows:

"Sec. 5. In order to assure the payment of the special financial assistance referred to in this Act, without any need of any appropriation act or ordinance, the payment shall come from the expected salary, allowances and bonuses of the deceased or permanently incapacitated POLICE, MILITARY, FIRE OR JAIL PERSONNEL [police or military personnel or fireman] for the next six (6) months after his/HER death or permanent incapacity: Provided That, the position left vacant by the deceased or permanently incapacitated POLICE, MILITARY, FIRE OR JAIL PERSONNEL [police or military personnel or fireman] on account of his/HER death or incapacity shall not be filled during that period of six (6) months: Provided, further, That if the public welfare and interest so demand, as determined by the CHIEF OF THE PNP, IN THE CASE OF POLICE PERSONNEL; OR THE CHIEF OF STAFF OF THE AFP, IN CASE OF MILITARY PERSONNEL; OR THE DIRECTOR OF THE BFP, IN THE CASE OF FIRE PERSONNEL; OR THE DIRECTOR OF THE RIMP, IN THE CASE OF JAIL PERSONNEL, [municipal or city mayor or provincial governor, in the case of a police personnel or fireman, or the Secretary of National Defense, in the case of military personnel] the position left vacant by the deceased or permanently incapacitated personnel shall be replenished out of the emergency savings of the CONCERNED BUREAU, UPON THE DIRECTION IN WRITING BY THEIR CHIEFS OR DIRECTORS [municipality, city or province, or the department, upon the direction in writing by the municipal or city mayor or governor of the province, department secretary,] to their respective treasurers or cashiers. [Provided, finally, That, in the event of such emergency, no emergency savings as provided herein exist, the regional commander or the provincial commander, as the case may be, may draw augmentation personnel from any municipality in the province or region to fill up the vacancy until such time that the municipality where the vacancy occurred can fill up such vacancy with regular personnel.]"

SEC. 6. Section 6 of Republic Act No. 6963 is hereby amended to read as follows:

"Sec. 6. If any POLICE, MILITARY, FIRE OR JAIL PERSONNEL [police or military personnel or fireman] is injured or wounded while in the performance of his/HER official duties, the hospitalization expenses of such [police or military] personnel [or fireman] shall be shouldered by the office where he/SHE belongs, chargeable against the salary savings of such office without the need of any appropriation act or ordinance."

SEC. 7. Section 7 of Republic Act No. 6963 is hereby amended to read as follows:

"Sec. 7. The surviving spouse of the deceased or permanently incapacitated POLICE, MILITARY, FIRE OR JAIL PERSONNEL [police, military, fire or jail personnel] shall be given priority in employment in a government agency or office where his/her qualifications are fitted: Provided That, if the spouse is already employed or not employable or if HE/she waives HIS/her employment privilege, then an employable son or daughter shall be granted the said privilege."

SEC. 8. Section 8 of Republic Act No. 6963 is hereby amended to read as follows:

"Sec. 8. AT MOST, FOUR (4) CHILDREN OF THE DECEASED OR PERMANENTLY INCAPACITATED POLICE, MILITARY, FIRE OR JAIL PERSONNEL SHALL BE EXTENDED SCHOLARSHIP UP TO COLLEGE IN AN EDUCATIONAL INSTITUTION AS MAY BE DETERMINED BY THE POLICIES ON THE TUITION OF SAID INSTITUTION; PROVIDED THAT, ONLY ONE (1) CHILD OF THE PERSONNEL IN ACTIVE DUTY MAY BE ENTITLED TO THE SCHOLARSHIP; PROVIDED, FURTHER, THAT IF FUNDS ARE NOT SUFFICIENT TO SUPPORT THE SCHOLARSHIP OF ALL QUALIFIED CHILDREN, PRIORITY SHALL BE GIVEN TO THE CHILDREN OF THE DECEASED OR PERMANENTLY INCAPACITATED PERSONNEL OF THE PNP, THE AFP, THE BFP, AND THE BJMP THAN THE CHILDREN OF THEIR ACTIVE UNIFORMED PERSONNEL; PROVIDED, FINALLY, THAT, IN CASES OF SINGLE AND/OR UNMARRIED PERSONNEL, THE SCHOLARSHIP SHALL BENEFIT ONLY ONE (1) BROTEHR OR SISTER WHO IS UNMARRIED AND UNEMPLOYED. [All surviving children of the deceased or permanently incapacitated police or military personnel or fireman shall be extended scholarship up to college in a nonexclusive institution, subject to the policies on tuition of said institution. The scholarship privilege shall be remitted to the National Police Commission or the Department of National Defense, as the case may be, upon presentation to it of the approved enrollment or registration form.]"

SEC. 9. Section 9 of Republic Act No. 6963 is hereby amended to read as follows:

"Sec. 9. THE LICENSE FEES COLLECTED BY THE FIREARMS AND EXPLOSIVES OFFICE OF THE PHILIPPINE NATIONAL POLICE SHALL BE USED SOLELY FOR THE SCHOLARSHIP PROGRAM OF THE PNP; PROVIDED, THAT THE CHIEF OF THE PNP, MAY UTILIZE PART OR SOME AMOUNT OF THE SAID FUNDS FOR OTHER NEEDS OF THE PNP; PROVIDED, FURTHER, THAT THE CHIEF OF THE PNP MAY GENERATE ADDITIONAL SOURCE FOR THE SCHOLARSHIP PROGRAM COMING FROM OTHER FEES WHICH THEY ARE AUTHORIZED TO COLLECT TO FURTHER INCREASE THE FUNDS.

THE SCHOLARSHIP PROGRAMS OF THE AFP, THE BFP AND THE BJMP SHALL BE FUNDED BY SUCH INTEREST INCOME AS MAY BE EARNED BY THE AMOUNT OF THEIR SAVINGS GENERATED OUT OF THE TOTAL SCHOLARSHIP FUNDS SO FAR

RECEIVED FROM THE PNP; PROVIDED THAT, THE AFP, THE BFP, AND THE BJMP MAY GENERATE ADDITIONAL SOURCES OF FUNDS SHALL INCLUDE, BUT SHALL NOT BE LIMITED TO, EXISTING TRUST FUNDS ESTABLISHED FOR THEIR BENEFIT; OTHER NON-APPROPRIATED FUNDS THEY ARE LEGALLY AUTHORIZED TO GENERATE; AND SUCH FEES AND CHARGES THEY MAY BE LEGALLY AUTHORIZED TO COLLECT. [The amounts necessary to fund the scholarship assistance mentioned above shall be taken from the proceeds of the license fees firearms collected by the Philippine Constabulary. Provided, that the collection from the said license fees for the purpose of this Act, to be replenished or enhanced by collections in the succeeding years.]"

SEC. 10. Section 10 of Republic Act No. 6963 is hereby amended to read as follows:

"Sec. 10. The said funds collected from the firearms licensing fees shall be MANAGED AND ADMINISTERED BY THE PNP THROUGH A SCHOLARSHIP BOARD COMPOSED OF A CHAIRMAN AND FOUR MEMBERS (4) WHO SHALL BE DESIGNATED BY THE CHIEF OF THE PNP. THE CHIEF OF THE PNP IS AUTHORIZED TO INVEST SO MUCH OF THE FUND FOR THE PURPOSE OF GENERATING ADDITIONAL REVENUE FOR THE BENEFIT OF THE SCHOLARSHIP PROGRAM; PROVIDED THAT, WITH RESPECT TO THE SCHOLARSHIP FUNDS OF THE AFP, THE MANNER OF ITS ADMINISTRATION AND MANAGEMENTS EXISTING PRIOR TO THE ENACTMENT OF THIS ACT SHALL PREVAIL; PROVIDED FURTHER THAT, AT THE OPTION OF THE DIRECTOR OF THE BFP AND DIRECTOR OF THE BJMP, A SCHOLARSHIP BOARD SIMILAR TO THAT PROVIDED FOR UNDER THIS SECTION MAY BE CREATED FOR THE PURPOSE OF MANAGING AND ADMINISTERING THEIR RESPECTIVE SCHOLARSHIP FUNDS; PROVIDED FINALLY THAT, THE DIRECTORS OF BOTH BUREAUS SHALL ALSO HAVE THE AUTHORITY TO INVEST SO MUCH OF THEIR SCHOLARSHIP FUNDS FOR PURPOSES OF REVENUE-GENERATION." *[added over to the* National Police Commission *which shall administer the same for the purpose of this Act in the case of Integrated National police members and firemen, and the Department of National Defense in the case of military personnel.*

SEC. 11. Section 12 Republic Act No. 6963 is hereby amended to read as follows:

"Sec. 12 Nothing in this Act shall be construed to prejudice and diminish whatever benefits a POLICE, MILITARY, FIRE OR JAIL PERSONNEL *[member of the military establishment or the Integrated National Police]* is entitled to receive under existing laws."

SEC. 12. The National Police Commission (NAPOLCOM) jointly with the Department of the Interior and Local Government (DILG) and the Department of National defense (DND) shall prepare and issue the necessary rules and regulations for the effective implementation of this Act.

SEC. 13. All acts, laws, decrees, executive orders and rules and regulations which are contrary to or inconsistent with this Act are hereby repealed, and/or modified accordingly.

SEC. 14. This Act shall effect fifteen (15) days after the completion of its publication in two (2) newspapers circulation.

Approved.