

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

THIRTEENTH CONGRESS

First Regular Session

HOUSE BILL NO. 2094



Introduced by HON. AMADO T. ESPINO, JR.

EXPLANATORY NOTE

The socio-economic development of a country depends on the degree of peace and order that is acceptable to investors.

The degree of peace and order, in turn, depends on the effectiveness of the police (Philippine National Police).

Finally, the effectiveness of the police depends on the quality of the agency that polices the police (National Police Commission).

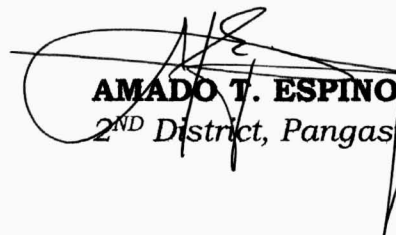
Therefore, it logically follows that the awesome responsibility of socio-economic development rests, in a way, on the shoulders of NAPOLCOM. To this end no stone must be left unturned to develop NAPOLCOM's potential to the fullest. That is the *raison d'etre* of the Bill.

These recent months have dramatically demonstrated the political will of NAPOLCOM wherein even top generals were relieved under command responsibility to the effect that results should be the main criteria in evaluating performance. The NAPOLCOM can do even more, but for this to be fully actualized, the legislature has to give full support by enacting a law that would ensure the enhanced quality and success of NAPOLCOM in policing the police, to the end that the country shall have a degree of peace and order acceptable to investors for the accelerated socio-economic development of the Philippines.

Some of the salient features of the bill includes (1) the placing of the NAPOLCOM under the Office of the President, (2) authorizing the NAPOLCOM to take charge of police operations relating to public safety of the nation and to administer the affairs concerning police education, police communication, criminal identification, criminal statistics and police equipment, (3) providing for the creation of NAPOLCOM District

Offices corresponding to the Congressional districts, (4) the placing of the existing PNP Internal Affairs service (IAS) under NAPOLCOM's Internal Affairs Bureau (IAB), (5) authorizing the Mayor, as deputy of the NAPOLCOM, to order the Chief of Police in a way he sees fit to ensure peace and order in his locality, and (6) authorizing the Provincial Governor, as NAPOLCOM deputy, to command the PNP Provincial Director.

In view of the need to strike a delicate balance between the national and local aspects of the police service, passage of this bill is earnestly requested.



AMADO T. ESPINO, JR
2ND District, Pangasinan

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

THIRTEENTH CONGRESS

Second Regular Session

HOUSE BILL NO. 2094

Introduced by HON. AMADO T. ESPINO, JR.

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

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

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

SECTION 2. *Declaration of Policy and Principles.* – It is hereby declared to be the policy of the State to concretize the abstract description of the police system as enunciated in Section 6, ARTICLE XVI of the 1987 Constitution, in order to preclude any equivocal statutory construction thereof. The provision that states that the National Police Commission shall administer and control the Philippine National Police, which is national in scope and civilian in character, should be construed within the context of the letter and intent of the Constitution. The police force shall be neither absolutely national, nor absolutely local in scope. “Scope” is hereby defined as the “range of operation.” While the Constitution speaks of a national range of operation, it at the same time stipulates that the local executives shall exercise a degree of authority over the same police force as far as their respective localities are concerned. Local executives include both governors and mayors.

The National Police Commission shall strike a delicate balance between national and local in line with the constitutional mandate for NAPOLCOM to “control” the entire police system. Control is hereby defined as “to exercise restraining or directing influence over; to dominate, rule.” The National Police Commission shall be the unifying element between the national and local components.

SECTION 3. *Reorganization and Composition of the National Police Commission.* - To effectively discharge the functions described in the Constitution and statutes, there is hereby reorganized a National Police Commission, a collegial body under the Office of the President of the Philippines composed of a Chairman and four (4) regular members. The Chairman and members shall possess the qualifications enumerated under Section 13 of R.A. No. 6975, which shall remain in full force and effect.

SECTION 4. *Duties and Authority.* - The National Police Commission shall take charge of police operation relating to the public safety of the nation, administer the affairs concerning police education, police communication, criminal identification, criminal statistics, and police equipment, as well as coordinate the affairs concerning police administration.

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

- a. Matters concerning planning and research on various systems relating to the police.
- b. Matters concerning the national budget of the police.
- c. Matters concerning police operation affecting national public safety, such as:
 1. Matters concerning large scale disaster which may cause general unrest;
 2. Matters concerning disturbance which may impair provincial tranquility
- d. Matters concerning the preparation and execution of plans to cope with a state of national emergency;
- e. Matters concerning traffic control on national highways;
- f. Matters concerning international criminal investigation assistance;
- g. Matters concerning international disaster relief activities;

- h. Matters concerning the maintenance and management of police educational facilities and other affairs relating to police education;
- i. Matters concerning the maintenance and management of police communication facilities and other affairs relating to police communication;
- j. Matters concerning the maintenance and management of criminal identification facilities and other affairs relating to criminal identification;
- k. Matters concerning criminal statistics;
- l. Matters concerning police equipment;
- m. Matters concerning police examination, both entrance and promotional;
- n. Matters concerning standards and attestation of appointment, performance of duties and activities of police personnel;
- o. Matters concerning police administration other than those provided for in the preceding items;
- p. Matters concerning necessary inspection relating to the performance of the functions provided for in the preceding items;
- q. Matters concerning PNP organizational structure and staffing pattern.

In addition to those provided for in the preceding paragraph, the National Police Commission shall take charge of the affairs which fall under its jurisdiction pursuant to the provisions of related laws (including ordinances authorized by laws).

SECTION 5. *Rank, emoluments and designations.* – The Chairman of the Commission shall have a rank equivalent to Secretary of the Cabinet and shall have the corresponding salary appurtenant thereto. The members shall have a salary equivalent to that of an Undersecretary.

The Chairman shall be the Executive Officer and shall preside and represent the National Police Commission.

The Chairman shall designate from among the members of the Commission the Vice Chairman.

SECTION 6. *Appointment of Members of the Commission.* – The members of the Commission shall be appointed by the President.

SECTION 7. – *Term of Office of Members.* – The term of office of members of the Commission shall be seven (7) years without reappointment. A member filling a vacancy shall remain in office during the rest of the term of office of his predecessor.

The current members of the Commission may be reappointed by the President.

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

SECTION 9. – *Performance of Duty, etc. of Members of the Commission.* – The provisions of Republic Act No. 6975, as amended by R.A. 8551, shall be applied, *mutatis mutandis*, to the performance of duty of members of the Commission.

No member of the Commission shall become concurrently a personnel in full time service of national or local public entities.

No member of the Commission shall become concurrently a personnel in full time service of national or local public entities.

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

SECTION 10. *Meetings of the Commission.* – The National Police Commission shall be convened by the Chairman of the Commission.

The National Police Commission shall neither be convened nor shall it make any decisions unless the Chairman and not less than two regular members of the Commission are present.

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

In case the Chairman is unable to perform his duties, the acting Chairman provided for in paragraph 3, Section 5, shall perform the

duties of the Chairman provided for in the preceding two paragraphs, and as to counting the quorum to hold the conference and the proceedings provided for in these paragraphs, he shall still be regarded as a member of the Commission.

SECTION 11. *Expiration of the term of office of the current Commissioners.* - Upon the effectivity of this Act, the Commissioners whose term of office has not expired may be allowed to continue serving the Commission until the expiration of their term of Office.

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

SECTION 13. *Organizational restructuring.* - The Internal Affairs Bureau shall be subsumed into the Commission and shall be tasked as the disciplinary arm thereof with powers to investigate and adjudicate administrative cases filed before it. The powers, functions and organizational structure of the current Internal Affairs Service as provided for under R.A. 8551 are hereby adopted to form part of this Act. All the personnel of the current IAS, as well as the Inspection, Monitoring and Investigation Service (IMIS) of the Commission shall be absorbed as members of the new IAS.

The Commission shall consist of the following:

- (a) Commission Proper - This is composed of the offices of the Chairman and four (4) Commissioners.
- (b) Staff Services - the Staff Bureaus of the Commission, which shall be headed by Assistant Commissioners, shall be as follows:
 - (1) The Crime Prevention, Planning and Research Bureau, which shall provide technical services to the Commission in areas of overall policy formulation, strategic and operational planning, management systems or procedures, evaluation and monitoring of the Commission's programs, projects and internal operations; and shall conduct thorough research and analysis on social and economic conditions affecting peace and order in the country including criminological researches

and studies, formulate a national crime prevention plan; develop a crime prevention and information program and provide editorial direction for all criminology research and crime prevention publications;

- (2) The Legal Affairs Bureau, which shall provide the Commission with efficient service as legal counsel of the Commission; draft or study contracts affecting the Commission and submit appropriate recommendations pertaining thereto; and render legal opinions arising from the administration and operation of the Philippine National Police and the Commission;
- (3) The Personnel and Administrative Bureau, which shall perform personnel functions for the Commission, administer the entrance and promotional examinations for policemen, provide the necessary services relating to records, correspondence, supplies, property and equipment, security and general services, and the maintenance and utilization of facilities, and provide services, and the maintenance and utilization of facilities, and provide services relating to manpower, career planning and development, personnel transactions and employee welfare including the conduct of continuous inspection and management audit of personnel, facilities and operations at all levels of command of the PNP, and monitor the implementation of the Commission's programs and projects relative to law enforcement;
- (4) The Installations and Logistics Bureau, which shall review the Commission's plans and programs and formulate policies and procedures regarding acquisition, inventory, control, distribution, maintenance and disposal of supplies and shall oversee the implementation of programs on transportation facilities and installations and the procurement and maintenance of supplies and equipment;
- (5) The Financial Bureau, which shall provide the Commission financial matters, including the

overseeing of the processing and disbursement of funds pertaining to the scholarship program and surviving children of deceased and/or permanently incapacitated PNP personnel; and

- (6) Internal Affairs Bureau, which shall be tasked as the disciplinary arm of the Commission with powers to investigate and adjudicate administrative cases filed before it including the monitoring and investigation of police anomalies and irregularities. The powers and functions and organizational structure of the current Internal Affairs as provided for under R.A. 8551 are hereby adopted to form part of this Act. Provided, that all the current personnel of the IAS, as well as the Inspection, Monitoring and Investigation Service (IMIS) of the Commission shall be absorbed as members of the IAB.

- (c) Appellate Bodies – the National Appellate Board and Regional Appellate Boards, as constituted under R.A. 6975, as amended by R.A. 8551, shall retain their functions. All their decisions shall be appealable to the Chairman.

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

SECTION 15. *Qualification of Regional, Provincial and District Directors.* – The qualifications of regional, provincial and district directors shall be established in the Implementing Rules and Regulations of this Act.

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

SECTION 17. *NAPOLCOM vis-à-vis Local Executives.* – The Mayor, as deputy of the NAPOLCOM, shall have the authority to order the Chief

of Police in a way he sees fit to ensure peace and order in his locality. The Chief of Police is duty bound to obey the legitimate orders of the Mayor. However, should the Mayor attempt to abuse this authority, as when he attempts to make the police his private army or when he fails to maintain peace and order in his locality, then the National Police Commission shall withdraw the deputation of the Mayor and forthwith order the Chief, PNP to place the municipality or city concerned under the control of the Governor.

The Governor, as deputy of the NAPOLCOM, shall have the authority to command the Provincial Director in a way he sees fit to ensure peace and order in the locality under the control of the Governor. The Provincial Director is duty bound to obey the legitimate orders of the Governor. However, should the Governor attempt to abuse this authority or fails to maintain peace and order in the locality concerned, then the NAPOLCOM shall withdraw the deputation of the Governor and forthwith order the Chief, PNP to have the Provincial Director restore, on his own level, peace and order in the locality concerned, until such time that the NAPOLCOM sees fit to give back the power to the Mayor or after a new Mayor shall have been elected.

SECTION 18. *Implementing Rules and Regulations.* – The National Police Commission shall promulgate rules and regulations for the effective implementation of this Act. Such rules and regulations shall take effect upon their publication in three (3) newspapers of general circulation.

SECTION 19. *Appropriation.* – For purposes of underwriting the operation of the reorganized National Police Commission the sum of _____ or so much thereof as may be necessary is hereby appropriated out of any funds in the National Treasury not otherwise appropriated, to include the present appropriations of the National Police Commission. Thereafter, such amount as is necessary to carry out the provisions of this Act shall be included in the annual General Appropriations Act.

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

SECTION 21. *Repealing Clause.* – The provisions of Republic Act Number Six Thousand Nine Hundred Seventy Five (R.A. 6975) and Republic Act Numbered Eight Thousand, Five Hundred Fifty One (R.A. 8551) and of executive orders, rules and regulations, inconsistent with this Act are hereby repealed or modified accordingly.

SECTION 22. *Separability Clause.* – If any part, section or provision of this Act be held invalid or unconstitutional, no other part, section or provision thereof shall be affected thereby.

SECTION 23. *Effectivity.* – This Act shall take effect after its complete publication in at least three (3) newspapers of general circulation.

Approved,