

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

THIRTEENTH CONGRESS
Third Regular Session



EXPLANATORY NOTE

This bill seeks to authorize and empower the Chief of the Philippine National Police to appoint the Provincial Police Director and the PNP Regional Director to appoint the City and Municipal Chief of Police amending for that purpose Section 51 (a) (1) and (b) (4) (I) of Republic Act No. 6975 as amended by Republic Act No. 8551.

In 1966, Congress enacted Republic Act 4864, otherwise known as the Police Act of 1966 to serve as the foundation of the much needed police reforms in the country, creating the Police Commission (Polcom). Since 1966, the Commission had undergone changes in its organizational structure. It was reorganized in 1972 as the National Police Commission (Napolcom). Originally under the Office of the President, it was transferred to the Ministry of National Defense in 1975 by virtue of Presidential Decree 765, known as Police Integration Law. This Decree also established the Integrated National Police (INP) with the Philippine Constabulary (PC) as the nucleus. Ten years later in 1985, it was returned to the Office of the President pursuant to Executive Order No. 1040. Executive Order No. 379 placed the Philippine National Police (PNP) directly under the command, supervision and control of the President. The same Executive Order vested the National Police Commission with the powers of administrative control and supervision over the INP.

Thus, before the PC-INP (Integrated National Police) was born we have two sets of police forces- one was the local or city and municipal police forces and the Philippine Constabulary (PC), which was the national police force. The local police takes care of the day-to-day peace and order functions in their jurisdiction, while the PC took mostly of the bigger or more important issues of enforcing law and order nationwide. The system worked to a certain extent, in the sense that the mayors and local executives were primarily held responsible for the maintenance of order in their respective jurisdictions and were held accountable for it. The local police being employees of the LGUs, if reason and logic serves, were appointed by the mayors and paid for by the LGUs.

With the passage of Republic Act No. 6975 on December 13, 1990, the PNP was established under a reorganized Department of Interior and Local Government (DILG). A new National Police Commission was created for

the purpose of effectively discharging the functions prescribed in the Constitution and provided in the said Act.

On February 25, 1998, Congress passed into law Republic Act No. 8551 otherwise known as "Philippine National Police Reform and Reorganization Act of 1998" thus amending Republic Act 6975. This Act strengthened and expanded the Commission's authority over the PNP.

In spite of the problems that happened in the past, the present system has a two-tiered police force. Thus, it is relevant to consider, that in the implementation of the desire to give the local government executives more control over the police forces, we should examine the provisions of our Constitution, especially Article XVI, Section 6 which states that "The State shall establish and maintain one police force which shall be national in scope and civilian in character to be administered and controlled by a national Police commission. The authority of the local executives over the police unit shall be provided by law". It is obvious, therefore, that under the present Constitution, the authority of the LGU executives over the police may be further strengthened or increased by law, provided that it is short of the power of administration and control which shall be exercised by the National Police Commission.

Section 51 (a) (1) of Republic Act No. 6975 empowers the Provincial Governor to choose the provincial director from a list of three (3) eligibles recommended by the PNP regional director, while Section 51 b (4) (I) of the same Act authorizes city and municipal mayors to choose the chief of police from a list of five (5) eligibles recommended by the provincial police director.

That being the case, there were areas where the local police became the "private armies" of the "political warlords". It is worthy to note that in the past and previous elections several areas became notorious because of the existence of paramilitary men in army shirts. It has been observed that local police become subservient to the whims and caprices of their appointing powers, governors and mayors alike. Instead of fulfilling their duty to guard, serve and protect the people they become the protector of the person who are in position and power. Local police are not enthusiastic to stop illegal activities in their areas, like jueteng, illegal gambling and drugs to name a few, for the reason that these are either operated, connected or protected by the local officials. The present law in effect creates a situation where the local police can be cohorts with whomsoever appointed them in the proliferation and operation of illegal activities. Instead of becoming the guardian of the people they become servants and puppets of the governors and mayors. The above are some of the pitfalls of the present system.

Thus, there is an urgent need to re-examine the power given to governors and mayors to appoint the PNP Provincial Director and City or Municipal Chief of Police respectively.

The effectivity of the Section 51 (a) (1) and (b) (4) (I) of Republic Act No. 6975 continues to be tested in the various situations. Reforms must be accelerated and institutionalized to ensure that the PNP will consistently and effectively function as the enforcers of laws and the protector of the Filipino people. The PNP has a special leadership role in our society because our people look to them for protection against abuse. Furthermore, they must move and live in a manner that will not be a cause for people to doubt their integrity and independence in their political actions. The police force must remain apolitical and not allow themselves to be subverted by the demands of political patrons or economic kinspin. The PNP are guardians of our democracy and protectors of our people.

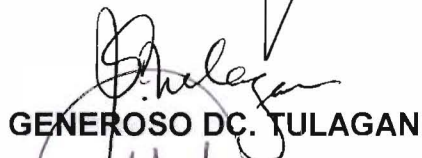
The law is dynamic it is never static, it must be always attuned to the needs of times. We must do the necessary reform to ensure that the evils experienced today will be corrected and the situation improved; that our Philippine National Police will truly function as the servant and protector of the people.



AMADO T. ESPINO, JR.



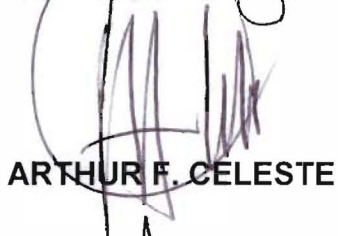
TOMAS M. DUMPIT



GENEROSO D.C. TULAGAN



MANUEL C. ORTEGA



ARTHUR F. CELESTE



LUIS P. BERSAMIN, JR.

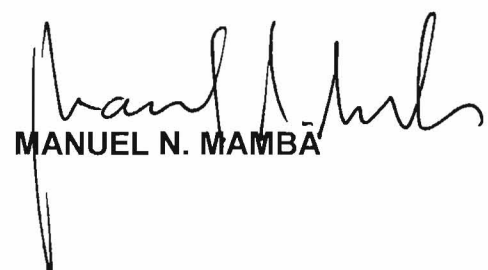


SAMUEL M. DANGWA

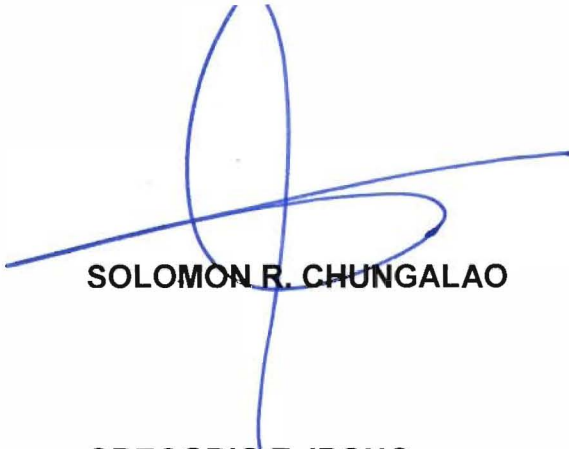
MAURICIO G. DOMOGAN



LAURENCE B. WACNANG



MANUEL N. MAMBA



SOLOMON R. CHUNGALAO

ROILO S. GOLEZ

GREGORIO T. IPONG

JUNIE E. CUA

ERNESTO A. NIEVA



CONDRADO ESTRELLA III

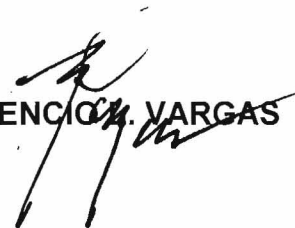


ERNESTO C. PABLO

ERIC D. SINGSON

ANTHONY C. MIRANDA

VICTOR S. DOMINGUEZ



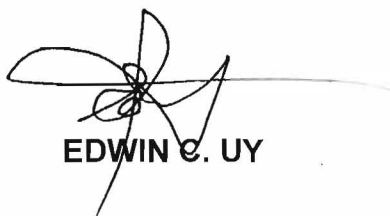
FLORENCIO M. VARGAS



ROQUE R. ABLAN, JR.

ELIAS C. BULUT, JR.

FAUSTINO G. DY III



EDWIN C. UY



EULOGIO R. MAGSAYSAY

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

THIRTEENTH CONGRESS
First Regular Session

HOUSE BILL NO. 3034

Introduced By : HON. AMADO T. ESPINO, JR., TOMAS M. DUMPIT,
GENEROSO DC. TULAGAN, MANUEL C. ORTEGA, ARTHUR F. CELESTE,
LUIS P. BERSAMIN, JR., SAMUEL M. DANGWA, LAURENCE B. WACNANG,
MANUEL N. MAMBA, SOLOMON R. CHUNGALAO, CONRADO ESTRELLA
III, ERNESTO C. PABLO, FLORENCIO L. VARGAS, ROQUE R. ABLAN, JR.,
EDWIN C. UY, EULOGIO R. MAGSAYSAY

AN ACT

EMPOWERING THE CHIEF OF PHILIPPINE NATIONAL POLICE TO APPOINT
THE PROVINCIAL POLICE DIRECTOR AND THE PNP REGIONAL DIRECTOR
TO APPOINT THE CITY AND MUNICIPAL CHIEF OF POLICE AMENDING FOR
THAT PURPOSE REPUBLIC ACT NO. 6975 ENTITLED " AN ACT
ESTABLISHING THE PHILIPPINE NATIONAL POLICE UNDER A
REORGANIZED DEPARTMENT OF THE INTERIOR AND LOCAL
GOVERNMENT" AS AMENDED BY REPUBLIC ACT NO. 8551 AND FOR
OTHER PURPOSES.

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

Section 1. The Chief of the Philippine National Police is hereby
authorized and empowered to appoint and choose the Provincial Police Director
and the PNP Regional Director is authorized and empowered to appoint the City
and Municipal Chief of Police in their respective regions and municipalities as
approved by the National Police Commission.

Sec. 2. Section 51 (a) (1) and (b) (4) (i) of Republic Act No. 6975 as amended by Republic Act No. 8551 is hereby amended removing the power of the Governor and City and Municipal Mayors to choose and appoint Provincial Police Director and City and Municipal Chief of Police respectively.

Sec. 3 All laws, executive orders, rules and regulations inconsistent with or contrary to this Act are hereby deemed accordingly repealed or amended.

Sec. 4 This Act shall take effect fifteen (15) days from its publication in at least two (2) newspapers of national circulation.

Approved,