

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Diliman, Quezon City

THIRTEENTH CONGRESS
First Regular Session

HOUSE BILL NO. 1451



Introduced by
HON. MAURICIO G. DOMOGAN

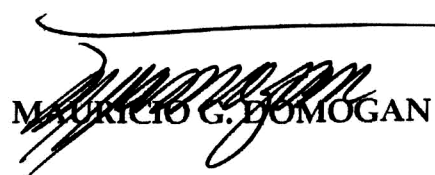
EXPLANATORY NOTE

The socio-economic development of a country depends on peace and order. Peace and order depends on the effectiveness of the Philippine National Police. The effectiveness of the Philippine National Police depends on the National Police Commission which polices the former.

The awesome responsibility of socio-economic development rests, in a way, on the shoulders of the Commission. To this end, the Commission should be developed.

In recent months, it has been dramatically demonstrated that the political will of the Commission has resulted in the purging of the ranks of the PNP of incompetent and abusive police officers from the lowest rank to the top generals. The Commission can do even more but it needs the help of Congress to give its full support by enacting a law that would ensure the enhanced quality and success of the Commission and the PNP.

Your approval of this measure is enjoined.


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**AN ACT PROVIDING FOR THE REORGANIZATION OF THE NATIONAL POLICE
COMMISSION AND FOR OTHER PURPOSES**

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

1 **SECTION 1. Title.** – This Act shall be known as the “National Police Commission Act of 2004.”

2 **SEC. 2. Declaration of Policy and Principles.** – It is hereby declared to be the policy of the State to
3 concretize the abstract description of the police system as enunciated in Section 6, Article XVI of the
4 Constitution, in order to preclude any equivocal statutory construction thereof. The provision that
5 states that the National Police Commission shall administer and control the Philippine National Police,
6 which is national in scope and civilian in character, should be construed within the context of the letter
7 and the intent of the Constitution. The police for shall neither be absolutely national, nor absolutely
8 local in scope. “Scope” is hereby defined as “the range of operation.” While the Constitution speaks of
9 a national range of operation, it at the same time stipulates that the local executives shall exercise a
10 degree of authority over the same police force as far as their respective localities are concerned. Local
11 executives include both governors and mayors.

12 The National Police Commission shall strike a delicate balance between national and local in
13 line with the constitutional mandate for the Commission to control and supervise the whole police
14 system. “Control” is hereby defined as the right “to restrain, direct, influence, dominate, rule.” The
15 Commission shall be the unifying element between the national and local components.

16 **SEC. 3. Reorganization and Composition of the National Police Commission.** – To effectively
17 discharge the functions in the Constitution and statutes, there is hereby reorganized a National Police

1 Commission, a collegial body under the Office of the President of the Philippines composed of a
2 Chairman and four (4) regular members. The Chairman and members shall possess the qualifications
3 enumerated under Section 13 of R.A. No. 6975, otherwise known as the "Department of the Interior
4 and Local Government Act of 1990," which shall remain in full force and effect.

5 **SEC. 4. Duties and Authority.** – The Commission shall take charge of police operations relating to
6 the public safety of the nation, administer the affairs concerning police education, police
7 communication, criminal identification, criminal statistics, and police equipment, as well as coordinate
8 the affairs concerning police administration.

9 In order to perform the duties provided for in the preceding paragraph, the Commission shall
10 supervise, administer, and control the Philippine National Police with respect to the following affairs:

- 11 a. Matters concerning planning and research on various systems relating to the police;
- 12 b. Matters concerning the national budget of the police;
- 13 c. Matters concerning police operations affecting national public safety, such as:
 - 14 1. Matters concerning large scale disaster which may cause general unrest;
 - 15 2. Matters concerning disturbance which may impair provincial tranquility.
- 16 d. Matters concerning the preparation and execution of plans to cope with a state of national
17 emergency;
- 18 e. Matters concerning traffic control on national highways;
- 19 f. Matters concerning international criminal investigation assistance;
- 20 g. Matters concerning international disaster relief activities;
- 21 h. Matters concerning the maintenance and management of police educational facilities and
22 other affairs relating to police education;
- 23 i. Matters concerning the maintenance and management of police communication facilities
24 and other affairs relating to police communication;
- 25 j. Matters concerning the maintenance and management of criminal identification facilities
26 and other affairs relating to criminal identification;
- 27 k. Matters concerning criminal statistics;
- 28 l. Matters concerning police equipment;
- 29 m. Matters concerning police examinations, both entrance and promotional;

- 1 n. Matters concerning standards and attestation of appointment, performance of duties and
2 activities of police personnel;
- 3 o. Matters concerning police administration other than those provided for in the preceding
4 items;
- 5 p. Matters concerning necessary inspection relating to the performance of the functions
6 provided for in the preceding items;
- 7 q. Matters concerning PNP organizational structure and staffing pattern.

8 In addition to those provided for in the preceding paragraph, the Commission shall take charge
9 of the affairs which fall under its jurisdiction pursuant to the provisions of related laws, ordinances,
10 rules and regulations.

11 **SEC. 5. Rank, emoluments and designations.** – The Chairman of the Commission shall have a rank
12 equivalent to a Secretary of a Department and shall have the salary and benefits corresponding thereto.
13 The members shall have the rank, salary and benefits of an Undersecretary.

14 The Chairman shall likewise be the Executive Officer and shall preside and represent the
15 Commission.

16 The Chairman shall designate from among the Members of the Commission the Vice-Chairman.

17 **SEC. 6. Appointment of Members of the Commission.** – The members of the Commission shall be
18 appointed by the President of the Philippines.

19 **SEC. 7. Term of Office of Members.** – The term of office of each member shall be seven (7) years
20 without reappointment. A member filling a vacancy shall remain in office during the rest of the term
21 of office of his or her predecessor.

22 **SEC. 8. Dismissal of Members.** – A member of the Commission may be dismissed for cause as
23 provided for by law.

24 **SEC. 9. Performance of Duty by Members of the Commission.** – The provisions of R.A. 6975, as
25 amended by R.A. 8551, shall be applied *mutatis mutandis*, to the performance of duty of members of the
26 Commission.

27 No member of the Commission shall become concurrently an employee of another national or
28 local agency of the government.

1 No member of the Commission shall become an executive member of a political party or any
2 other political body, or shall actively engage in political movements.

3 **SEC. 10. Meetings of the Commission.** – The Commission shall be convened by the Chairman.

4 The Commission shall neither be convened nor shall it make any decisions unless the Chairman
5 and not less than two (2) regular members of the Commission are present.

6 The proceedings of the Commission shall be decided by the majority of regular members who
7 are present, and in case of a tie, it shall be broken by the vote of the Chairman.

8 In case the Chairman is unable to perform his duties, the Vice-Chairman shall take over the
9 duties and responsibilities of the Chairman.

10 **SEC. 11. Expiration of the Terms of Office of the Incumbent Commissioners.** – Upon the effectivity of
11 this Act, the Commissioners whose term of office has not expired may be allowed to continue serving
12 the Commission until the expiration of their term of Office.

13 **SEC. 12. Ex-Officio Member.** – The Chief of the Philippine National Police shall be an ex-officio
14 member of the Commission and shall participate in the deliberations of the Commission. He shall
15 receive no compensation but shall be entitled to reimbursement of actual expenses incurred in the
16 performance of his duties.

17 **SEC. 13. Organizational Restructuring.** – The Internal Affairs Bureau shall be subsumed under the
18 Commission and shall be the disciplinary arm thereof with powers to investigate and adjudicate
19 administrative cases filed before it. The powers, functions, and organizational structure of the Internal
20 Affairs Service as provided for under R.A. 8551 are hereby adopted to form part of this Act. All the
21 personnel of the current IAS, as well as the inspection, Monitoring and Investigation Service of the
22 Commission shall be absorbed as members of the new IAS.

23 The Commission shall consist of the following:

24 a. Commission Proper – composed of the offices of the Chairman and four (4) regular
25 members;

26 b. Staff Services – the Staff Bureaus of the Commission, be headed by Assistant
27 Commissioners, which shall be the following:

28 1. The Crime Prevention, Planning and Research Bureau – which shall provide
29 technical services to the Commission in areas of overall policy formulation, strategic

- 1 and operational planning, management systems or procedures, evaluation and
2 monitoring of the Commission's programs, projects and internal operations, and
3 shall conduct thorough research and analysis on social and economic conditions
4 affecting peace and order in the country including criminological researches and
5 studies, formulate a national crime prevention plan; develop a crime prevention and
6 information program and provide editorial direction for all criminology research
7 and crime prevention publications;
- 8 2. The Legal Affairs Bureau - which shall provide the Commission with efficient
9 service as legal counsel of the Commission; draft or study contracts affecting the
10 Commission and submit appropriate recommendations pertaining thereto; and
11 render legal opinions arising from the administration and operation of the
12 Philippine National Police and the Commission;
- 13 3. The Personnel and Administrative Bureau -- which shall perform personnel
14 functions for the Commission, administer the entrance and promotional
15 examinations for policemen, provide the necessary services relating to records,
16 correspondence, supplies, property and equipment, security and general services,
17 and the maintenance and utilization of facilities, and provide services relating to
18 manpower, career planning and development, personnel transactions and employee
19 welfare including the conduct of continuous inspection and management audit of
20 personnel, facilities and operations at all levels of command of the Philippine
21 National Police, and monitor the implementation of the Commission's programs and
22 projects relative to law enforcement;
- 23 4. The Installations and Logistics Bureau - which shall review the Commission's plans
24 and programs and formulate policies and procedures regarding acquisition,
25 inventory, control, distribution, maintenance and disposal of supplies and shall
26 oversee the implementation of programs on transportation facilities and installations
27 and the procurement and maintenance of supplies and equipment;
- 28 5. The Financial Bureau - which shall be responsible for the Commission's financial
29 matters, including the overseeing of the processing and disbursement of funds

1 pertaining to the scholarship program and surviving children of deceased and/or
2 permanently incapacitated personnel; and

3 6. Internal Affairs Bureau - which shall be tasked as the disciplinary arm of the
4 Commission with powers to investigate and adjudicate administrative cases filed
5 before it, including the monitoring and investigation of police anomalies and
6 irregularities. The powers and functions and organizational structure of the current
7 Internal Affairs Service, as provided for in R.A. 8551, is hereby adopted to form part
8 of this Act: *Provided*, that all the current personnel of the IAS, as well as the
9 Inspection, Monitoring and Investigation Service of the Commission shall be
10 absorbed as members of the IAB.

11 c. Appellate Bodies - the National Appellate Board and Regional Appellate Boards, as
12 constituted under R.A. 6975, as amended, shall retain their functions. All their decisions are
13 appealable to the Commission.

14 **SEC. 14. *Regional, Provincial and District Offices.*** - The Commission shall establish, operate and
15 maintain regional, provincial and district offices to be headed by regional, provincial and district
16 directors, respectively, who shall implement the policies and programs of the Commission in their
17 respective offices.

18 **SEC. 15. *Qualification of Regional, Provincial and District Directors.*** - The qualifications of regional,
19 provincial and district directors shall be established in the Implementing Rules and Regulations of this
20 Act.

21 **SEC. 16. *Career Development and Incentives*** - Personnel of the Commission shall in addition to
22 other allowances authorized under existing laws be granted occupational specialty pay equivalent to
23 fifty percent (50%) of their basic pay. This shall not be considered as a forfeiture of other remuneration
24 and allowances which are allowed under existing laws.

25 **SEC. 17. *Relationship of the Commission and Local Government Units.*** - The Mayor, as deputy of the
26 Commission, shall have the authority to order the Chief of Police in a way he sees fit in order to ensure
27 the peace and order in his locality. The Chief of Police is duty bound to obey the legitimate orders of
28 the Mayor. However, should the mayor attempt to abuse his authority, as when he attempts to make
29 the police his private army or when he fails to maintain peace and order in his locality, then the

1 Commission shall withdraw the deputization of the mayor and forthwith order the Chief of the PNP to
2 place the municipality or city concerned under the control of the Governor.

3 The Governor, as deputy of the Commission, shall have the authority to command the
4 Provincial Director in a way he sees fit to ensure the peace and order in the locality under the control of
5 the governor. The provincial director is duty bound to obey the legitimate orders of the governor.
6 However, should the governor attempt to abuse his authority or fails to maintain peace and order in
7 the locality concerned, then the Commission shall withdraw the deputization of the governor and
8 forthwith order the Chief of the PNP to have the Provincial Director restore peace and order in the
9 locality concerned, until such time that the Commission sees fit to give back the power to the Mayor or
10 after a new Mayor shall have been elected.

11 **SEC. 18. *Implementing Rules and Regulations.*** - The Commission shall promulgate rules and
12 regulations for the effective implementation of this Act. Such rules and regulations shall take effect
13 upon their publication in three (3) newspapers of general circulation.

14 **SEC. 19. *Appropriation.*** - For purposes of underwriting the operations of the Commission, the
15 sum of PESOS: _____ (P_____) or so much thereof as may be necessary is
16 hereby appropriated out of any funds in the National Treasury not otherwise appropriated, to include
17 the present appropriations of the Commission. Thereafter, such amount as is necessary to carry out the
18 provisions of this Act shall be included in the annual General Appropriations Act.

19 **SEC. 20. *Penal Clause.*** - Any person who, in violation of the provisions of this Act and/or Civil
20 Service rules and regulations, unduly interferes in the execution thereof shall be punished with
21 imprisonment of not less than six (6) months but not more than six (6) years.

22 **SEC. 21. *Repealing Clause.*** - The provisions of R.A. 6975 and R.A. 8551, as well as executive
23 orders, rules and regulations, inconsistent with this Act are hereby repealed or modified accordingly.

24 **SEC. 22. *Separability Clause.*** - Should any part or provision of this Act be held invalid or
25 unconstitutional, no other part, section or provision shall be affected thereby.

26 **SEC. 23. *Effectivity Clause.*** - This Act shall take effect after its complete publication in at least
27 three (3) newspapers of general circulation.

Approved.