

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

THIRTEENTH CONGRESS
First Regular Session

HB NO. 1408



Introduced by Rep. Roseller L. Barinaga

EXPLANATORY NOTE

The passage of Republic Act Number 6975, *An Act Establishing The Philippine National Police (PNP) Under a Reorganized Department of the Interior and Local Government and for the Other Purposes*, has introduced significant changes in the organization of the country's police force.

Under RA No. 6975, the Department of the Interior and Local Government (DILG) has the power of supervision and control over the Bureau of Fire Protection (BFP) and the Bureau of Jail Management and Penology (BJMP), while the National Police Commission (NAPOLCOM) exercises administrative control and supervision over the PNP. Meanwhile, the power to supervise the affairs of the Armed Forces of the Philippines (AFP) remains with the Department of National Defense (DND). Prior to the passage of the said law, control and supervision over the country's police force, firemen and jail guards fell under the shoulders of the AFP.

In light of the meaningful reforms brought about by the implementation of RA No. 6975, it has become imperative for the Congress of the Philippines to likewise introduce corresponding amendments to existing laws effecting the country's police organization. One of these laws is RA No. 6963, otherwise known as "An Act Granting Special Financial Assistance and Benefits to the Family or 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, and for other Purposes" which seeks to grant financial assistance to members of the military and police as well as firemen killed or permanently incapacitated in the line of duty.

Under RA 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. This arrangement was feasible at the time because the police was still under the AFP. But when RA No. 6975 was enacted and resulted in the creation of the PNP separate from the AFP and BFD, 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 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.

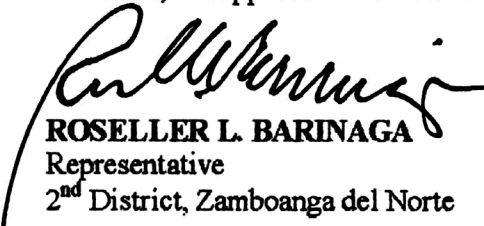
Additionally, the AFP and the BFD have their own funding sources since they too have their revenue generating activities to support their programs.

This proposed measure intends to amend the provisions of RA No. 6963 to reflect the developments brought about by the passage of RA 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 Explosive Office, which is the source of the 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 high time that we provide the much needed boost to our police personnel by showing our concern amidst the challenging role they play in our present society. One way to show our concern is by giving of support for the educational benefits of qualified dependents of police personnel. Certainly, this will help alleviate the economic condition of our personnel. While we are quick to condemn the scalawags in uniform, we must also be fast to reward the deserving.

With this, the approval of this measure is earnestly sought.



ROSELLER L. BARINAGA

Representative

2nd District, Zamboanga del Norte

Congress of the Philippines)
Thirteenth Congress)
First Regular Session)

HOUSE OF REPRESENTATIVES

HB NO. 1408

Introduced by Rep. Roseller L. Barinaga

AN ACT

AMENDING REPUBLIC ACT NO. 6963, OTHERWISE KNOWN "AS 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 ALSO EXTENDING SCHOLARSHIP ASSISTANCE TO THE DEPENDENTS OF THEIR ACTIVE MEMBERS" AND FOR OTHER PURPOSES

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

SECTION 1. Sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, and 12 of Republic Act No. 6963 are hereby amended to read as enumerated:

"SEC. 1. The family or beneficiary of any [police or military personnel, including any fireman assisting in a police or military action] PERSONNEL OF THE PHILIPPINE NATIONAL POLICE (PNP), ARMED FORCES OF THE PHILIPPINES (AFP), BUREAU OF FIRE PROTECTION (BFP) AND THE BRUEAU OF JAIL MANAGEMENT AND PENOLOGY (BJMP) who is killed or becomes TOTALLY AND permanently incapacitated while in the [performance] LINE of [his] duty or by reason of his/HER office or position, provided he has not committed any crime or human rights violation by final judgment 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 receive or be entitled to.

"SEC. 2. THE TERM "PERSONNEL", AS USED IN THIS ACT, SHALL REFER TO BOTH THE UNIFORMED AND NON-UNIFORMED PERSONNEL OF THE PNP, AFP, BFP AND BJMP WHILE [T]he 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 sisters, or aunts and uncles, in that respective order: *Provided*, That, if [the police or military personnel or fireman is a Muslim] PNP, AFP, BFP OR BJMP PERSONNEL IS ESPOUSING A MUSLIM FAITH, the pertinent provisions of the Code of Muslim Personal Laws (*Shari'a*) shall

apply [.]; AND AS USED IN REFERENCE TO THE DEATH OR INJURY SUFFERED BY ANY PNP, AFP, BFP OR BJMP PERSONNEL, THE PHRASE "IN THE LINE OF DUTY OR BY REASON OF OFFICE OR POSITION" 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 MAJEUR OR ANY OTHER ACT OF A THIRD PARTY WITHOUT FAULT OR NEGLIGENCE ATTRIBUTABLE TO THE PERSONNEL CONCERNED. ON THE OTHER HAND, WHERE THE DEATH OR INJURY WAS DUE TO HIS/HER OWN ACT, THE LATTER MUST BE LAWFUL AND SUCH DEATH OR INJURY MUST NOT BE SELF-INFLICTED OR ABETTED BY HIS/HER GROSS NEGLIGENCE, ALCOHOLISM, DRUG ADDICTION OR ABUSE OF AUTHORITY. FURTHERMORE, LINE OF DUTY SHALL INCLUDE GOING TO AND COMING FROM HIS/HER OFFICE OR WHILE ON LEAVE OR ON ADMINISTRATIVE MISSION. IN CASE OF DOUBT AS TO WHETHER THE DEATH OR INJURY SUSTAINED BY ANY MEMBER OF THE PNP, AFP, BFP OR BJMP PERSONNEL IS IN LINE OF DUTY, IT SHALL BE DECIDED IN HIS/HER FAVOR."

"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 [officer] PERSONNEL which shall not be considered a 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. It shall be the duty of the cashier from whom the deceased or permanently incapacitated [police or military personnel or fireman] PERSONNEL OF THE PNP, AFP, BFP OR BJMP 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 OR PERMANENT INCAPACITY and the circumstances thereof, to deliver to the beneficiaries such special financial assistance as stated in Section Three hereof. In case of permanent [disability] INCAPACITY, a certification by the proper medical officer designated by the CHIEF OF THE PNP, OR THE Chief of Staff of the [Armed Forces of the Philippines] AFP, or the [Director General of the Integrated National Police] DIRECTOR OF THE BFP, OR THE DIRECTOR OF THE BJMP, 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 RESPECTIVELY submitted to the [Secretary of National Defense or the Director General of the Integrated National Police] CHIEF OF THE PNP, OR THE CHIEF OF STAFF OF THE AFP, OR DIRECTOR OF THE BFP, AND THE DIRECTOR OF THE BJMP."

"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 or military] personnel OF THE PNP, AFP, BFP, OR BJMP [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 or, military, or fireman] PERSONNEL OF THE

PNP, AFP, BFP, OR BJMP on account of his/HER death or PERMANENT incapacity shall not be filled during that period of six (6) months: *Provided, further,* That if the public welfare and the interest so demand, as determined by the [municipal or city mayor or provincial governor] CHIEF OF THE PNP, in case of a [police] PNP personnel [or fireman, or by the Secretary of National Defense], OR THE CHIEF OF STAFF OF THE AFP, in case of A military personnel, OR THE DIRECTOR OF BFP, IN CASE OF A FIRE PERSONNEL, OR THE DIRECTOR OF BJMP, IN CASE OF A JAIL PERSONNEL, the position left vacant by the deceased [personnel], or permanently incapacitated personnel may be filled without waiting for the expiration of the six (6) months period earlier mentioned, in which case, the funds out of which the special financial assistance already received by the family of the deceased or permanently incapacitated police personnel by the family of the deceased or permanently incapacitated police personnel shall be replenished out of the emergency savings of the [municipality, city or province, or the department,] CONCERNED BUREAUS upon the direction in writing by [the municipal or city mayor or governor of the province or department secretary,] THEIR RESPECTIVE CHIEFS OR DIRECTORS 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. If any [police or military] personnel [or fireman] OF THE PNP, AFP, BFP, OR BJMP is injured or wounded [or in any manner suffers any injury] in the performance of his/HER official duties, the hospitalization expenses of such PERSONNEL [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. The surviving spouse of the deceased or permanently incapacitated [police or military] personnel [or fireman] OF THE PNP, AFP, BFP, OR BJMP 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. [All surviving children] AT MOST FOUR (4) LEGAL DEPENDENTS of the deceased or permanently incapacitated [police or military] personnel OF THE PNP, AFP, BFP, OR BJMP [or fireman] shall be extended scholarship up to college in [a non-exclusive] AN EDUCATIONAL institution, [subject to the policies on the tuition of said institution:] AS MAY BE DETERMINED BY THEIR RESPECTIVE BUREAUS OR OFFICES. The scholarship privilege shall be limited to the payment of tuition and miscellaneous fees payable to the school: [and shall be remitted by the National Police Commission] NAPOLCOM, IN THE CASE OF THE PNP; or the Department of National Defense, IN THE CASE OF THE AFP; OR THE DEPARTMENT OF INTERIOR AND LOCAL GOVERNMENT, IN THE CASE OF BFP AND THE BJMP [as the case may be], upon THE presentation [to it] of the approved enrollment or registration form [: *PROVIDED,* THAT ONLY ONE LEGAL DEPENDENT 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 LEGAL DEPENDENTS, PRIORITY SHALL BE GIVEN TO THE LEGAL DEPENDENTS OF THE DECEASED OR INCAPACITATED MEMBER PERSONNEL OF THE PNP, AFP, BFP OR BJMP THAN THE LEGAL DEPENDENTS OF THEIR ACTIVE UNIFORMED AND NON-UNIFORMED PERSONNEL: *PROVIDED, FINALLY*, THAT IN CASES OF SINGLE AND/OR UNMARRIED PERSONNEL, THE SCHOLARSHIP SHALL BENEFIT ONLY ONE (1) LEGAL DEPENDENT WHO IS UNMARRIED AND UNEMPLOYED."

"SEC. 9. The [amount necessary to fund the scholarship assistance mentioned above shall be taken from the proceeds of the] FIREARMS license fees [for firearms] collected by the [Philippine Constabulary] FIREARMS AND EXPLOSIVES OFFICE OF THE PNP SHALL BE USED SOLELY BY THE PNP FOR THE AFORESAID SCHOLARSHIP PROGRAM: *Provided*, That the [collection from the said license fees for one (1) year following the approval of this Act shall constitute the initial funds reserve for the purpose of this Act, to be replenished or enhanced by collections in the succeeding years.] CHIEF OF THE PNP, MAY GENERATE ADDITIONAL SOURCES FOR THE SAME COMING FROM OTHER FEES WHICH THE PNP IS AUTHORIZED TO COLLECT UNDER EXISTING LAWS.

THE SCHOLARSHIP PROGRAMS OF THE AFP, BFP AND BJMP SHALL BE FUNDED BY SUCH INTEREST INCOME AS MAY BE EARNED FROM THE AMOUNT OF THEIR RESPECTIVE SAVINGS GENERATED OUT OF THE TOTAL SCHOLARSHIP FUNDS SO FAR RECEIVED BY THEM FROM THE FIREARMS LICENSE FEES COLLECTED BY THE PNP: *PROVIDED*, THAT THE AFP, BFP AND BJMP MAY GENERATE ADDITIONAL SOURCES OF FUNDS THAT WILL SUPPORT THEIR SCHOLARSHIP PROGRAMS, SUCH AS, BUT SHALL NOT BE LIMITED TO, EXISTING TRUST FUNDS ESTABLISHED FOR THEIR BENEFIT."

"SEC. 10. The [said] SCHOLARSHIP funds [collected from the firearms licensing fees] shall be [turned 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] MANAGED AND ADMINISTERED BY THE CHIEF OF THE PNP, THE CHIEF OF STAFF OF THE AFP, THE DIRECTOR OF THE BFP, AND THE DIRECTOR OF THE BJMP THROUGH THEIR RESPECTIVE SCHOLARSHIP BOARDS COMPOSED OF A CHAIRMAN AND FOUR (4) MEMBERS. THE MEMBERSHIP OF THE BOARD SHALL BE DESIGNATED BY THE CHIEF OF THE PHILIPPINE NATIONAL POLICE."

"SEC. 11. Any person who unduly delays, refuses or in any manner prevents the payment of the special financial assistance OR THE SCHOLARSHIP ASSISTANCE [defined] AS PROVIDED in this Act to the person or persons entitled thereto shall be dismissed from the office if found guilty in an appropriate administrative case."

"SEC. 12. Nothing in this Act shall be construed to prejudice and diminish whatever benefits a [member of the military establishment or the Integrated National Police] PERSONNEL OF THE PNP, AFP, BFP AND BJMP is entitled to receive under existing laws."

SEC. 2. The National Police Commission (NAPOLCOM) in coordination with the Department of 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. 3. 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. 4. This act shall take effect upon publication in two (2) newspapers of general circulation.

Approved.