

1 Republic of the Philippines

2
3 **House of Representatives**
4 Quezon City

5
6 *SIXTEENTH CONGRESS*
7 First Regular Session

8
9 HOUSE BILL NO. **2196**

10
11 **Introduced by Honorable Anthony M. Bravo and**
12 **Honorable Cresente C. Paez**

EXPLANATORY NOTE

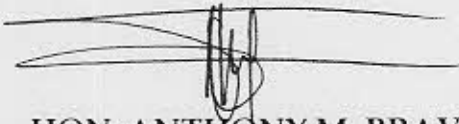
In the 19th century, community tax certificate or *cedula* was used as an identification card that had to be carried at all times otherwise any person may be detained for being an *indocumentado* in case of failure to present it.

From being a sign of the Spanish colonization, *cedula* has evolved into the community tax certificate under the Local Government Code. The code authorizes cities and municipalities to collect annual community tax from residents aged 18 and above who have been employed on a wage basis for at least 30 consecutive days or who are engaged in business, or who are required by law to file an income tax return. This also applies to corporation.

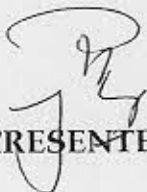
This bill seeks to abolish the community tax certificate system, primarily its use as a form of identification as when, among others, a Filipino acknowledges a document before a notary public, takes an oath of office or is appointed to a government position. It is submitted that the *cedula* as a primary form of identification has lost its significance and value. If at all, the *cedula* only serves as a mere commemoration of our country's colonial past.

Consequently, the pertinent provisions of the Republic Act No. 7160, the Local Government Code of 1991, as amended, are proposed to be repealed, which carry over the provisions imposing residence tax then found in Commonwealth Act No. 465 and the Local Tax Code of 1973, and mandate the use of community tax certificates as a primary form of identification.

It is for this reason that the passage of this bill is earnestly sought.



HON. ANTHONY M. BRAVO


HON. CRESENTE C. PAEZ



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AN ACT

ABOLISHING THE USE OF COMMUNITY TAX CERTIFICATE AND THE POWER TO LEVY COMMUNITY TAX REPEALING FOR THAT PURPOSE THE PERTINENT PROVISIONS OF REPUBLIC ACT NO. 7160, AS AMENDED, OTHERWISE KNOWN AS THE LOCAL GOVERNMENT CODE OF 1991

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

13 **SECTION 1.** *Repealing Clause.* Sections 156 to 164, Article Six, Title One, Book
14II, Chapter 2, Specific Provisions on the Taxing and Other Revenue Raising Powers of
15Local Government Units, of Republic Act No. 7160 are hereby repealed.

16 All laws, presidential decrees, executive orders, proclamations and/or
17administrative regulations which are inconsistent with the provisions of this Act are
18hereby amended, modified, superseded or repealed accordingly.

19 **SEC. 2.** *Implementing Rules and Regulations.* The Secretaries of the Department of
20Finance, the Department of Budget and Management and the Department of the Interior
21and Local Government, and the presidents of the liga shall promulgate the required
22rules and regulations for the speedy and effective implementation of this Act.

23 **SEC. 3.** *Separability Clause.* If any provision or part hereof is held invalid or
24unconstitutional, the remainder of the law or the provision not otherwise affected shall
25remain valid and subsisting

26 **SEC. 4.** *Effectivity Clause.* This Act shall take effect fifteen (15) days from its
27publication in at least two newspapers of national circulation.

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29 *Approved,*

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12 **Cresente C. Paez**

EXPLANATORY NOTE

The World Health Organization defines food safety as pertaining to "all conditions and measures that are necessary during the production, processing, storage, distribution and preparation of food to ensure that food is safe, sound, wholesome and fit for human consumption". Food is safe when it is free from biological, chemical or physical contaminant in amounts *or* levels that may represent a hazard to health. The Constitution embodies the goals of this bill in Article 2, Section 15 which provides that the State shall protect and promote the right to health of the people and instill health consciousness among them.

Food, however, can be contaminated biologically, chemically and physically through improper production, storage, handling, preparation and service. Harmful bacteria, viruses, parasites and fungi (molds) cause biological or microbial contamination. These pathologic organisms may cause infection or intoxication. Chemical contamination occurs when substances such as cleaning compound, additives or pesticides get into food. Physical contamination occurs when hair, broken objects, metal shaving, dirt, etc., get into the food.

Food should thus be kept clean at all stages - from production to consumption. It is therefore of paramount importance that food establishments be required to observe sanitation standards in the procurement and preparation of food. The interest of the state is in protecting

consumers who have no access or control over the food they are served before they eat them. Persons who produce or process food for human consumption have the responsibility to prevent or minimize food safety hazards related to their products. They should ensure that all fully processed or ready-to-eat food are processed in a sanitary manner in order to eliminate human pathogens or other potentially harmful substances likely to cause food-borne illness.

Hence, this bill seeks to establish a comprehensive program for the purpose of protecting human health, by ensuring that the food industry has effective programs in place to assure the safety of food products consumed in the Philippines.



HON. ANTHONY M. BRAVO



HON. CRESENTE C. PAEZ

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12 **Cresente C. Paez**

13 AN ACT
14 TO ESTABLISH A COMPREHENSIVE PROGRAM TO ENSURE THE SANITATION AND
15 SAFETY OF FOOD PRODUCTS INTENDED FOR HUMAN CONSUMPTION IN
16 ALL STAGES OF THE PRODUCTION PROCESS

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

17 SECTION 1. *Short Title.* – This Act shall be known as the “Philippine Food and
18 Sanitation Safety Act of 2013”

19 SECTION 2. *Definitions.* – For purposes of this Act:

20 (A) The term “contaminants” includes bacteria, chemical contaminants, natural toxins,
21 viruses, parasites, and physical hazards that when found on or in food can cause human illness or
22 injury.

23 (B) The term “facility” shall include any factory, warehouse establishment, or importer
24 that handles or processes food.

25 (C) The term “process” means the harvesting, preparations, manufacture, and
26 transportation of food products.

27 (D) the term “Secretary” means the Secretary of Health.

28 **TITLE I - PHILIPPINE FOOD SAFETY PROGRAM**

29 SECTION 3. *Administration of a Philippine Food Sanitation and Safety Program.* – (A)

30 IN GENERAL - (1) Persons who produce or process food for human consumption have the

responsibility to prevent or minimize food safety hazards related to their products. The Secretary shall administer a national program for the purpose of protecting human health by ensuring that the food industry has effective programs in place to assure the safety of food products consumed in the Philippines.

(2) The program shall -

(a) be based on a comprehensive analysis of the hazards associated with different food products and with the harvesting, processing and handling of different food products, including the identification and evaluation of -

(i) the severity of the potential health risks;

(ii) the sources and specific points of potential contamination that may render food products unsafe for human consumption; and

(iii) the potential for persistence, multiplication or concentration of naturally occurring or added contaminants in foods and food products;

(iv) take into consideration the distinctive characteristics of food production and processing;

(v) establish inspection and oversight procedures to monitor that facilities are utilizing preventive controls to minimize or eliminate identifiable hazards; and

(vi) require each food processing facility to annually register with the Secretary.

(B) PROGRAM ELEMENTS - The program shall provide for: (1) implementation of a national system for the registration and quarterly inspection of facilities and importers. Quarterly inspections can be waived by plants that meet the Secretary's standards for exceptional or negligible-risk facilities or importers;

(2) development of a program to oversee the implementation of process controls in food processing facilities;

(3) the establishment and enforcement of health-based standards for (a) substances which may contaminate food; and (b) safety and sanitation in the processing and in food processing facilities;

1 (4) implementation of a sampling program to ensure that industry programs to
2 prevent food contamination are effective and that food products meet the standards
3 established in paragraph (1);

4 (5) implementation of procedures and requirements to ensure the safety of imported
5 food products;

6 (6) coordination with other agencies in carrying out inspection, enforcement, and
7 monitoring;

8 (7) implementation of a national surveillance system to assess the health risks
9 associated with the human consumption of food products, in cooperation with the
10 Secretary of Agriculture;

11 (8) development of public education and advisory programs; and

12 (9) implementation of a research program in furtherance of the purposes of this Act.

13 SECTION 4. *Registration of Processors and Importers.* - (A) IN GENERAL - Any
14 facility engaged in processing of food products and any person who imports food products shall
15 register with the Secretary. Application for registration shall be made to the Secretary using such
16 forms and containing such information as the Secretary shall prescribe by regulation within
17 twenty-four (24) months after the date of enactment of this Act. Upon receipt and review of a
18 completed application, the Secretary shall issue to the applicant a certificate of registration unless
19 good cause is shown why such application should be denied. The Secretary shall promptly notify
20 any applicant of such denial, include written explanation of the reasons for such denial, and
21 provide an opportunity for a hearing or reapplication upon request.

22 (B) SUSPENSION OF REGISTRATION -

23 (1) The registration may be suspended immediately by the Secretary for -

24 (a) failure to permit access for inspection under this Act;

25 (b) violation of this Act or regulation issued under this Act, where the Secretary
26 determines that such Suspension is likely to prevent a significant risk of adverse
27 health consequences;

1 (c) conviction of the applicant of registrant of -

2 (i) any felony other than a felony based upon the acquiring, handling, or
3 distribution of adulterated or misbranded food; or

4 (ii) more than one violation of any law other than a violation involving any
5 fraud in connection with transactions in food.

6 (2) Any registration suspended under paragraph (1) may be restricted whenever the
7 Secretary determines that suspension is no longer necessary.

8 (C) EXEMPTION AUTHORITY - The Secretary may by regulation exempt classes of
9 facilities from the requirements of paragraph (A) if the Secretary determines that the registration
10 of such facilities or persons is not needed for effective enforcement of this Act.

11 SECTION 5. *Process Controls To Reduce The Adulteration of Food Products.* -

12 (A) IN GENERAL - The Secretary shall, upon the basis of the best available scientific
13 and technological data, prescribe regulations to-

14 (1) limit the presence of human pathogens and other potentially harmful substances
15 in food products;

16 (2) ensure that all registered facilities implement appropriate measures to control
17 and reduce the presence and growth of human pathogens and other potential substances
18 on food products;

19 (3) ensure that all fully processed or ready-to-eat food products are processed in a
20 sanitary manner, using reasonably available techniques and technologies to eliminate any
21 human pathogens or other potentially harmful substances likely to cause food-borne
22 illness;

23 (4) ensure that food products intended for final processing outside commercial
24 establishments are labelled with instructions for handling and preparation for
25 consumption which, when adhered to, will destroy any human pathogens or other
26 potentially harmful substances likely to cause food-borne illness;

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1 (5) ensure that toxic and harmful food additives mixed with food or livestock feeds
2 be restricted and phased out if feasible; and

3 (6) ensure that plasticizers that are determined by the Secretary to be carcinogenic
4 and used for the packaging of food products be phased out within one (1) year from the
5 promulgation of this Act.

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7 (B) REGULATIONS - The Secretary shall, within one (1) year of the enactment of this
8 Act, issue regulations that require all registered facilities to adopt processing controls adequate to
9 protect public health and to limit the presence and growth of human pathogens and other
10 potentially harmful substances in food products prepared in any registered facility. Such
11 regulations shall-

12 (1) set standards for sanitation;

13 (2) set tolerances for biological, chemical and physical hazards as appropriate;

14 (3) require process controls to assure that food is safe and that relevant regulatory
15 and safety standards are met;

16 (4) require record-keeping to monitor compliance;

17 (5) require sampling to assure that processing controls are effective and that
18 regulatory standards are being met; and

19 (6) provide for agency access to records kept by official establishments and
20 submission of copies of such records to the Secretary as the Secretary deems appropriate.

21 The Secretary may, as the Secretary deems necessary, require any person, firm or
22 corporation with responsibility for or control over food ingredients to adopt processing
23 controls, where such processing controls are needed to assure the protection of public
24 health.

25 SECTION 6. *Inspections of Processors and Importers.* - (A) NATURE OF
26 INSPECTIONS -

27 (1) The inspection system shall provide for frequent unannounced inspections of
28 food processing and importing facilities to determine if such facilities are operated in a
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1 sanitary manner and if food products are unsafe for human consumption, or adulterated or
2 misbranded. Inspection shall include review of processing records and sample.

3 (2) Inspections shall be conducted at least quarterly, unless the Products determines
4 that the facility, is an exceptional or negligible-risk facility under standards established
5 by the Secretary.

6 (3) Standards for exceptional or negligible-risk facilities shall consider the hazards
7 associated with the type of product being produced; and the facility's history of
8 compliance, food safety problems and such other factors as the Secretary may deem
9 appropriate. The Secretary shall specify an alternative inspection frequency for each
10 facility which is deemed exceptional or negligible risk. Each inspection shall include an
11 examination of whether the facility continues to meet the standards for exceptional or
12 negligible-risk facilities.

13 (B) CONDUCT OF INSPECTIONS -

14 (1) An inspection under subsection (1) of any domestic, foreign or importing facility
15 shall extend to all things therein (including records required to be maintained under
16 subsection (5), processes, controls, and premises) that bear on whether food products are
17 in compliance with this Act. Access to records may include the copying of such records.

18 (2) In conducting such inspections, officers or employees duly designated by the
19 Secretary, upon presenting appropriate credentials to the owner, operator or agent in
20 charge, are authorized-

21 (a) to enter at reasonable times any facility in which persons are engaged in the
22 food processing or importing of food products, or to enter any vehicle being used to
23 transport or hold such food products;

24 (b) to inspect in a reasonable manner such facility or vehicle and all pertinent
25 equipment, finished and unfinished materials, containers, labelling, processes,
26 controls, and premises; and

27 (c) to collect and retain samples of food products or ingredients or of any other
28 items found during an inspection that may contribute to a finding of whether such
29 food products are unsafe for human consumption or adulterated or misbranded.

1 (3) Immediately after completion of inspection, the officer or employee making the
2 inspection shall give to the owner, operator, or agent in charge a report in writing setting
3 forth any conditions or practices observed which indicate that either processing controls
4 are inadequate to prevent or minimize food safety hazards or that any food from such
5 facility is unsafe for human consumption, or adulterated or misbranded.

6 (C) PRODUCT DETENTION AND CONDEMNATION

7 (1) If, during an inspection conducted under this section, an officer or employee
8 making the inspection has reason to believe that a food product is unsafe for human
9 consumption, or adulterated or misbranded, such officer or employee may order the food
10 product segregated, impounded, and if objection is not made within 48 hours,
11 condemned. If objection is made, such food products that are in perishable form may be
12 processed to the extent necessary to prevent spoilage, and a hearing shall be commenced
13 expeditiously.

14 (2) if the Secretary determines that, through re-labelling or other action, such food
15 products can be brought into compliance with this Act, the food may be released
16 following a determination by the Secretary that such re-labelling or other action as
17 specified by the Secretary has been performed.

18 (3) Any food product condemned without objection, or after hearing and judicial
19 review, shall be destroyed under supervision of the Secretary.

20 (D) OFFICIAL MARK - The Secretary shall prescribe by regulation the conditions under
21 which any food product shall display an official mark, when needed to facilitate exports, that
22 signifies that the food product has been processed in accordance with standards approved by the
23 Secretary. Such a mark may be subject to a fee.

24 (E) MAINTENANCE OF RECORDS - Each facility or person registered under this
25 section shall maintain and make available for inspection by the Secretary such records as the
26 Secretary may prescribe. Such records shall be maintained for a reasonable period of time as
27 determined by the Secretary. The records shall include, but are not limited to, information
28 concerning -

1 (1) the origin, receipt, delivery, sale, movement, holding, and disposition of food
2 products or ingredients; the identity and amount of ingredients used in the food; the
3 processing of the food; the results of laboratory, sanitation, or other quality control tests
4 performed on the food or in the facility; consumer complaints concerning the food or its
5 packaging; and

6 (2) other matters reasonably related to whether food products may be unsafe for
7 human consumption, or adulterated or misbranded.

8 SECTION 7. *Tolerance for Contaminants in Food.* –

9 (A) TOLERANCES - The Secretary shall establish tolerances limiting the quantity of
10 contaminants that, when found in food products, may render such products unsafe for human
11 consumption. Contaminants include, but are not limited to bacteria, chemical contaminants,
12 natural toxins, viruses and parasites that when found on or in food can cause human illness. Such
13 tolerances may include indicators (including indicator organisms) from which it may reasonably
14 be inferred that a contaminant is present in a food product. In developing a tolerance, the
15 Secretary shall take into account the extent to which consumers may be exposed to such
16 contaminant from sources other than food, and the extent to which such contaminant can be
17 avoided or minimized in the commercial handling and processing of such food.

18 (B) REGULATIONS - (1) The Secretary, after notice and an opportunity for comment,
19 shall promulgate regulations to implement paragraph (A) within forty-eight (48) months after the
20 date of enactment of this Act. In promulgating such regulations, the Secretary shall establish for
21 the contaminants that the Secretary determines are having the greatest public health impact⁶ as
22 early as feasible after implementation of this Act.

23 (2) A tolerance established under this section shall be based on -

24 (a) a scientific analysis of the health risks attributable to the contaminant for which
25 the tolerance is established; and

26 (b) analysis of the risk for sensitive groups, such as children, elderly, pregnant
27 women and the immune compromised.

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1 (3) The Secretary shall, in a timely manner, issue revisions to the regulations under
2 paragraph (A) which take into account new information.

3 (C) REPORT - The Secretary shall report to the Congress on the progress of the
4 Secretary in establishing tolerances under this section. The report shall include a description of
5 the research that has been conducted with respect to such tolerances and the research that must
6 be conducted before additional tolerances, a timetable for the establishment of such tolerances,
7 and the estimated cost, including costs of research, associated with the establishment of such
8 tolerances. The report shall be transmitted on or about the end of 18th month after the date of the
9 enactment of this Act, and biennially thereafter during the 6-year period that begins on such date
10 of enactment.

11 SECTION 8. *Imports.* - (A) ROLE OF SECRETARY - Within twenty-four (24) months
12 after the date of enactment of this Act, the Secretary shall establish and administer a
13 comprehensive and efficient system to ensure the safety of food imported into the Philippines.
14 The Secretary shall routinely inspect processing facilities in exporting nations and imports at
15 ports of entry into the country. The Secretary shall assure the effective operation; through
16 verification and other activities, as the Secretary considers necessary.

17 (B) IMPORT REQUIREMENTS - (1) No food product may enter the Philippines, or be
18 withdrawn from a warehouse, for consumption in the Philippines if such food product -

- 19 (a) appears unsafe for human consumption, or adulterated or misbranded;
20 (b) is not marked or labelled as required by regulations for domestic or imported
21 articles; or
22 (c) does not comply with the requirements of this Section.

23 (2) Upon entry for consumption in the Philippines, food products that are not
24 prohibited from entry or from withdrawal from a warehouse under paragraph (A) shall be
25 deemed to be treated as domestic food products, except that all labelling of such products
26 shall clearly identify the country of origin to facilitate the identification of products
27 linked to outbreaks of illness.

28 (C) INSPECTION OF IMPORTS - (1) Food products that are offered for importation,
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1 or withdrawn from a warehouse, for consumption in the Philippines, shall be subject to
2 examinations inspections, sampling, and such other procedures at the port of entry or in the
3 exporting nation by officers or employees duly designated by the Secretary. Such procedures
4 shall be conducted with such frequency and in such manner as the Secretary may prescribe by
5 regulation.

6 (2) Food products from a nation that is certified for such food products under
7 subsection (E) (3) shall be subject to random examinations, inspection, sampling, and
8 other procedures. Food products from a nation that is not certified for such food products
9 under subsection (E) (3) shall be subject to such intensified examinations, inspection,
10 sampling, and other verification procedures, including inspection in the country of origin,
11 as the Secretary determines are necessary to ensure compliance with this Act.

12 (D) DETENTION OF IMPORTED FOOD PRODUCT- If during an inspection or other
13 verification procedures came out under this section, an officer or employee conducting the
14 procedure has reason to believe that a food product is unsafe for human consumption, or
15 adulterated or misbranded, such officer or employee may order the food product segregated,
16 impounded, and if objection is not made within 48 hours, condemned. If objection is made, such
17 food products that are in perishable form may be processed to the extent necessary to prevent
18 spoilage, and a hearing shall be commenced expeditiously. The final condemnation or other
19 disposition of such food product shall be subject to the provisions of this Act.

20 (E) AGREEMENTS WITH FOREIGN NATIONS- (1) The Secretary may enter into an
21 agreement with any nation desiring to export food products to the Philippines. Prior to
22 concluding such an agreement, the Secretary shall evaluate the food safety program of the
23 foreign nation to determine if such program provides at least the same level of protection, with
24 respect to food products intended for export to the Philippines, as domestic laws that affect the
25 safety of the food supply. In such evaluation, the Secretary shall consider:

26 (a) the potential for health, sanitary, environmental, or other conditions within the
27 foreign nation to adversely affect the safety of food products exported from such nation;
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(b) how well the food safety programs of the foreign nation functions to minimize any adverse effects on such safety

(2) Any agreement under this subsection with a nation desiring to export food products to the Philippines shall-

(a) require that the exporting nation shall-

(i) establish and maintain a food safety system that is adequate to ensure that the food products intended for export to the Philippines are safe for human consumption, and not adulterated or misbranded; and

(ii) promptly notify the Secretary of any violations affecting the safety of food products exported or intended for export to the Philippines;

(b) provide for such activities (whether in the exporting nation or at the port of entry during importation) by the Secretary, including examinations, inspections, sampling and testing, at such stages in the growth or harvest of food, or in the processing or handling of food products, as the Secretary considers appropriate to ensure that the food safety program of the exporting nation continues to provide at least the same level of protection, with respect to food products intended for export to the Philippines, as domestic laws that affect the safety of the food supply; and

(c) provide for reciprocity with respect to the treatment of food imports and exports between the Philippines and the exporting nation.

(3) If the Secretary determines that a nation desiring to export food products to the Philippines has a program that provides at least the same level of protection, with respect to food products intended for export to the Philippines, as domestic laws that affect the safety of the food supply, the Secretary shall, upon entry into force of an agreement under subsection (E)(1), certify the types of food products for which the nation maintains such a program.

(4) The Secretary shall periodically or for good cause, and not less than once every three years, review certifications made under paragraph (3), and shall revoke the certification of any nation that the Secretary determines is not maintaining a food safety program that provides at least the same level of protection, with respect to food products intended for export to the Philippines, as domestic laws that affect the safety of the food supply.

1 (5) The Secretary shall review and modify, as needed, an agreement made under
2 paragraph (1) with any nation whose certification has been revoked under subparagraph (i) of this
3 paragraph.

4 TITLE II- EDUCATION, RESEARCH, AND ADVOCACY

6 SECTION 9. *Public Health Assessment System.* – (A) PUBLIC HEALTH SAMPLING –

7 (1) Within twelve (12) months after the date of enactment of this Act, the Secretary in
8 cooperation with the Secretary of Agriculture shall establish guidelines for a sampling system
9 under which the Secretary of Agriculture shall take and analyze samples of food products to
10 assist the Secretary in carrying out this Act and to more accurately assess the nature, frequency
11 of occurrence and amounts of contaminants in food products.

12 (2) Such sampling system shall provide-

13 (a) statistically valid monitoring, including market-basket studies, on the nature,
14 frequency of occurrence, and amounts of contaminants in food products available to
15 consumers; and

16 (b) at the request of the Secretary, such other information, including may analysis of
17 monitoring and verification samples, as the Secretary determines be useful in assessing
18 the occurrence of contaminants in food products.

19 (B) ASSESSMENT OF HEALTH HAZARDS - Through the surveillance system referred
20 to in subsection (A) (1) and the sampling system described in subsection (A) (2), the Secretary
21 shall rank food categories based on their hazard to human health and identify appropriate
22 industry and regulatory approaches to minimize hazards in the food supply. Such analysis could
23 include -

24 (1) the safety of commercial harvesting and processing, as compared with the health
25 hazards associated with food products that are harvested for recreational or subsistence
26 purposes and prepared non-commercially;

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1 (2) the safety of food products that are domestically harvested and processed, as
2 compared with the health hazards associated with food products that are harvested or
3 processed outside of the Philippines; and

4 (3) contamination originating from handling practices that occur prior to or after the
5 sale of food products to consumers.

6 SECTION 10. *Public Education and Advisory System.* –

7 (A) PUBLIC EDUCATION. - The Secretary, in cooperation with private and public
8 organizations, shall design and implement a national public education program on food safety.
9 The program shall provide -

10 (1) information to the public regarding standards and good practice require a
11 national public education program on food safety, promotion of public awareness
12 understanding, and acceptance of such standards and requirements;

13 (2) information to health professionals so that they may improve diagnosis and
14 treatment of food-related illness and advise individuals whose health conditions place
15 them in particular risk; and

16 (3) such other information or advice to consumers and other persons as the Secretary
17 determines will promote the purposes of this Act.

18 (B) HEALTH ADVISORIES-The Secretary, in consultation with the Secretary of
19 Agriculture and the Secretary of Environment and Natural Resources, shall work to-

20 (1) develop and distribute regional and national advisories concerning food safety;
21 and

22 (2) develop standardized formats for written and broadcast advisories.

23 SECTION 11. *Research.* - (A) IN GENERAL. - The Secretary shall conduct research to
24 assist in the implementation of this Act, including studies to-

25 (1) improve sanitation and food safety practices in the processing of food products;

26 (2) develop improved techniques for the monitoring of food and inspection of food
27 products;

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1 (3) develop efficient, rapid, and sensitive methods for determining and detecting the
2 presence of contaminants in food products;

3 (4) determine the sources of contamination of food and food products with
4 contaminants; and

5 (5) develop consumption date with respect to food products.

6 (B) CONTRACT AUTHORITY- The Secretary is authorized to enter into contracts and
7 agreements with the University of the Philippines or any state university or any other university,
8 other government agencies or other persons to carry out the activities under this Section.

9 TITLE III- MECHANISMS FOR ENFORCEMENT

10 SECTION 12. *Notification and Recall.* - (A) NOTICE TO SECRETARY OF
11 ADULTERATION OR MISBRANDING. - Any person (other than a household consumer or
12 other individual who is intended consumer of an article of food) that has a reasonable basis for
13 believing that any article of food introduced into or in interstate commerce, or held for sale
14 (whether or not the first sale) after shipment in interstate commerce, may be adulterated or
15 misbranded, or otherwise be in violation of appropriate laws shall immediately notify the
16 Secretary, in such manner and by such means as the Secretary may by regulation prescribe, or
17 the identity and location of such article.

18 (B) RECALL AND CONSUMER NOTIFICATION - (1) VOLUNTARY
19 PROCEDURES - If the Secretary finds, upon notification under subsection (A) or otherwise, that
20 any article of food is adulterated or misbranded when introduced into or while held for sale
21 (whether or not for first sale) after shipment in interstate commerce and there is a reasonable
22 probability that such article, if consumed, would present a threat to public health, as determined
23 by the Secretary shall provide the appropriate persons (including the manufacturers, importers,
24 distributors, or retailers) with an opportunity to -

25 (a) cease distribution of such articles;

26 (b) notify all persons-

27 (i) producing, manufacturing, packing, processing, preparing, treating,
28 packaging, distributing, or holding such article; or

(ii) to which such article has been distributed, transported, or sold, to immediately cease distribution of such article; or

(c) recall such article;

(d) provide, in consultation with the Secretary, notice to consumers to whom such article was, or may have been, distributed; or

(e) take any combination of the above measures, as appropriate in the circumstances.

(2) PRE-HEARING ORDER TO CEASE DISTRIBUTION AND GIVE NOTICE - If

such person refuses to or does not voluntarily cease distribution, make notification, recall such article, or provide notice to consumers, as applicable, within the time and in the manner prescribed by the Secretary, the Secretary shall, by order, require, as the Secretary deems necessary, such persons to -

(a) immediately cease distribution of such articles;

(b) immediately notify all persons -

(i) producing, manufacturing, packing, processing, preparing, treating, packaging, distributing, or holding such article; or

(ii) to which such article has been distributed, transported, or sold, to immediately cease distribution of such article; or

(iii) immediately take the actions specified in both subparagraphs (B)(1) and (B)

(2).

(3) NOTIFICATION OF CONSUMERS BY SECRETARY - The Secretary shall, as the Secretary deems necessary, provide notice to consumers to whom such article was, or may have been, distributed.

(4) HEARING ON ORDER - The Secretary shall provide any person subject to an order under subsection (b) with an opportunity for a hearing, to be held as soon as possible but not later than 2 days after the issuance of the order, on the action required by the order and on why the article that is the subject of the order should not be recalled.

(5) POST-HEARING RECALL ORDER -

(a) AMENDMENT OF ORDER - If, after providing opportunity for a hearing under subsection (3), the Secretary determines that there is a reasonable probability that

1 the article that is the subject of an order under subsection (2), if consumed, presents a
2 threat to public health, the Secretary, as the Secretary deems necessary, may –

3 (i) amend the order to require recall of such article or other appropriate action;

4 (ii) specify a timetable in which the recall shall occur;

5 (iii) require periodic reports to the Secretary describing the progress of the
6 recall; and

7 (iv) provide notice to consumers to whom such article was, or may have been,
8 distributed.

9 (b) VACATION OF ORDER - If, after such a hearing, the Secretary determines that
10 the adequate grounds do not exist to continue the actions required by the order, the
11 Secretary shall vacate the order.

12 (c) REMEDIES NOT EXCLUSIVE - The remedies provided in this section shall be
13 in addition to and not exclusive of other remedies that may be available.

14 SECTION 13. *Civil Penalties.* –

15 (A) IN GENERAL. - (1) ACTS SUBJECT TO PENALTY; PENALTY AMOUNT. -

16 Any person that commits an act that violates this Act may be assessed a civil penalty by the
17 Secretary, subject to review in accordance with the administrative code and - other pertinent
18 laws, of not more than One Hundred Thousand Pesos (P100,000.00) for such act. Each such act
19 and each day during which such act continues shall be a separate offense.

20 (2) NOTICE AND HEARING - No penalty shall be assessed by the Secretary under this
21 section unless such person is given notice and opportunity for a hearing on the record before the
22 Secretary in accordance with laws pertinent to administrative proceedings.

23 (3) OTHER REQUIREMENTS - The amount of such civil penalty shall be assessed by
24 the Secretary by written order, taking into account the gravity of the violation, degree of
25 culpability, size and type of business, and any history of prior offenses;

26 (B) COLLECTION ACTIONS - If any person fails to pay an assessment of a civil
27 penalty after it has become a final and unappealable order, the Secretary shall refer the matter to
28 the Solicitor General, who shall institute a civil action to recover the amount. In such collection

1actions, the validity and appropriateness of the Secretary's order imposing the civil penalty shall
2not be subject to review.

3 (C) SECRETARY'S DISCRETION TO PROSECUTE - Nothing in this Act shall be
4construed as requiring the Secretary to report for prosecution, or for the institution of libel or
5injunction proceedings, violations of this Act whenever the Secretary believes that interest will
6be adequately served by assessment of civil penalties.

7 SECTION 14. *Whistleblower Protection.* - (A) IN GENERAL - employee or other person
8may be harassed, prosecuted, held liable or discriminated against in any way because that
9person-

10 (1) has commenced, caused to be commenced, or is about to commence a the
11 public proceeding, testified or is about to testify at a proceeding, or assisted or
12 participated or is about to assist or participate in any manner in such a proceeding or in
13 any other action to carry out the purposes, actions or responsibilities set forth in this Act;

14 (2) is refusing to violate or assist in the violation of a law, rule or regulation.

15 SECTION 15. *Traceback.* - The Secretary may impose on a food product requirements
16for the traceability of such type or class of food product whenever such requirements are
17necessary to assure the protection of the public health. Traceability requirements shall be
18established in accordance with regulations and guidelines issued by the Secretary.

19 SECTION 16. *Citizen's Civil Action.* - Any person may against-

20 (A) any person who violated any rule, tolerance, order, or ensure the safety of food
21products; or

22 (B) the Secretary where there is alleged a failure of the Secretary to perform any act or
23duty to ensure the safety of food products, which is not discretionary.

24 TITLE IV- APPROPRIATION/ AUTHORIZATION

25 SECTION 17. *Authorization of Appropriations.* - (A) IN GENERAL-There are
26authorized to be appropriated such sums as may be necessary to carry out the provisions of this
27Act.

1 (B) RESEARCH PROGRAM AUTHORIZATION - Of the funds authorized to be
2 appropriated under subsection (I), there are authorized to be appropriated such sums as may be
3 necessary to carry out the research program authorized by this Act.

4 SECTION 18. *Separability Clause*. - If any provision, or part hereof, is held invalid or
5 unconstitutional, the remainder of the law or the provision not otherwise affected shall remain
6 valid and subsisting.

7 SECTION 19. *Repealing Clause*. - Any law, presidential decree or issuance, executive
8 order, letter of instruction, administrative order, rule or regulation contrary to or inconsistent
9 with, the provisions of this Act is hereby repealed, modified or amended accordingly.

10 SECTION 20. *Effectivity Clause*. - This Act shall take effect fifteen (15) days after its
11 publication in at least two (2) newspapers of general circulation.

Approved,

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City, Philippines

16th Congress
First Regular Session



HOUSE BILL NO. 2198

Introduced by Rep. Leopoldo N. Bataoil

EXPLANATORY NOTE

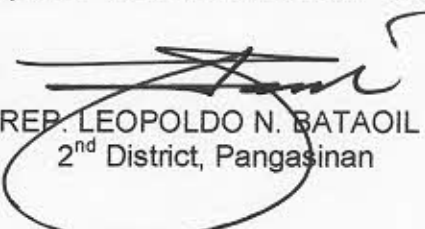
According to the 6th National Nutrition Survey, the average height of Filipinos is one meter and sixty-one centimeters (1.61 m) or 5 feet and 3 inches (5'3") among men and one meter and fifty-one centimeters (1.51 m) or 4 feet and 11.5 inches (4'11.5") among women.

In the United States, some police forces had removed height restrictions because of legal challenges based on the grounds of gender, race and denial of equal employment opportunities to individuals. Relatedly, the Department of National Defense has amended last December 4, 2009 the minimum entry requirement for the Armed Forces of the Philippines (AFP) from 162.56 cm (5'4") for male and 157.48 cm (5'2") for female to 152.4 cm (5'0") for both male and female applicants for Major Services/Technical and Administrative Service.

The present height requirement for police applicants of the Philippine National Police is one meter and sixty-two centimeters (1.62 m) or 5'4" for males and one meter and fifty-seven centimeters (1.57m) or 5'2" for females. The proposal to lower the height requirement from 5'4" to 5'2" for males and 5'2" to 5'0" for females would increase the number of applicants who are more capable and qualified.

Height should not be a restriction to dedicate one's self to the police service as long as he/she has all the qualifications as provided by law. With the wide scope of law enforcement, the PNP needs more efficient and competent members of the police force to better serve the public.

In view of the foregoing, immediate approval of this measure is earnestly sought.


REP. LEOPOLDO N. BATAOIL
2nd District, Pangasinan

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City, Philippines

SIXTEENTH CONGRESS

HOUSE BILL NO. **2198**

Introduced by Rep. LEOPOLDO N. BATAOIL

"AN ACT AMENDING THE HEIGHT REQUIREMENTS FOR POLICE APPLICANTS AMENDING FOR THE PURPOSE SECTION 30 OF R.A. 6975 AS AMENDED BY R.A. 8551"

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

SECTION 1. SECTION 30 (H) OF REPUBLIC ACT NO. 6975, AS AMENDED BY SECTION 14 OF REPUBLIC ACT NO. 8551, IS HEREBY FURTHER AMENDED TO READ AS FOLLOWS:

SEC. 30. General Qualifications for Appointment – No person shall be appointed as officer or member of the PNP unless he or she possesses the following minimum qualifications:

xxx

(H) must be at least [one meter and sixty-two centimeters (1.62m.)] **ONE METER AND FIFTY-SEVEN CENTIMETERS (1.57m.) OR FIVE FEET AND TWO INCHES (5'2") IN HEIGHT FOR MALE** and [one meter and fifty-seven centimeters (1.57m.)] **ONE METER AND FIFTY-TWO CENTIMETERS (1.52m.) OR FIVE FEET (5'0") FOR FEMALE;**

xxx

SECTION 2. IMPLEMENTING RULES AND REGULATIONS. – THE NATIONAL POLICE COMMISSION AND THE PHILIPPINE NATIONAL POLICE SHALL PROMULGATE THE NECESSARY RULES AND REGULATIONS FOR THE EFFECTIVE IMPLEMENTATION OF THIS ACT.

SECTION 3. REPEALING CLAUSE. – ALL LAWS, DECREES, EXECUTIVE ORDERS, RULES AND REGULATIONS, AND OTHER ISSUANCES OR PARTS THEREOF WHICH ARE INCONSISTENT WITH THIS ACT ARE HEREBY **REPEALED** ACCORDINGLY.

SECTION 4. EFFECTIVITY CLAUSE. – THIS ACT SHALL TAKE EFFECT AFTER FIFTEEN (15) DAYS AFTER ITS PUBLICATION IN AT LEAST TWO (2) NEWSPAPERS OF NATIONAL CIRCULATION.

APPROVED.

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City, Philippines

16th Congress
First Regular Session

House Bill No. **2199**



Introduced by Representative Leopoldo N. Bataoil

EXPLANATORY NOTE

Ensuring Peace and order and public safety is the primary responsibility of the Philippine National Police. Today, there is no bigger threat to investors, local and foreigners, than the peace and order situation of the country.

In order for the PNP to realize its different programs to contain the threats to the country's stability and peace and order, there is a need to transform the agency into a modern law enforcement organization at par with the world's best. The modernization will focus on several dimensions, such as organizational development; human resource development; doctrine development; infrastructure and facilities development; and, equipment acquisition and technology development.

By improving the operational readiness and mission capacity of the PNP thru this PNP Modernization Plan, it would readily face the challenges and threats nationwide. This measure will then provide the necessary funding support for the PNP projects geared towards the upliftment of their personnel and modernization of their facilities and equipment.

Approval of the measure is earnestly sought.


REP. LEOPOLDO N. BATAOIL
2nd District, Pangasinan

SIXTEENTH CONGRESS
REPUBLIC OF THE PHILIPPINES

HOUSE OF REPRESENTATIVES

House Bill No. **2199**

Introduced by Representative LEOPOLDO N. BATAOIL

**PROVIDING FOR THE PHILIPPINE NATIONAL POLICE MODERNIZATION
PROGRAM, AND FOR OTHER PURPOSES**

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

SECTION 1. Short Title. This Act shall be known as the "Philippine National Police Modernization Act of 2013".

SEC. 2. Declaration of Policy. It is hereby declared the policy of the State to establish a highly efficient, effective and competent police force which is national in scope and civilian character. The Philippine National Police (PNP) is the primary government agency entrusted to maintain peace and order, ensure public safety and security. The PNP shall be a service-oriented agency responsible for internal security operations.

Towards this end, a truly professional, efficient and highly motivated PNP shall actively employ mechanisms to effectively secure and protect the people and engage the support of the citizenry especially at the community-level as well as the support of the other pillars of the criminal justice system which shall be realized through the PNP modernization program under this Act, the trust of which shall be:

- (a) The acquisition and upgrading of basic police equipment and law enforcement facilities;
- (b) The acquisition, construction, improvement and upgrading of buildings, facilities and/or offices as centers for police operations in the local government units;
- (c) The adoption/implementation of reforms in the recruitment, training, employment, and general management and development of PNP personnel;
- (d) The development, validation or revision of PNP doctrines/manuals;
- (e) The acquisition and upgrading of information communication technology and equipment; and
- (f) The promotion of a PNP PATROL PLAN 2030 which will focus on the following Key Result Areas (KRAs):

- (1) Prevention and control of crimes primarily through the Community-Oriented Policing System (COPS);
- (2) Peace and order maintenance, internal security, and peacekeeping;
- (3) Enforcement of the rule of law;
- (4) Mobilization of community support and participation;
- (5) Coordination and cooperation with other government agencies, NGOs and the international police community;
- (6) Efficiency in the management and development of human and material resources.

SEC. 3. Objectives of the PNP Modernization Program. The PNP Modernization Program shall be implemented in accordance with the following objectives:

- (a) Transform and develop the PNP into a service-oriented agency in all aspects of its police and internal security functions;
- (b) Enable the PNP to develop capabilities to address and respond to human and ecological security;
- (c) Enhance its capability to assist other agencies in the enforcement of domestic and foreign policies as well as international covenants in coordination with international enforcement agencies;
- (d) Enhance the PNP's capabilities to assist the Armed Forces of the Philippines in the performance of its mandate; and
- (e) Develop its capabilities to support national development.

SEC. 4. Components of the PNP Modernization Program. The PNP Modernization Program shall consist of the following components:

- (1) Organizational Development – The PNP modernization program on organizational development pertains to the restructuring and streamlining of units and offices for economy and efficiency to avoid the overlapping of functions, simplify procedures and improve response time for crime prevention and control.
- (2) Human Resource Development – this component of the PNP modernization program pertains to the professionalization of its human resources, the transformation of its personnel into a professional, effective and credible police force with a high sense and regard for human rights. Accordingly, this program shall strengthen and enhance the following concerns:
 - a. The investigative and operational capability of its personnel;
 - b. The civil service consciousness and respect for the rule of law of the personnel; and,
 - c. The transformation of the PNP into a human-rights based and community-oriented police force.
- (3) Doctrine Development – This requires the rationalization of systems, standards and procedures in the administration of the PNP. Thus, towards

this end, the NAPOLCOM and the PNP Chief shall be responsible for the evaluation, consolidation and formulation of doctrines and the conduct of periodic review of doctrines through field evaluation and testing exercises as well as the dissemination of approved doctrines at all levels of command.

- (4) Infrastructure Development – This refers to the basic support systems required to ensure that efficient police services are rendered. The modernization program includes the upgrading of basic facilities like the police stations, and support facilities to administrative and operational services like training, crime laboratory, information management systems, communications systems, medical and dental services, care in hospitals and dispensaries, and housing.

- (5) Equipment acquisition and modernization – this program involves the upgrading and acquisition of contemporary, modern and state-of-the-art equipment and systems to enhance the capabilities of the police organization in the performance of its mandate.

The Chairman, National Police Commission shall formulate guidelines to implement this section in accordance with the objectives of the modernization program enumerated in the preceding section.

SEC. 5. Priority Programs for Modernization. – In the performance of its duties and functions mandated by law, the PNP shall undertake the Modernization Program in the context of the PNP P.A.T.R.O.L Plan 2030, consistent with Sections 3 and 4 of this Act, and shall specifically be geared towards the improvement and development of the criminal aspects of its police functions. The following areas of concern shall thereafter be given priority:

- a. Community-Oriented Policing Systems (COPS) – The rationalization of the police operations into a pro-active and community based policing system in place of the current reactive, precinct-based policing system.
- b. Criminal Investigation – The enhancement of legal and scientific criminal investigation utilizing improved crime laboratory techniques, methodologies and responsive procedures.
- c. Beat Patrol – The improved patrol coverage through the acquisition and upgrading of communications equipment and mobility equipage to improve response time and enhance crime prevention.
- d. Civil Disturbance Control – The development of civil disturbance doctrines consistent with the Constitutional and statutory provisions on human rights as well as the acquisition of equipment and devices necessary to implement these doctrines.
- e. Anti-Terrorists Operations – The Promotion and utilization of the multilateral exchange of information with other police organizations, to include the improvement of its institutional capabilities to deal with terrorist activities as may be defined by law.
- f. Disaster Relief and Rescue Operations – The improvement of institutional capabilities to prepare and respond to all types of disaster to national emergencies as well as the development of the coordinated efforts with other government agencies and relief organizations in responding to the same.

- g. VIP and Airport Security – The development and upgrading of airport security measures and doctrines to world-class standards to include the creation of cooperation and coordination mechanisms with domestic and international law enforcement agencies.
- h. Maritime Patrol – The development of capabilities concerning the performance of its duties of environment protection and conservation as well as ensuring ecological security. It shall likewise include the conduct of operations against illegal activities in the maritime areas such as illegal fishing, piracy, smuggling, illegal trafficking of contraband and the like.
- i. Air Transport and Aerial Surveillance – The acquisition and upgrading of a modest air transport capabilities to convey its personnel and supplies over the entire length and breadth of the archipelago. This will necessitate the acquisition of multi-role aircrafts to function on public order and safety services such as observation, surveillance, evacuation and detection, among others.
- j. Drug Abuse Suppression- The development of its capability in the enforcement of laws relating to drug abuse and the increased coverage in drug abuse suppression and administrative activities.
- k. Integrated Communication System – The acquisition and/or upgrading of a centralized communication system for faster coordination, command and control of operational and administrative activities.
- l. Intelligence Operations – The development and enhancement of the capability for information collection, processing and dissemination.
- m. Integrated Logistics Support – The enhancement of PNP logistic capability for sustained law enforcement, public security and internal security operations throughout the country.
- n. Internal Security Operations – The preparation and development of the capability to conduct internal security operations in anticipation of the eventual transfer from the AFP by statutory directives of the executive implement of a statutory directive or by operation of law.
- o. Firearms Control and Private Security Agency Regulation – The development and enhancement of an electronic information management system and the standardization of training for security guards. The development of a comprehensive firearms control regulation mechanism shall be undertaken to address the proliferation of unlicensed and unregistered firearms.
- p. Anti-Cybercrime- The continuing national support for the PNP to operationally activate its cybercrime law enforcement unit to address the growing incidence of crimes in the country.

SEC. 6. *Period of Implementation.* The modernization program under this Act shall be implemented over a period of five (5) years; *Provided however,* that payment for amortization of outstanding multi-year contract obligations incurred under this Act may extend beyond such period.

- a. The Secretary of the Interior and Local Government /Chairman, National Police Commission, pursuant to the PNP Modernization Program Projects and Appropriations approved by congress, may, subject to the approval of the President, and consistent with the provisions of existing laws and regulations including those of the Commission on Audit and under such

terms and conditions most favorable to the Government, enter into multi-year contracts, and other contractual arrangements.

- b. For multi-year contracts, Congress shall upon certification by the President, make the corresponding appropriation for the ensuing fiscal year: *Provided*, that Congress shall make appropriate only such funds as may be necessary to pay an unpaid amount where the funds appropriated for the current fiscal year is not sufficient or available to meet such payment in full or in part.
- c. The Secretary of the Interior and Local Government, shall submit to the Chairman of the Senate Committee on Public Order and Dangerous Drugs, the Secretary of Finance and the Chairman of the House of Committees on Public Order and Safety, copies of these multi-year contracts and other agreements to enable Congress to appropriate funds: *Provided that*, the funds to be appropriated for the PNP Modernization Program under this Act shall be treated as a distinct and separate budget item from the regular appropriations of the Department of the Interior and Local Government and the PNP which shall be administered by the Secretary of the Interior and Local Government/Chairman, National Police Commission.

SEC. 7. *Self-Reliance Program.* To implement the modernization program, the PNP shall give preference to Filipino contractors and suppliers and secondly to foreign contractors or suppliers willing or able to locate a substantial portion of, if not the entire production process of the item(s) involved, within the Philippines: *Provided that*, the PNP shall first determine and publish the minimum requirements and standards for products, equipment and technology before the contract negotiation or bidding: *Provided further*, that such product, equipment and technology standards shall conform to established standards in the international community: *Provided finally*, that the spirit, intent and criteria set by the Procurement Law shall be adopted in the determination of awards of contractual arrangements.

In order to generate local employment opportunities and enhance technology transfer to the Philippines and to minimize foreign exchange outflow, the Secretary of the Interior and Local Government/Chairman, National Police Commission shall as far as feasible, incorporate in each contract/agreement, special foreign exchange reduction scheme such as counter-trade, in-country manufacture, co-production, or other innovative arrangements or combinations thereof.

The PNP shall likewise ensure that in negotiating applicable contracts or agreements, provisions are incorporated respecting the transfer to the PNP of the principal technology involved as well as the training of PNP personnel to operate and maintain such equipment or technology.

SEC. 8. *Procurement System.* In addition to the provisions of existing laws, rules and provisions regarding the procurement and acquisition of real estate, buildings, facilities and equipment, the PNP shall strengthen said systems and procedures taking into account the new requirements under the PNP modernization program.

SEC. 9. *Annual Report.* Not later than the end of the first quarter of the succeeding year, the Secretary of the Interior and Local Government/ Chairman, National Police Commission shall submit to the President and Congress an annual report containing the progress of the implementation of the modernization program under

the Act to include the PNP program activities implemented prior to the approval of this Act.

SEC. 10. *Separability Clause*. If any provision of this Act shall be held unconstitutional or invalid, the other provisions shall not be affected and shall remain in full force and effect.

SEC. 11. *Repealing Clause*. All laws, executive orders, rules and regulations inconsistent with or contrary to this Act are thereby deemed accordingly repealed or amended.

SEC. 12. *Effectivity Clause*. This Act shall take effect fifteen (15) days from its publication in at least two (2) newspapers of national circulation.

Approved.

SIXTEENTH CONGRESS OF THE
REPUBLIC OF THE PHILIPPINES
First Regular Session



HOUSE OF REPRESENTATIVES

House Bill No. **2200**

Introduced by REPRESENTATIVE LEOPOLDO N. BATAOIL

EXPLANATORY NOTE

Successful human resource development programs are adopting the best practice of organizing their police academies and training schools directly placed under the heads of police forces such as the United Kingdom, Singapore, South Korea, Thailand and China. However, pursuant to Sections 66 and 67 of Republic Act No. 6975, the Philippine National Police Academy (PNPA) and the Police National Training Institute (PNTI) and the National Police College which conduct training to uniformed personnel of the Philippine National Police (PNP) are presently administered and controlled by the Philippine Public Safety College (PPSC), a separate and distinct bureau from the PNP.

The researches and studies performed by the PNP Reform Commission and the United Nations Development Programme revealed that the current set-up is ineffective and costly. The current structure allows lapses in coordination of training programs, and makes it difficult to develop a system for a well-developed plan and budget for training internal to the PNP. Further, there is mismatch between the PNP training expectations and requirements and the actual services provided by the PPSC.

Accordingly, the PPSC lacks accountability as to the quality of performance of police officers who graduated from its training institutions. The PNP remains at the receiving end of vicious criticisms, oftentimes suffering the blame for bungled and failed police operations, unsolved crimes, and many other inadequacies. The ineffectiveness and inefficiency in the structure and system frequently result in unnecessary cost and waste of resources and efforts because the PNP conducts its own re-orientation and specialization training programs thus duplicating those of the PPSC.

Considering that the training serves as a support system for the upgrading of operational capability of the PNP, the PNPA, PNTI and NPC should be placed under the administrative supervision and operational control of the PNP. The PNP is more in a position to provide its own training needs.

In view of the foregoing, its immediate passage is earnestly sought.


REP. LEOPOLDO N. BATAOIL
2nd District, Pangasinan

HOUSE BILL NO. **2200**

Introduced by Representative LEOPOLDO N. BATAOIL

AN ACT
TRANSFERRING THE ADMINISTRATIVE SUPERVISION AND OPERATIONAL CONTROL OF THE
PHILIPPINE NATIONAL POLICE ACADEMY (PNPA), THE POLICE NATIONAL TRAINING INSTITUTE
(PNTI), THE NATIONAL POLICE COLLEGE (NPC) AND THE NATIONAL FORENSIC SCIENCE
TRAINING INSTITUTE (NFSTI) FROM THE PHILIPPINE PUBLIC SAFETY COLLEGE (PPSC) TO THE
PHILIPPINE NATIONAL POLICE (PNP), AMENDING SECTIONS 24, 66 AND 67 OF REPUBLIC ACT
NO. 6975 AND FOR OTHER PURPOSES

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

Section 1. Section 24 of Republic Act No. 6975 is hereby amended to read as follows:

"Section 24. Powers and Functions. – The PNP shall have the following powers and functions:

- (a) Enforce all laws and ordinances relative to the protection of lives and properties;
- (b) Maintain peace and order and take all necessary steps to ensure public safety;
- (c) Investigate and prevent crimes, effect the arrest of criminal offenders, bring offenders to justice and assist in their prosecution;
- (d) Exercise the general powers to make arrest, search and seizure in accordance with the Constitution and pertinent laws;
- (e) Detain an arrested person for a period not beyond what is prescribed by law, informing the person so detained of all his rights under the Constitution;
- (f) Issue licenses for the possession of firearms and explosives in accordance with the law;

- (g) Supervise and control the training and operations of security agencies and issue licenses to operate security agencies, and to security guards and private detectives, for the practice of their professions;
- (h) **FORMULATE AND IMPLEMENT TRAINING PROGRAMS FOR PNP PERSONNEL; AND**
- (i) Perform such other functions as may be provided by the law.

In addition, the PNP shall absorb the office of the National Action Committee on Anti-Hijacking (NACAH) of the Department of National Defense, all the functions of the present Philippine Air Force Security Command (PAFSECOM), as well as the police functions of the Coast Guard. In order to perform its powers and functions efficiently and effectively, the PNP shall be provided with adequate land, sea and air capabilities and all necessary material means of resources.

IN ORDER TO ENSURE THAT THE POLICE FORCE ARE PROPERLY TRAINED TO PERFORM THE AFORESTATED POWERS AND FUNCTIONS, THE PHILIPPINE NATIONAL POLICE (PNP) SHALL HAVE ADMINISTRATIVE SUPERVISION AND OPERATIONAL CONTROL OVER THE PHILIPPINE NATIONAL POLICE ACADEMY (PNPA), THE POLICE NATIONAL TRAINING INSTITUTE (PNTI), THE NATIONAL POLICE COLLEGE (NPC) AND THE NATIONAL FORENSIC SCIENCE TRAINING INSTITUTE (NFSTI).

Section 2. Section 66 of Republic Act No. 6975 is hereby amended to read as follows:

"Section 66. Creation of the Philippine Public Safety College. – There is hereby created the Philippine Public Safety College (PPSC), which shall be the premier educational institution for the training, human resource development and continuing education of all personnel of the [PNP], Fire and Jail Bureaus.

Said College shall be under the direct supervision of a Board of Trustees composed of the Secretary and the ~~[three-(3)]~~ **TWO (2)** bureau heads."

Section 3. Section 67 of Republic Act No. 6975 is hereby amended to read as follows:

"Section 67. Composition, Powers and Functions. – The College shall consist of the present, the Fire Service Training Center, and other special training centers as may be created by the Department, whose functions shall be as follows:

- (a) Formulate and implement training programs for the personnel of the Department;
- (b) Establish and maintain adequate physical training facilities;
- (c) Develop and implement research and development to support educational training programs;
- (d) Conduct an assessment of the training needs of all its clientele; and

(e) Perform such other related functions as may be prescribed by the Secretary.”

Section 4.Inventory and Transfer of Properties, Facilities, Funds and Personnel. – There shall be a proper inventory and complete transfer of all properties, facilities, records, equipment, funds, choses in action, appropriations, rights, functions, other assets as well as personnel of the PNPA, PNTI, NPC and NFSTI to the PNP, provided that these personnel possess the required qualification standards.

Section 5.Organization. –The Director General of the Philippine National Police, shall be responsible for the necessary changes in the organizational structure and staffing pattern, which may include the creation of corps of professors, which shall be submitted to the National Police Commission (NAPOLCOM) for approval.

Section 6.Appropriations. – The amount necessary to carry out the provisions of this Act shall be charged against the current year’s appropriations of the PNPA, PNTI, NPC and NFSTI. Thereafter, such sums as may be necessary for the continued implementation of this Act shall be included in the annual General Appropriations Act.

Section 7.Implementing Rules and Regulations. – Within ninety (90) days from the effectivity of this Act, the NAPOLCOM, in coordination with the PNP and DILG, shall promulgate the necessary rules and regulations to implement the provisions of this Act. Such rules and regulations shall take effect upon their publication in two (2) newspapers of general circulation.

Section 8.Repealing Clause. – All laws, decrees, executive orders, rules and regulations and other issuances or parts thereof inconsistent with this Act are hereby repealed, amended or modified accordingly.

Section 9.Separability Clause. – In case any provision of this Act or any portion hereof is declared unconstitutional by a competent court, other provisions shall not be affected thereby.

Section 10.Effectivity Clause. – This Act shall take effect upon its publication in at least two (2) newspapers of general circulation.

Approved.