

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Constitution Hills, Quezon City

FIFTEENTH CONGRESS
First Regular Session

HOUSE BILL NO. 3859

Introduced by: REP. MEL SENEN S. SARMIENTO

EXPLANATORY NOTE

Governors and mayors are granted by law the authority to choose the provincial directors and chiefs of police who will be their partners in maintaining public order and safety in their respective localities. Indeed, a good working relationship between the local chief executive and the head of police is necessary for the efficient and effective performance of their respective duties.

Because of the manner of appointing the heads of police in a locality, tension often arises when there is a delay in the submission of the list of candidates to the concerned local chief executives. This is also true in cases when the incumbent provincial director or chief of police is relieved of their positions due to official reasons and the local chief executive was not notified beforehand.

In view of the foregoing, this bill proposes the following measures: (a) the list of eligible candidates for the positions of provincial director and chief of police will be submitted to the newly elected or re-elected governor and mayor respectively on the first day of their assumption of office; (b) the concerned local chief executive must be notified at least 48 hours before the provincial director or chief of police is relieved of the position; (c) in replacing the provincial director and chief of police, list of eligible candidates for the vacated position must be submitted to the local chief executive within seven days; (d) only once shall an officer-in-charge be designated to the position of provincial director or chief of police for the entire term of the concerned local chief executive; (e) failure to comply with the specified time periods would merit the concerned regional director or provincial director appropriate sanctions.

The proposed amendments seek to avoid inefficiencies in the appointment of provincial directors and chiefs of police so that the local police's performance of duties will not be disturbed.

Approval of this bill is earnestly sought.


MEL SENEN S. SARMIENTO

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AN ACT STRENGTHENING THE AUTHORITY OF LOCAL CHIEF EXECUTIVES TO APPOINT PROVINCIAL POLICE DIRECTORS AND CHIEFS OF POLICE, AMENDING CERTAIN PROVISIONS OF 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 ENTITLED "AN ACT PROVIDING FOR THE REFORM AND REORGANIZATION OF THE PHILIPPINE NATIONAL POLICE AND FOR OTHER PURPOSES"

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

1 **SECTION 1.** Chapter III-D, Section 51, Paragraph (a), Subparagraph (1) of Republic
2 Act 6975 is hereby amended to read as follows:
3
4 (a) Provincial Governor — (1) Power to Choose the Provincial Director. — The
5 provincial governor shall choose the provincial director from a list of three (3)
6 eligible candidates recommended by the PNP regional director: PROVIDED THAT
7 SAID LIST MUST BE SUBMITTED BY THE PNP REGIONAL DIRECTOR TO THE
8 NEWLY ELECTED OR RE-ELECTED GOVERNOR ON THE FIRST DAY OF

1 OFFICE OF THE LATTER: PROVIDED, FINALLY, THAT THE NAME OF THE
2 INCUMBENT PROVINCIAL DIRECTOR SHALL BE INCLUDED IN THE LIST.

3
4 **SECTION 2.** Section 63, Paragraph (4), Subparagraph (i) of Republic Act 8551 is
5 hereby amended to read as follows:

6
7 (i) Authority to choose the chief of police from a list of five eligible candidates
8 recommended by the provincial police director, preferably from the same province,
9 city or municipality: PROVIDED THAT SAID LIST MUST BE SUBMITTED BY THE
10 PROVINCIAL DIRECTOR TO THE NEWLY ELECTED OR RE-ELECTED MAYOR
11 ON THE FIRST DAY OF OFFICE OF THE LATTER: PROVIDED, FURTHER, THAT
12 THE NAME OF THE INCUMBENT CHIEF OF POLICE SHALL BE INCLUDED IN
13 THE LIST: provided, ALSO (however), that in no case shall an officer-in-charge be
14 designated for more than thirty (30) days: provided, further, that the local peace and
15 order council may, through the city or municipal mayor, recommend the recall or
16 reassignment of the chief of police when, in its perception, the latter has been
17 ineffective in combating crime or maintaining peace and order in the city or
18 municipality: provided, finally, that such relief shall be based on guidelines
19 established by the NAPOLCOM;

20
21 **SECTION 3.** In the event that the no provincial police director has been assigned
22 yet, the designated officer-in-charge will be responsible for preparing and

1 submitting the list of eligible candidates for the position of chief of police to the
2 mayors.

3
4 **SECTION 4.** In cases when the tour of duty of the incumbent provincial director or
5 chief of police is shortened due to their reassignment to other localities based on
6 administration-ordered rotations as well as for reasons of resignation, death,
7 sickness, mental incapacity, conviction for culpable violation of the Constitution,
8 treason, bribery, graft and corruption, other high crimes, or betrayal of public trust,
9 an officer-in-charge shall only be designated once to the said position until the
10 expiration of the term of the local chief executive and must be replaced within 30
11 days according to law. Provided, that the governor or mayor shall be notified at least
12 48 hours beforehand: Provided, that the list of eligible candidates to fill that vacant
13 position shall be submitted to the governor or mayor within seven days from date of
14 relief or reassignment.

15
16 **SECTION 5.** Failure of the PNP regional director and the provincial police director,
17 or the designated officer-in-charge, to provide the governors and mayors the list of
18 candidates for the positions of provincial director and chief of police within the
19 specified time period would merit them the punishment of reprimand or admonition
20 provided that if their negligence is proven through the conduct of an administrative
21 hearing they will be subjected to suspension from service without pay not exceeding
22 180 days.

1 **SECTION 6.** All laws, orders, presidential issuances, rules and regulations or part
2 thereof inconsistent with this Act are hereby repealed or modified accordingly.

3

4 **SECTION 7.** This Act shall take effect after fifteen (15) days following its publication
5 in at least two newspapers of general circulation.

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7 Approved,