Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City



THIRTEENTH CONGRESS
First Regular Session

HB NO. 1410

Introduced by **Rep. Roseller L. Barinaga**

EXPLANATORY NOTE

This proposed Magna Carta for the PNP Uniformed and Non-uniformed Personnel seeks to put a dignity into the country's Philippine National Police (PNP), not only those in the hierarchy but most especially those in the rank-and-file.

The bill is aimed at establishing a highly efficient and competent police force which is national in scope and civilian in character administered and controlled by the NAPOLCOM. It is herein envisioned that the PNP will eventually become a community and service-oriented agency responsible for the maintenance of peace and order and public safety. Through this bill, it is envisioned that the PNP will become more socially relevant and its members and officers more accountable in the performance of their functions.

It is for this reason that passage of this bill is sought.

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

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

HOUSE OF REPRESENTATIVES

HB NO. 1410

Introduced by **Rep. Roseller L. Barinaga**

AN ACT
INSTITUTING THE MAGNA CARTA FOR THE PHILIPPINE NATIONAL POLICE UNIFORMED AND NON-UNIFORMED PERSONNEL AND FOR OTHER PURPOSES

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

TITLE I
THE PHILIPPINE NATIONAL POLICE

Chapter One
Preliminary Provisions

SECTION 1. *Title*. This Act shall be known as the *Magna Carta for the Philippine National Police Uniformed And Non-Uniformed Personnel.*

Chapter Two
General Provisions

SEC. 2. *Declaration of Policies.* It is hereby declared to be the policy of the State to establish a highly efficient and competent police force which is national in scope and civilian in character administered and controlled by a National Police Commission (NAPOLCOM).

SEC. 3. ***General Principles***. The Philippine National Police (PNP) shall be a community and service-oriented agency responsible for the maintenance of peace and order and public safety. It shall be so organized to ensure accountability and uprightness in the exercise of discretion as well as to achieve efficiency and effectiveness of its members and units in the performance of their functions.

Chapter Three
Mandate of the PNP

SEC. 4. ***Powers and Functions***. Pursuant to its institutional mandate, the PNP shall exercise the following powers and functions:

a) Enforce all laws and ordinances relative to the protection of lives and properties;

b) Maintain peace and order and take all necessary steps to ensure public safety;

c) Investigate and prevent crimes, effect the arrest of criminal offenders, bring offenders to justice and assist in their prosecution;

d) Exercise the General powers to make arrest, search and seizure in accordance with the Constitution and other pertinent laws;

e) Detain an arrested person for a period not beyond that which is prescribed by law, informing the person so detained of all his rights under the Constitution;

f) Issue licenses for the possession of firearms and explosives in accordance with law;

g) Supervise and control the training and operation of security agencies, issue licenses to operate in favor of such security agencies, as well as, of security guards and private detectives for the exercise of their professions;

h) Perform such other duties and exercise all other functions as may be provided by law.

TITLE II
ORGANIZATIONAL COMPONENTS AND STRUCTURE

Chapter One
PNP Uniformed Personnel

SEC. 5. ***Organization***. The PNP shall be headed by a Chief who shall be assisted by two (2) deputy chiefs, one (1) for Operations and one (1) for Administration, both of whom shall be appointed by the President upon recommendation of the Commission from among the most senior and qualified officers in the office: *Provided, however*, That in no case shall any officer who has retired or is due to retire within six (6) months from his compulsory retirement age be appointed as PNP Chief.

The PNP shall maintain its office in Metropolitan Manila which shall house its National Staff Offices and National Support Units.

The PNP shall have regional offices, including that of the National Capital Region (NCR), which may be divided into two (2) separate regions: the Cordillera Autonomous Regions (CAR) and the Autonomous Region for Muslim Mindanao (ARMM). These regional offices shall be headed by a Regional Director.

The PNP shall have provincial offices, headed by a Provincial Director. In the case of large provinces, police districts, to be headed by a District Director, may be established by the NAPOLCOM, upon the recommendation of the PNP Chief.

There shall be PNP stations in the municipalities/cities, headed by a Chief of Police. In case of police stations in highly urbanized cities, its head shall have a position title of City Director. The determination of the rank of the head of police stations shall be subjected to the existing rules and policies of the national headquarters of the PNP and NAPOLCOM.

A. Classifications of Officers

SEC. 6. ***Rank Classification***. For purposes of efficient administration, supervision and control, the rank classification of the PNP uniformed personnel shall be as follows:

Police Director General
Police Deputy Director General
Police Director
Police Chief Superintendent
Police Senior Superintendent
Police Superintendent
Police Chief Inspector
Police Senior Inspector
Police Inspector
Senior Police Officer IV
Senior Police Officer III
Senior Police Officer II
Senior Police Officer I
Police Officer III
Police Officer II
Police Officer I

SEC. 7. ***Key Positions***. The head of the PNP with the rank of Police Director General shall have the position title of Chief of the PNP. The second in command of the PNP with the rank of Police Deputy Director General shall be the Deputy Chief of the PNP for Administration. The third in command with the rank also of Police Deputy Director General shall be the Deputy Chief of the PNP for Operations. [*Sec. 29 RA 6975*]

At the National Office, the head of the National Staff Offices with the rank of Police Deputy Director General shall be referred to as Chief of Staff of the PNP, who shall be fourth in command of the PNP. [*Based on the PNP Reorganization Plan*]

The heads of the various staff divisions in the National Staff Offices shall have the rank of Police Director with the position title of Director of the National Staff Office of their respective functional divisions. The PNP shall maintain its National Support Units to be headed by a Director who shall have the rank of Police Chief Superintendent. To enhance police operational efficiency and effectiveness the PNP Chief may constitute such other support units as may be necessary subject to the approval of the NAPOLCOM; *Provided*, That no support unit headed by a chief superintendent or higher rank can be created unless provided by law.

The head of the NCR Police Office shall assume the position title of NCR Police Director.

The heads of the regional offices shall assume the position title of Police Regional Director.

The heads of the NCR district offices shall have the position title of District Director.

The heads of the provincial offices shall have the position title of Police Provincial Director.

The heads of the district offices shall have the position title of District Director.

The heads of the municipality or city offices shall be known as Chief of Police. In case of police stations in highly urbanized cities, its head shall have the position title of City Director.

The determination of the rank of the head of police stations shall be subjected to the existing rules and policies of the national headquarters of the PNP and NAPOLCOM.

Provided That, The ranks of the heads of regional, provincial and district offices may be upgraded upon the recommendation of the Chief of the PNP through the NAPOLCOM and subject to the approval of the President; *Provided, further, That* the upgrading of the ranks of the heads of police stations shall be approved by the NAPOLCOM.

SEC. 8. ***Powers, Functions, and Term of Office of the PNP Chief.*** The command and direction of the PNP shall be vested in the PNP Chief who shall have the power to direct and control tactical as well as strategic movements, deployment, placement, utilization of the PNP or any of its units and personnel, including its equipment, facilities and other resources. Such command and direction of the PNP Chief may be delegated to subordinate officials with respect to the units under their respective commands, in accordance with the rules and regulations prescribed by the NAPOLCOM.

The PNP Chief shall also have the power to issue detailed implementing policies and instructions regarding personnel, funds, properties, records, correspondence and such other matters as may be necessary to effectively carry out the functions, powers, and duties of the PNP. He/she shall be appointed by the President from among the senior officers down to the rank of chief superintendent. *Provided*, That he/she shall serve a term of office not to exceed four (4) years; *Provided, further*, That in times of war or other national emergency declared by Congress, the President may extend such term of office.

SEC. 9. ***Legal Affairs Service.*** There shall be established a Legal Affairs Service, which shall serve as the personal staff of PNP Chief on Legal Affairs. The Legal Affairs Service shall be headed by a PNP Uniformed Personnel with the title of Director who shall carry the rank of Police Chief Superintendent.

SEC. 10. ***Internal Affairs Service.*** Pursuant to the provisions of Republic Act No. 8551, there shall be an Internal Affairs Service which functions shall be consistent with the aforesaid Act which establish the office.

B. Appointment Qualifications

SEC. 11. ***General Qualifications for Appointment***. No person shall be appointed as officer or member of the PNP unless he or she possesses the following minimum qualifications:

a) A citizen of the Philippines;

b) A person of good moral conduct;

c) Must have passed the psychiatric/psychological, drug and physical tests to be administered by the PNP or by any NAPOLCOM-accredited government hospital for the purpose of determining physical and mental health;

d) Must possess a formal baccalaureate degree from a recognized institution of learning;

e) Must be eligible in accordance with the standards set by the NAPOLCOM;

f) Must not have been dishonorably discharged from military employment or dismissed for cause from any civilian position in the government;

g) Must not have been convicted by final judgment of an offense or crime involving moral turpitude;

h) Must obtain the appropriate PNP Security Clearance;

i) Must be at least one meter and sixty-two centimeters (1.62m.) in height for male and one meter and fifty-seven centimeters (1.57m.) for female;

j) Must weigh not more or less that five kilograms (5 kgs) from the standard weight corresponding to his or her height, age, and sex; and

For a new applicant, he must not be less than twenty-one (21) or more than thirty (30) years of age. Except for the last qualification, the above-enumerated qualifications shall be continuing in character and an absence of any one of them at any given time shall be a ground for separation or retirement from the service: *Provided*, That PNP members who are already in the service upon the effectivity of this Act shall be given at least two (2) more years to obtain the minimum educational qualification and one (1) year to satisfy the weight requirement.

SEC. 12. ***Prerequisite for the Appointment to the PNP***. No applicant shall be qualified to undergo basic police training unless he has passed the pre-qualifying examination administered by the PNP Screening and Selection Board: *Provided*, That no new graduates of basic police courses shall be absorbed in permanent status unless he has satisfactorily passed the six-month probationary period. The PNP shall set the standards for the implementation of this provision.

SEC. 13. ***Manner of Appointment***. The appointment of the officers and members of the PNP shall be effected in the following manner:

a) Police Officer I to Senior Police Officer IV - Appointed by the PNP Regional Director for regional personnel or by the PNP Chief for the national headquarters personnel and attested by the NAPOLCOM;

b) Inspector to Superintendent – Appointed by the PNP Chief, as recommended by their immediate superiors, and attested by the NAPOLCOM;

c) Senior Superintendent to Deputy Director General - Appointed by the President upon recommendation of the PNP Chief, with proper endorsement by the Chairman of the NAPOLCOM.

d) Director General – Appointed by the President from among the senior officers down to the rank of Chief Superintendent in the service: *Provided*, That the PNP Chief shall serve a tour of duty not to exceed four (4) years; *Provided, further*, That, in times of war or other national emergency declared by Congress, the President may extend such tour of duty. [*Sec 31, RA 6975*]

C. Pre-requisites to Entry

SEC. 14. ***Field Training Program.*** All new uniformed PNP members shall undergo a Field Training Program for twelve (12) months involving actual experience and assignment in patrol, traffic, and investigation as a requirement for permanency of their appointment. [*modifying Sec. 19, RA 8551*]

SEC. 15. ***Examinations for Policemen.*** The NAPOLCOM shall administer the entrance and promotional examinations for policemen on the basis of the standards set by the Commission. [*Sec 21 RA 8551*]

SEC. 16. ***Lateral Entry.*** In general, all original appointments of commissioned officers in the PNP shall commence with the rank of Inspector, to include all those with highly technical qualifications applying for the PNP technical services, such as dentists, optometrists, nurses, engineers, criminologists and graduates of forensic sciences. Doctors of medicine, members of the Bar, and Chaplains shall be appointed to the rank of Senior Inspector in their particular technical service. Graduates of the Philippine National Police Academy (PNPA) shall be automatically appointed to the initial rank of Inspector to fill up any vacancy after promotions from the ranks are completed.

Chapter Two
General Benefits

A. Status, Salaries and Allowances

SEC. 17. ***Status of PNP Personnel.*** The uniformed and non-uniformed personnel of the PNP shall be considered employees of the national government and shall draw their salaries therefrom. *Provided*, that PNP personnel in Metropolitan Manila, charted cities, component cities and other municipalities may be paid financial incentive by the local government unit concerned subject to the availability of funds. [*Sec 36, RA 8551*]

SEC. 18. ***Salary Scale***. The PNP shall have a salary scale separate and distinct from the other agencies of the government to attract the best and competent applicants. There shall be different salary scales for uniformed and non-uniformed personnel.

Salary scales of PNP personnel shall provide for a gradual progression from minimum to maximum salary by means of regular increments. The salary scale of the PNP shall be comparable to the average salary scale of the law enforcement agencies in the ASEAN Region.

SEC. 19. ***Criteria for Salary***. The salaries of all uniformed PNP personnel shall correspond to the following criteria:

a) Salary shall be comparably equal to those paid in other occupations or professions requiring equivalent or similar qualifications, training and abilities regardless of rank positions;

b) Salary scale shall ensure that the lowest rank and position receive an amount which will ensure him and his family to afford a reasonable and decent standard of living; and

Basic monthly salary shall exclude the subsistence allowance, cost of living allowance, quarters allowance, clothing allowance, hazard pay, amelioration pay, health care pay and all other allowances as may be provided under existing laws. [*Existing draft, Sec 12*]

SEC. 20. ***Payment of Salary***. The salaries of PNP personnel shall be paid in legal tender of the Philippines or the equivalent in checks or treasury warrants; *Provided, however*, that such checks or treasury warrants shall be convertible to cash in any national, provincial, city or municipal treasurer's office or any banking institution operating under the laws of the Republic of the Philippines.

Salaries shall be released on time and without undue delay. No deduction whatsoever shall be allowed from the salaries due to all PNP personnel except under specific provisions of applicable laws authorizing such deductions: *Provided*, That written authority of the PNP personnel concerned shall first be obtained.

SEC. 21. ***Longevity Pay***. PNP personnel shall be entitled to a longevity pay of ten (10%) percent of their basic monthly pay for every five (5) years of continuous, efficient, and meritorious service in the government, which shall be computed from the date of the member's first appointment in the government service: *Provided*, That the maximum longevity pay shall not exceed fifty percent (50%) of the basic monthly pay.

SEC. 22. ***Cost of Living Allowance***. The salaries of PNP personnel shall be based on the prevalent cost of living. Salaries shall automatically follow changes in cost-of-living index determined and established by the NAPOLCOM after due consultation with appropriate government agencies.

SEC. 23. ***Clothing Allowance***. PNP personnel who are required to wear uniforms shall be entitled to clothing allowance equivalent to three hundred (P300.00) pesos per

month: *Provided*, That this rate shall be reviewed periodically and increased accordingly taking into account existing laws and prevailing practices.

SEC. 24. ***Quarters Allowance.*** Uniformed PNP personnel shall be entitled to monthly quarters allowance based on existing scheme which shall be reviewed periodically and increased accordingly taking into account existing laws and prevailing practices.

SEC. 25. ***Remote Assignment Allowance.*** Uniformed PNP personnel who accepts assignments in remote areas or isolated stations, which for reasons of far distance or hard accessibility have not been filled for the last two years prior to the assignment, shall be entitled to an incentive bonus in the form of Remote Assignment Allowance equivalent to fifty (50%) of their basic pay, and shall be entitled to reimbursement of the cost of reasonable transportation to and from such remote post or station, upon assuming or leaving such position and during official trips.

SEC. 26. ***Subsistence Allowance.*** Uniformed PNP personnel shall be entitled to full subsistence allowance of three (3) meals which shall be computed in accordance with prevailing circumstances.

SEC. 27. ***Special Hardship Allowance.*** In areas wherein a uniformed PNP uniformed Personnel is exposed to hardship and combat situation or other hazard unusual to peacekeeping, crime prevention and investigation activities and established to be peculiar to any given area or place of assignment, as determined by the PNP, he shall be compensated with a special hardship allowance, similar to combat pay of the AFP, equivalent to at least fifty (50%) percent of his monthly basic salary.

B. Entitlement to Leave Benefits

SEC. 66. ***Vacation Leave.*** All PNP personnel who has rendered at least one year of service shall earn fifteen (15) days vacation leave credits.

SEC. 67. ***Sick Leave.*** A fifteen (15) day sick leave credits shall be granted to all PNP personnel for every year of service. A sick leave of absence shall be granted to any ailing PNP personnel for a period as may be necessary for his/her treatment.

An indefinite sick leave of absence shall be granted to an ailing uniformed PNP member whose nature of illness demands a long treatment that will exceed one year at the least.

SEC. 68. ***Mandatory Leave.*** A PNP personnel is entitled to a mandatory leave with full pay for seven (7) days which is not chargeable to his leave credits.

SEC. 69. ***Maternity Leave.*** Married women in the Philippine National Police who have rendered an aggregate of two or more years of service, shall, in addition to the sick and vacation leaves granted to them, be entitled to maternity leave of 60 days with full pay.

For those who have rendered one (1) year or more but less than two (2) years of government service shall be computed in proportion to their length of service; *Provided*, That

those who have served for less than one (1) year shall be entitled to sixty (60) days maternity leave with half pay.

It is understood that enjoyment of maternity leave cannot be deferred but should be enjoyed within the actual period of delivery in a continuous and uninterrupted manner not exceeding sixty (60) calendar days.

Maternity leaves shall be granted to female married PNP personnel in every instance of pregnancy irrespective of its frequency.

SEC. 70. ***Paternity Leave.*** Any male PNP personnel shall be entitled to seven (7) days of paternity leave with pay commencing from the day of the delivery of his legal spouse.

SEC. 71. ***Study Leaves.*** In addition to the leave privileges enjoyed under this Act and other existing laws, uniformed PNP personnel shall be entitled to study leaves not exceeding one (1) year with pay: *Provided*, That no grantee shall be allowed to accumulated more than one (1) year of study leave except when he needs an extra semester to complete and defend his thesis for a graduate study in a degree relevant to his being a member of the police service.

SEC. 72. ***Christmas and New Year's Break.*** All PNP personnel shall be granted a maximum of seven (7) days break during the Christmas and New Year seasons for them to spend time for their families.

C. Retirement Program

SEC. 28. ***Early Retirement Program.*** Any PNP personnel who has reached the age of fifty five (55) years may avail of this program and be paid separation benefits in accordance with prevailing scheme: *Provided*, That he/she has rendered at least fifteen (15) years of continuous service in the PNP organization. *Provided, further*, That those who have availed of this benefit shall not be allowed to re-entry into the PNP.

SEC. 29. ***Optional Retirement.*** Upon accumulation of at least twenty (20) years of satisfactory service, a PNP personnel, at his own request and with the approval of the NAPOLCOM, shall be retired from the service and entitled to receive benefits provided for by law. [*Sec 40 RA 6975*]

SEC. 30. ***Compulsory Retirement.*** Compulsory retirement, for officer and non-officer, shall be upon the attainment of age fifty-six (56) years old: *Provided*, That in case of any officer with the rank of Chief Superintendent, Director, or Deputy Director General, the Commission may allow his retention in the service for an unextendible period of one (1) year. [*Sec 39 RA 6975*]

SEC. 31. ***Highest Basic Salary Upon Retirement.*** A retired PNP personnel shall automatically be granted one (1) salary range or grade higher than his/her basic salary and his/her retirement benefit thereafter, computed on the basis of his/her highest salary, which shall be given in effect three (3) months prior to the compulsory retirement: *Provided*, that said the personnel has reached the age fifty five (55) years old and fulfilled service requirements under existing laws.

SEC. 32. *Monthly Retirement Pay*. The monthly retirement pay of a PNP Personnel shall be fifty percent (50%) of the base pay and longevity pay of the retired rank in case the retiree has rendered at least twenty (20) years of continuous active service, increasing by two and one-half percent (2.5%) for every year of active service rendered beyond twenty (20) years to a maximum of ninety percent (90%) for thirty-six (36) years of active service and over: *Provided*, That the retiree shall have the option to receive in advance a lump sum of his retirement pay equivalent to the first five (5) years of his retirement pay as it accrues: *Provided, further*, That payment of the retirement benefits in lump sum shall be made on the effectivity date of retirement. It shall be incumbent upon the concerned units to provide the completion of all documentary requirements in support of the payment of the retiree's retirement pay as the retiree is not required to perform additional tasks other than to receive the fruits of his service. Any personnel who intentionally and/or maliciously delays or causes the delay in the processing of the retiree's just claim for money and/or other emoluments shall be considered to have incurred an administrative offense amounting to grave misconduct and an act prejudicial to the interest of the service as defined by existing laws. *Provided, finally*, That retirement pay of all uniformed members shall be subject to adjustments based on the prevailing scale of base pay of police personnel still in the active service.

D. Special Financial and Scholarship Assistance Program

SEC. 73. ***Special Financial Assistance***. The family or beneficiary of any PNP personnel, who is killed or becomes totally and permanently incapacitated while in the line of duty or by reason of his office or position 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 totally permanently incapacitated person or his family may receive or be entitled to; *Provided*, That he has not committed any crime or human rights violation by final judgment on such occasion.

SEC. 75. ***Tax Free***. The special financial assistance referred to in the immediately preceding section 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 of any PNP 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. 76. ***Duty of the Cashier***. It shall be the duty of the cashier from whom the deceased or permanently incapacitated PNP personnel used to receive his 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 the preceding Section hereof. In case of permanent disability, a certification by the proper medical officer designated by the Chief of the Philippine National Police is necessary for the payment of the aforesaid financial assistance. After said payment, a report with the formal certificate of death or permanent incapacity shall be submitted to the Chief of the Philippine National Police.

SEC. 77. ***Sources of Special Financial Assistance***. 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 PNP personnel for the next six (6) months after his death or incapacity: *Provided*, That the position left vacant by the deceased or permanently incapacitated PNP personnel on account of his 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 Philippine National Police, 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 PNP, upon the direction in writing by the Chief of the Philippine National Police to their respective treasurers or cashiers: *Provided, finally*, That, in the event that there are no emergency savings as provided herein exist, the Regional Director or the Provincial Director, as the case may be, may request augmentation personnel from other PNP units.

SEC. 78. ***Hospitalization Expenses***. If any PNP personnel is injured or wounded or in any manner suffers any injury in the performance of his official duties, the hospitalization expenses of such personnel shall be shouldered by the office where he belongs, chargeable against the salary savings of such office without the need of any appropriation act or ordinance.

SEC. 79. ***Employment Priority of Dependents***. The surviving spouse of the deceased or permanently incapacitated PNP 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 he/she employment privilege, then an employable son or daughter shall be granted the said privilege.

SEC. 80. ***Scholarship Privileges for Dependents***. All surviving children of the deceased or permanently incapacitated PNP personnel shall be extended scholarship up to college in a non-exclusive institution, subject to the policies on the tuition of said institution: *Provided*, that dependents of the personnel in active duty may be entitled to seventy-five (75%) percent of the scholarship granted to dependents of the deceased or incapacitated member, while dependents of non-uniformed personnel may be entitled to fifty percent (50%) scholarship subject to the availability of funds; *Provided, however*, that if funds are not sufficient to support the scholarship of all qualified dependents, priority shall be given to the dependents of the deceased or incapacitated PNP personnel than the dependents of their active uniformed and non-uniformed members.

SEC. 81. ***Utilization of Firearms License Fees for Scholarship Program***. The license fees collected by the PNP Firearms and Explosive Office shall be used solely for the scholarship program of the dependents of the police: *Provided*, that the Chief of the PNP, may utilize part or some amount of the said funds to other needs of the PNP: *Provided, further*, that the Chief of the PNP may generate additional source for scholarship program coming from other fees which they are authorized to collect to further increase the funds.

SEC. 82. ***Funds Management and Administration***. The said funds collected from the firearms licensing fees shall be managed and administered by the PNP through the

Scholarship Board composed of a chairman and four (4) other members who shall be designated by the PNP Chief. The PNP Chief is authorized to invest so much of the fund for the purpose of generating additional revenue for the benefit of the scholarship program.

SEC. 83. ***Penalty for Delaying Payments***. Any person who unduly delays, refuses or in any manner prevents the payment of the special financial assistance or the scholarship assistance defined 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. 84. ***Interpretation***. Nothing in this Act shall be construed to prejudice and diminish whatever benefits PNP personnel is entitled to receive under existing laws.

SEC. 85. ***Implementing Rules and Guidelines.*** The NAPOLCOM in coordination with the PNP and the DILG shall prepare and issue the necessary rules and regulations for the effective implementation of this act.

Chapter Three
PNP Non-Uniformed Personnel

A. Appointment of Non-Uniformed Personnel

SEC. 30. *Human Resource Development for Non-Uniformed Personnel.* There shall be established a Human Resource Development Program at the PNP for non-uniformed personnel including, but not limited to, the provisions on merit promotion, performance evaluation, in-service training grants, incentive and award system. The program shall conform to the rules and regulations of the NAPOLCOM.

Where there are no specific applicable provisions in the rules and regulations of the NAPOLCOM, the existing rules and regulations promulgated by the CSC shall apply.

SEC. 31. *Screening and Selection for Appointment.* Applicants for the non-uniformed personnel position shall undergo a screening process to be conducted by a duly appointed Selection and Promotion Board based on qualification standards setforth by the NAPOLCOM: *Provided*, That, in addition thereto, the applicant shall undergo an on-the-job training for a period of three (3) months to determine his fitness and competence to assume the responsibilities of the position to be occupied.

SEC. 32. *Application of the Civil Service Laws*. Except when otherwise provided for in this Act and in other existing laws, the provisions of Executive Order No. 292 and other Civil Service Laws shall be made to apply to all non-uniformed personnel of the PNP.

B. Work Benefits

SEC. 31. *Hours of Work, Salaries, and Other Remuneration.* The non-uniformed personnel of the PNP shall be provided with benefits and welfare services, to include but not limited to the following: [*Labor and Social Legislation; Magna Carta of Public Health Workers; PD on CIS agents*]

a) ***Normal Hours of Work.*** The normal hours of work of any NUP shall not exceed more than eight (8) hours a day or forty (40) hours a week. Hours worked shall include: a) all the time during which NUP is required to work or to be at a prescribed workplace; and b) all the time during which NUP is permitted to work.

b) ***Overtime Work***. Where the exigencies of the service so required, any non-uniformed personnel may be required to render service beyond the regular eight (8) hours a day: *Provided*, That they shall be paid additional compensation in accordance with the existing laws: *Provided, further*, That the total additional compensation shall not exceed fifty (50%) percent of the basic pay.

c) ***Longevity Pay***. Non-uniformed personnel, regardless of their unit of assignment, shall be entitled to a longevity pay of ten (10%) percent of their basic monthly pay for every five (5) years of continuous, efficient, and meritorious service in the government, which shall be computed from the date of his original appointment in the government service: *Provided*, That the maximum longevity pay shall not exceed fifty percent (50%) of the basic monthly pay.

d) ***Compensation for Rest Day, Saturday and Sunday, or Holiday***. Non-uniformed personnel shall be paid his/her regular daily wage even during regular holidays. Any personnel who is required or permitted to work on a regular holiday or in any special public holiday, local or national, shall be paid a compensation equivalent to twice his/her regular rate. [*Art. 93 & 94, Labor Code*]

e) ***Hazard Pay***. In specific assignments where they are exposed to occupational hazards unusual to peacekeeping, crime prevention and investigation activities and established to be peculiar to any given area or place of assignment, as determined by the PNP, non-uniformed personnel shall also be compensated with a special hazard pay equivalent to at least twenty five (25%) percent of his/her monthly basic salary.

h) ***Medical and Dental Services***. An annual compulsory medical examination shall be provided free of charge to non-uniformed personnel during their tenure of employment. Non-uniformed personnel shall be accorded with free medical and dental services, *Provided*, That the cost shall be included as automatic appropriation in the PNP annual budget.

D. Fund Appropriation

SEC. 35. ***Fund Appropriations***. To ensure the effective implementation of the provisions of Chapter Two and Three under this Title, the Congress shall include such necessary funding necessary to support the foregoing provisions in the PNP annual appropriations.

TITLE III
PNP DEVELOPMENT PROGRAM

Chapter One
Career and Personnel Development

SEC. 36. ***Organizational Career Planning and Management Plan***. To hasten professionalization of the police service, two separate and distinct organizational career planning and development system shall be established by the NAPOLCOM, in consultation with the PNP. One system shall solely center on the uniformed personnel, police commissioned and police non-commissioned officer. The other system on the non-uniformed personnel of the PNP.

In view of the distinctive nature of their work and of the need to provide equitable opportunities for professional advancement of the PNP members thereof in relation to PNP line personnel, the following sub-groups in the PNP shall have distinct career management and development programs: Professional Technical Personnel, such as but not limited to the members of the Legal, Health, Engineering, Chaplain and Criminology Services; and Internal Affairs Service Personnel. [*Pursuant to the provisions of Sec. 45, RA 8551*].

The comprehensive organizational career planning and development system shall include provisions on merit promotions, performance evaluation, in-service training, overseas and local scholarships, training grants, incentive award system, and such other similar services and human resource development interventions, including programs on the job training, counseling, coaching, job rotation, secondment, job swapping, etc.

SEC. 37. *Sustaining the Professionalization of the PNP*. To sustain the professionalization of police personnel, training shall be done intensively and extensively. For this purpose, regional training academies shall be established and directly managed by the Regional Commanders as part of their mandate to train all police personnel within a given region.

SEC. 38. *Local Training Programs*. The PNP shall establish and maintain continuing local training programs aimed at enhancing the professional growth of PNP personnel. Such local training programs, undertaken in coordination with other governmental and non-governmental agencies, shall provide managerial; technical; administrative and operational courses such as logistics and fiscal management, including training on professional services and criminal procedures. [*Based on p. 30, MTDP*]

SEC. 39. ***In-service Training***. The PNP shall regularly conduct enhancement programs and in-service training programs aimed towards the development of the skills of PNP personnel and the improvement of their capabilities. All uniformed personnel assigned at the station levels shall be given preference in the entitlement to such programs.

Such in-service training programs provided for in this section shall include, but not be limited to, Police Rookies Orientation; Specialized Courses on Investigation, Traffic Enforcement, and Drug Enforcement; Gender Sensitivity Training; and Firearms Proficiency. [*Based on pp.30-31, MTDP*]

SEC. 40. ***Moral Recovery Programs.*** To develop in each member a strong moral fiber, the PNP shall conduct Moral Recovery Programs which shall primarily focus on the PNP Code of Professional Conduct and Ethical Standards. [*Based on p. 31, MTDP*]

SEC. 41. ***Physical and Mental Fitness Programs.*** The PNP shall formulate policies and guidelines on physical fitness and sports development programs and shall conduct periodic physical fitness test among its personnel.

For the purpose of ensuring the physical and mental health, as well as the non-use of prohibited drugs, the PNP, in coordination with the NAPOLCOM-accredited government hospital, shall conduct regular psychiatric/psychological, drug, and physical tests randomly and without notice.

Chapter Two
Performance Evaluation

SEC. 42. ***Performance Evaluation System.*** There shall be established a performance evaluation system which shall be administered in accordance with the rules, regulations and standards, and a code of conduct promulgated by the Commission for members of the PNP. Such performance evaluation system shall be administered in such a way as to foster the improvement of individual efficiency and behavioral discipline as well as the promotion of organizational effectiveness and respect for the constitutional and human rights of citizens, democratic principles and ideals and the supremacy of civilian authority over the military.

Chapter Three
Promotion System

SEC. 43. ***Rationalized Promotion System.*** There shall be a system of promotion for uniformed and non-uniformed personnel of the PNP which shall be based on merits and fitness on the available vacant positions in the PNP staffing pattern. Such system shall be gender fair and shall ensure that women members of the PNP shall enjoy equal opportunity for promotions as that of men. [*Modification of RA 8551*]

It shall further be observed that:

(a) No member of the PNP shall be eligible for promotion to the next higher rank position unless he had successfully passed a corresponding promotional examination. He must have completed the required schooling and training relevant to said position, based on approved NAPOLCOM Resolutions and other relevant laws;

(b) The pendency of any administrative or minor criminal or civil case arising from service-related acts or omissions before any court, body or tribunal shall not be a bar for promotion or assignment.

(c) Uniformed personnel assigned in remote areas shall be given priority in promotion or assignment to better areas after exhibiting satisfactory performance of his duties. Their tour of duties in remote areas shall not exceed two (2) years, except when the exigency of

their assignment is involved, when there are no positions for their transfer, or when they prefer to stay in such posts in excess of two (2) years.

TITLE IV
DISCIPLINARY MEASURES

SEC. 43. ***Disciplinary Mechanisms***. The PNP shall have its disciplinary mechanisms and its disciplining powers shall be exercised by legitimate disciplinary authorities as provided for in Republic Act No. 6975, Republic Act No. 8551 and other pertinent laws and regulations.

SEC. 86. ***Safeguards in Disciplinary Procedures***. In every disciplinary proceeding, the uniformed PNP personnel shall have:

a) The right to be informed in writing of the charges against him;

b) The right to pre-charge investigation in administrative cases;

c) The right to full access to the evidence in the case;

d) The right to defend himself or to be defended by a representative of his own choice or his organization. Adequate time shall be afforded for the preparation of his defense;

e) The right to confront witness presented against him and summon witness in his behalf including the right to cross-examination;

f) The right to appeal to designated authorities;

g) The right to claim reimbursement for the reasonable expenses incurred in his defense in cases of exoneration or dismissal of charges;

Such other rights as will ensure fairness and partiality during the proceedings.

SEC. 87. ***Prohibition against Discrimination***. Unless otherwise expressly provided by this Act, existing laws and pertinent rules and regulations, the enjoyment of privileges, rights and welfare benefits afforded to the PNP personnel shall not be affected by gender, civil status, religious or political belief, ethnic group to which one belongs.

SEC. 88. ***Complaints and Grievances***. Every PNP personnel shall have the right to present his complaints and grievances to his superior officers for the immediate redress thereof. The exercise of this right shall not be used as a ground for discrimination nor as bar for the exercise of other privileges, rights, and benefits afforded by law.

TITLE V
DISABILITY AND DEATH BENEFITS

SEC. 62. ***Entitlement.*** The heirs and dependents of a PNP personnel shall be entitled to all benefits relative to the member's death and/or disability, as provided in this Act and other existing laws.

SEC. 63. ***Compensation for Physical and Mental Injuries Sustained in the Course of Duty.*** A PNP personnel shall be protected against the consequences of employment injuries. Physical and psychological stresses affecting the health condition of the personnel shall be recognized as compensable occupational disease in accordance with existing laws.

SEC. 64. ***Permanent Physical Disability.*** A uniformed member who incurs a total permanent disability in the line of duty and has rendered a total of twenty (20) years of continuous active duty in the police service shall be compulsorily retired: *Provided,* That upon his compulsory retirement, he shall be entitled to the payment of a retirement pay equivalent to one and one-fourth (1¼) month base pay for every year of service or a fraction thereof, computed based on the next higher rank and longevity pay based on the last permanent grade he holds.

SEC. 65. ***Disability Benefits.*** Any member and his dependents shall be entitled to all benefits relative to the member's permanent incapacity, as may be provided for under this Act or other existing laws.

SEC. 58. ***Uniformed Member Missing in Action.*** Any uniformed member who is officially confirmed to be missing in action while in the performance of his duty or by reason of his being a member of the police service or is kidnapped or captured by the enemy shall be entitled to receive or be credited in his account the same pay and allowances and other benefits to which he is entitled at the time of the incident which gave rise to his disappearance or capture: *Provided,* That should it be known later that his disappearance was not on the occasion of a legitimate police activity or without any authority, whatever salary and allowances and other benefits received by him or his immediate heirs, relatives, and dependents in accordance with this Act and other existing and relevant laws shall be returned to the PNP.

SEC. 59. ***Payment of Salary and Allowances to the Heirs, Relatives and Dependents of the Uniformed Member Who is Missing in Action.*** In case any uniformed member has been officially declared as missing in action under the circumstances enumerated under the preceding section, the PNP Chief shall direct the payment of the missing uniformed member's monthly salary and allowances and other emoluments to his heirs, relatives and dependents for their support for a period of one (1) year from the time of his reported disappearance or capture by the enemy as the case may be. A member who is officially declared missing in action as adjudicated by the NAPOLCOM shall be presumed dead for all legal intents and purposes after a period of four (4) years from the date of his reported disappearance or capture.

SEC. 60. ***Finding of Death and Termination of Payment of Salary and Allowances.*** Upon the termination of the one (1) year period as specified in the preceding section, the missing uniformed personnel shall be automatically terminated. In the event said personnel shall thereafter be found to have been alive and is not entitled to the benefits paid under the

preceding sections, said benefits shall be reimbursed to the State within six (6) months from the discovery of the fact or his reappearance. However, if his continued disappearance was fraudulent or made in bad faith, he shall, together with his co-conspirators, be prosecuted according to law. [*Sec. 80 RA 6975*]

TITLE VI
FINAL PROVISIONS

SEC. 91. ***Implementing Rules and Regulations***. The NAPOLCOM shall formulate and prepare the rules and regulations necessary to implement the provisions of this Act. All rules and regulations so formulated shall be liberally construed in favor of the PNP member so as to give him the greatest degree of benefits that can be derived from this Act. Rules and regulations implementing this Act shall take effect fifteen (15) days after publication in a paper of general circulation or through any other means the NAPOLCOM shall deem sufficient in order to give notice to the general public.

SEC. 92. ***Budgetary Estimates***. The PNP Chief shall submit to Congress, through the DILG Secretary, the annual budgetary estimates to implement the provisions of this Act which shall be included in the General Appropriations Act. In no case shall the budget implementing this Act allotted for a given fiscal year be less than that of the previous fiscal year.

SEC. 93. *Separability Clause*. In the event that any portion or provision of this Act be declared unconstitutional, the validity and effectivity of the other provisions of this Act shall not be affected.

SEC. 94. *Repealing Clause*. All laws, decrees, executive orders, rules and regulations and other issuances inconsistent with this Act are deemed repealed, amended, or modified accordingly.

SEC. 95. *Effectivity*. The provisions of this Act shall take effect after fifteen (15) of completion of publication in a newspaper of general circulation.