

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City, Metro Manila



THIRTEENTH CONGRESS

First Regular Session .

HOUSE BILL NO. 1906

Introduced by **HON. AMADO T. ESPINO, JR.**

**MAGNA CARTA OF
PHILIPPINE NATIONAL POLICE**

EXPLANATORY NOTE

At a time when peace and order in our country is the primordial concern of every Filipino, the government should focus its attention into ensuring public safety through an effective and efficient police force. Having that as an objective, the national government must realize the delivery of an adequate organizational and operational support to the PNP personnel that would address the various obstacles that the present system is encountering.

This bill clearly defines the basic rights and privileges as well as the salaries and benefits that should rightfully accrue to the general membership of the PNP. Provisions for programs on continuous education and training are also included all geared towards the development of a professional PNP.

Some of the significant provisions of the bill include the following: streamlining and downsizing of the PNP organization, establishment and maintenance of a continuous PNP Development Programs, redefinition and clarification of the duties and responsibilities of police officers and the grant of basic rights to the PNP personnel.

In view of its importance immediate approval of this bill is urgently requested.


AMADO T. ESPINO, JR.

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

Chapter 1

General Provisions

SECTION 1. *Short Title* – This Act shall be known as the “Magna Carta of the Philippines National Police”

SEC. 2. *Declaration of Basic Policies and Principles* – It is the policy of the State to promote peace and order, maintain good business environment, support economic growth and ensure public safety through the delivery of effective, efficient, competent, modern, professional, non-partisan police service. It recognizes the vital role of the police service in helping achieve the development of the nation. Toward this end, the State shall promote and protect the physical, mental as well as the emotional, moral, spiritual, intellectual faculties and social well-being of every PNP personnel.

SEC. 3. *Statement of Objectives* – The existing problem that beset the traditional police structure have spawned various grievances from among the ranks of the PNP organization. They believe that the exercise of vast power and wide discretion in the utilization of manpower and material resources, particularly in the areas of promotion, development and grant of opportunities for career advancement are highly concentrated in the hands of a few. Accordingly, these gave rise to widespread discontent, demoralization, professional conflict and jealousy thereby making the police service inept and unresponsive to its missions and functions. Since redress of such legitimate grievances is a fundamental objective of the State, it is imperative to ensure reforms in the PNP organization by bestowing to every police personnel the enjoyment of basic rights and privileges in his/her entire career in the police service and upon retirement thereof.

Thus, the State shall:

- (a) Promote and maintain a rationalized and professionalized career police service; through a highly standardized recruitment and selection process, manpower and in-service training, moral values formation with the grant and prompt utilization of financial and equipment resources;
- (b) Facilitate administrative and financial support to every PNP personnel facing any criminal or civil suit arising from any service-related “act or omission” in the course of the performance of his duty allowed within the limits set by law;
- (c) Promote and develop a rational system of career promotion and advancement based on merit and uniform criteria, applicable to every PNP personnel regardless of mode of entry into the police service;

- (d) Assure the rights of every police personnel to security of tenure, just and humane working condition and the exercise of expressions of legitimate grievances done in good faith without fear of reprisal and retaliation from his/her superior officers;
- (e) Develop and maintain a system which will establish a coordinative, cooperative and functional working relationship with the community and other entities and offices whether public or private. Thus, this will encourage their participation to ensure public safety and maintain peace and order;
- (f) Promote and improve the social and economic well-being of all PNP personnel to the end that they be relieved from undue pressure and corruption;
- (g) Promote and maintain the development of the skills and capabilities of all PNP personnel in order that they will be more responsive and prepared to deliver quality police service; and
- (h) Encourage service-oriented members of the community with sufficient qualifications and exceptional skills to join the PNP and to encourage those already in the PNP to continue serving.

SEC. 4. Coverage – Unless otherwise provided or when the context so otherwise provide, the provisions of this Act shall be applicable to all PNP personnel.

SEC. 5. Statutory Construction – All doubts in the interpretation, construction, and implementation of the provisions of the Act shall be construed in favor of the PNP personnel taking into consideration the intent of the law and with the view of attaining its underlying policies, principles, and objectives.

SEC. 6. Applicability – The Philippine National Police shall be under the auspices of the National Police Commission (NAPOLCOM) which is separate and distinct from the Civil Service Commission. Every PNP personnel shall undergo corresponding police eligibility examination.

All rights, privileges and benefits granted under this ACT shall be equally applied to all members of the PNP, commissioned or non-commissioned officers, except as may be provided therein.

Chapter II

Rights, Duties and Responsibilities

SEC. 7. Rights – Every PNP personnel is guaranteed to enjoy:

- a) The right to equal opportunity in promotion and assignment. Every police officer shall have uniform requirements for the advancement of his/her career in the PNP; *Provided*, that the right to promotion and other career advancement even during the pendency of an administrative, criminal or civil suit shall be maintained as the mere pendency thereof is not a ground for his disqualification and non-enjoyment of his/her rights and benefits under the law and pertinent rules and regulations;
- b) The right to receive continuing in-service quality education and training programs relevant to the thrust and focus of the police service. These programs shall mold the police officer to become a true “pillar and vanguard” of society;
- c) The right to be provided free legal services when charged with administrative, criminal or civil suit for acts and omissions committed directly or indirectly in the lawful discharge of his/her police duties; *Provided*, that the Philippine National Police upon the recommendation of the PNP Board shall shoulder all the necessary expenses incurred for the legal defense of any member who has been charged for any of the above duty-related acts or omissions before any court, body or tribunal. They shall have the right to equal protection and be accorded due process in said proceedings;

d) The right not to be discriminated upon against assignments, promotions, receipts of merits and commendations, enjoyment of study grants; and other health and educational benefits. He should further enjoy all rights, privileges and benefits available in the police service regardless of the institution he/she graduated from, and/or by any reason of his/her age, sex, ethnicity, social affiliation, and religion;

e) The right to present his complaints and grievances to his/her superior officer for the immediate redress thereof;

f) The right to be secured in his present position or designation in a given place of assignment. If the order of one's relief from his/her present position or designation is onerous and not based on the exigency of the service, he/she may file redress to proper authorities; *Provided*, That no police officer shall be relieved, transferred or reassigned to any place of assignment based upon personal or collective biases and abusive practices of superior officers;

g) The right to join legitimate and recognized organization or institution that will truly enhance and promote the exercise of his/her duties and responsibilities;

h) The right to undertake other activities designated to enhance and develop his/her well-being as a person with dignity and as an exemplar to society;

SEC. 8. Duties and Responsibilities – Every officer and member of the Philippine National Police shall:

- a) Abide with the provisions of the PNP Code of Conduct and Ethical Standards;
- b) Either collectively or individually, exert effort to carry-out duties and responsibilities in the most professional manner and within the bounds of law;
- c) Implement the missions, tasks and functions without fear of reprisal, adverse criticism, expectation of monetary reward, promotion in rank, receipt of merits and recommendations;
- d) Remain apolitical and give loyalty and cooperation only to the legitimate leadership;
- e) Develop potentials by undergoing continuing educational training relevant to the position in the service and/or police occupational skill;
- f) Uphold the dignity and prestige of the Service;
- g) Promote and maintain the stability of the service by observing the PNP hierarchy, respecting the rank and position of every member, practicing the written and unwritten customs and traditions pertaining to the mode of discipline and observing harmonious working relationship with fellow members of the police service and other members of the government bureaucracy, as well as the private communities;
- h) Exercise the bestowed rights, duties and obligations with responsibility for any breach or violation of public trust;
- i) Assume responsibility and accountability to respect and protect human dignity and others rights to life, liberty and property.
- j) Uphold the constitutional rights of the accused and of detained persons suspected for the commission of a crime;
- k) Avoid any direct or indirect engagement or involvement in partisan politics or any political activity;
- l) In the performance of his duty, adhere to the Rules of Engagement; and

- m) Promote gender sensitivity and development.

SEC. 9. *Performance and Evaluation System* – A uniform and equitable performance and evaluation system for all PNP personnel shall be established and administered by the National Police Commission and the Philippine National Police. Such system shall be administered with the aim of inculcating professionalism, efficiency and discipline to every member of the police service. The accomplishment of tasks and mission shall always be subordinated to the constitutional and human rights of an individual.

SEC. 10. *Promotions* – A merit system and promotion program shall be established within six (6) months upon approval of this Act, subject to the approval of NAPOLCOM. This merit system and promotion program shall be uniformly and equitably applied to all uniformed member of the Philippine National Police. It shall further be observed that:

- a) No member of the Philippine National Police shall be eligible for promotion to the next higher rank position unless he/she has passed the corresponding examinations for promotion, completed the required schooling and training relevant to said position and other pertinent requirements of the NAPOLCOM.
- b) The pendency of any administrative or criminal or civil case, however minor, arising from service-related act or omission before any court, body or tribunal shall not be a bar for promotion or assignment; and
- c) Special or meritorious promotion shall be extended to any member of PNP for acts of inconspicuous courage and gallantry at the risk of his/her life beyond the call of duty.

Chapter III

Hours of Work, Remuneration, Welfare, Health Measures and Injuries Benefits

SEC. 11. *Duty Hours* – PNP personnel shall render an eight-hour daily service duty; *Provided*, That if exigencies of the service so require, any member is mandated to render an additional two-hour service without payment of additional compensation. When a PNP personnel is required to render an actual service beyond or in excess of the initial ten-hour period, in accordance with accounting and auditorial requirements, he/she shall be entitled to an additional compensation equivalent to the regular hourly rate but not more than 50% percent of the said personnel's basic pay.

SEC. 12. *Salary Scale* - The PNP shall have a salary scale separate and distinct from the other agencies of government. The said salary scale shall provide for a gradual progression from a minimum to a maximum salary by means of regular increments granted automatically after (3) years. The progression from the minimum to the maximum of the salary scale shall not exceed over a period of ten (10) years.

SEC. 13. *Criteria for Salaries* – The salary of PNP personnel shall correspond to the following criteria;

- a) comparably equal to those paid in other occupations or professions requiring equivalent or similar qualifications, training and abilities regardless of rank positions;
- b) the personnel with a lowest rank and position shall receive a minimum salary that is reasonable and decent for a police officer; and
- c) 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.

SEC. 14. Cost of Living Allowance – The salary of PNP personnel shall keep pace with the rise in the cost of living which shall automatically follow changes in cost-of-living index jointly determined and established by the NAPOLCOM in consultation with appropriate government agencies.

SEC. 15. Special Hardship Allowance and Combat Pay - Where a police officer is exposed to hardship and in combat situation or other hazards usual 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/she shall be compensated special hardship allowance or combat pay equivalent to at least forty (40%) percent of his/her monthly basic salary.

SEC. 16. 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 service in the government, which shall be computed from the date of the personnel's first appointment in the government service; Provided, That the maximum longevity pay shall not exceed fifty (50%) percent of the basic monthly pay.

SEC. 17. Salary and Other Emoluments - Salary and other emoluments shall be released on time and without undue delay.

SEC. 18. Medical Health Care Program - There shall be a medical health care program for PNP personnel, non-uniformed personnel and their direct dependents including parents and parents-in-law. Said medical health care program may be government-operated or a consortium of government and private health management organization.

SEC. 19. Educational Benefit - The PNP shall formulate plans to improve the educational qualifications of policemen and their dependents in accordance with existing laws and rules and regulations and/or, in the absence thereof, shall recommend to legislative bodies the enactment thereof.

SEC. 20. Compensation for Physical and Mental Injuries Sustained in the Course of Duty – PNP personnel shall be protected against the consequences of employment injuries thereby recognizing physical as well as psychological stresses as compensable occupational diseases, in accordance with existing laws.

SEC. 21. Permanent Physical Disability – PNP personnel who incurs a total permanent disability in 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/her compulsory retirement, he/she shall be entitled to the payment of a retirement pay equivalent to one and one-half 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/she held.

SEC. 22. Disability Benefits – PNP personnel and their legal dependents shall be entitled to all benefits relative to the personnel's permanent incapacity, as may be provided for under this Act or other existing laws.

SEC. 23. Leaves – In addition to leave privileges enjoyed under existing laws, PNP personnel shall be entitled to study leave not exceeding one (1) year with pay; *Provided*, that no grantee shall be allowed to accumulate more than one (1) year of study leave except when he/she needs an extra semester to complete and defend his/her thesis for a graduate study in a degree relevant to his/her profession.

An indefinite sick leave of absence shall be granted to an ailing personnel whose medical treatment requires more than one (1) year of continued treatment.

Retirement and Death Benefits

SEC. 24. Retirement in the Next Higher Rank – Uniformed members, for the purpose of retirement pay, shall be retired one (1) rank higher than the last permanent rank held.

SEC. 25. Retirement Benefits – Monthly retirement pay shall be fifty (50%) percent 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 police service, increasing by two and one-half (2-1/2%) percent for every year of active police service rendered beyond the initial twenty (20) years to a maximum of ninety (90%) percent for thirty-six (36) years of active police service and over. *Provided, further,* That the payment of the lump sum shall be made within six (6) months from the effectivity date of his/her 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 /her 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 prejudicial to the interest of the service as defined by existing laws; *Provided,* finally, That the retirement pay of all uniformed members shall be subject to adjustment to the prevailing scale of base pay of members still in the active service.

SEC. 26. Death Benefits – A uniformed personnel's heirs and legal dependents shall be entitled to all benefits relative to the former's death, as provided in this Act and other existing laws.

SEC. 27. Uniformed Member Missing-in-Action – Any uniformed personnel who is officially confirmed to be missing-in-action while in the performance of duty or is kidnapped or captured by the enemy shall be entitled to receive pay and allowances and other benefits to which he/she is entitled at the time of the incident; *Provided,* That should it be known later that his/her 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/her or his/her immediate heirs and legal dependents in accordance with this Act and other existing and relevant laws shall be reimbursed in favor of the PNP.

SEC. 28. Payment of Salary and Allowances to Heirs and Legal Dependents of Missing-in-Action Uniformed Personnel – In case any uniformed personnel has been officially declared as missing in action under the circumstances enumerated under the preceding section, the Chief, PNP shall direct the payment of said personnel's monthly salary and allowances and other emoluments to his/her reported disappearance or capture by the enemy, as the case may be. A personnel who is officially declared missing-in-action by the PNP Board shall be presumed dead for all legal intents and purposes after a period of three (3) years from the date of his/her reported disappearance or capture by the enemy.

SEC. 29. Termination of Payment of Salary and Allowances – Upon the termination of the one (1) year period specified in the preceding sections, the missing personnel shall be automatically terminated from the service; *Provided,* That should he/she reappear or be found or recovered, not more than five (5) years from captivity in the hands of the enemy, he/she shall be immediately reinstated into the service and shall regain his/her privileges and his/her case shall be treated as if he was not separated from the service at all. He/she shall be paid the amount equivalent to all the salary, allowances and other emoluments unpaid during his/her period of captivity and absence. However, any death claim benefits paid to his/her heirs and legal dependents under this Act and other existing laws shall be reimbursed in favor of PNP; *Provided,* That the result of the fact-finding investigation conducted relative to his/her disappearance shall not indicate that his/her disappearance was fraudulent, made in faith, not service related and without any authority. When the contrary is established, he/she shall be disqualified from receiving all the salary, allowances and benefits and shall be criminally and administratively prosecuted.

SEC. 30. Additional Welfare Benefits – Subject to the provision of existing laws, and other rules and regulations, the Chief, PNP may formulate and implement welfare schemes that are deemed beneficial to all personnel of the Philippine National Police.

Chapter V

Philippine National Police Day

SEC. 31. National Philippine National Police Day – Consistent with the intent and provisions of this Act, a “National Philippine National Police Day” shall be declared on the day of the enactment of this Act, and thereafter every anniversary to celebrate it.

To ensure a meaningful observance of said day as declared in this Section, the Secretary of the Department of Interior and Local Government (DILG), the Chief of the PNP and the Chairman of the National Police Commission (NAPOLCOM), heads of the various Local Government Units (LGUs), and all PNP personnel shall initiate consciousness awareness campaign programs that will highlight the contributions of the PNP to local as well as national security, peace and order situation and nation-building.

SEC. 32. Declaration of Half Mast – In honor of those PNP personnel who have sacrificed their lives in the service of the country and the people, the PNP shall order the declaration of half mast of all Philippine Flags flown nationwide.

Chapter VI

Amendatory and Final Provisions

SEC. 33. Implementing Rules and Regulations – The NAPOLCOM shall formulate and prepare the rules and regulations necessary to implement the provisions of this Act. The formulated rules and regulations of this Act shall take effect fifteen (15) days after its publication in a newspaper of general circulation.

SEC. 34. Budgetary Estimates – The Chief, PNP shall submit to Congress, through the Secretary of Interior and Local Government, 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. Furthermore, in no case shall budgetary requirements of the entire PNP be pre-conditioned as requirement based on perceived incompetence and inefficiency of the PNP officers and men to meet its mandated functions.

SEC. 35. Separability Clause – Should any portion or provision of this Act be declared unconstitutional, or invalid, any provision not affected thereby shall remain in full force and effect.

SEC. 36. Repealing Clause – All laws, decrees, orders, rules and regulations and other issuances or parts thereof inconsistent with this Act are hereby repealed, amended or modified accordingly.

SEC. 37. Effectivity Clause – This Act shall take effect fifteen (15) days after its publication in at least (20 newspapers of general circulation.

Approved,