

REPUBLIC OF THE PHILIPPINES
HOUSE OF REPRESENTATIVES
Quezon City

Seventeenth Congress
First Regular Session

HOUSE BILL NO. **5671**



Introduced by REPRESENTATIVE AMADO T. ESPINO, JR.

EXPLANATORY NOTE

People's Law Enforcement Boards (PLEBs) was introduced under Republic Act No. 6975, otherwise known as the "Department of the Interior and Local Government Act of 1990". One of the avowed objectives of the PLEB is to enhance civilian participation in the disciplinary process of errant uniformed members of the Philippine national Police (PNP). Section 43 of R.A. 6975 provides for the creation of PLEBs in every city/municipality to conduct hearing and adjudication of citizens' complaints against erring officers and members of the PNP. Penalties that PLEB is authorized to impose include suspension, dismissal from service, demotion, and forfeiture of salary, among others.

Created pursuant to the amendatory law, Republic Act No. 8551 or the "PNP Reform and Reorganization Act of 1998," the Internal Affairs Service (IAS) of the PNP acts as the watchdog of the country's police force. As an independent body it is vested with broad powers, notably the conduct of motu proprio, automatic investigation and whose recommendations are in the form of a decision. Moreover, the summary dismissal authority of the National Police Commission was restored.

Individuals may also file criminal and administrative complaints before Regular Trial Courts or Office of the Ombudsman. The Civil Service Commission and the Commission on Human Rights are also vested with power to investigate complaints against uniformed members of the PNP filed with them.

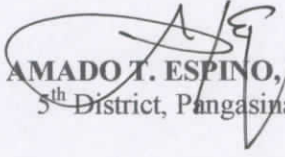
The duty of our police officers is to fight as front liners for a safer Philippines. The nature of their functions and responsibilities entails direct and physical contact with the members of the community. It is then inevitable, especially in our on-going battle against crime and corruption, that they will either by design or neglect, commit a breach of official conduct which will culminate in the filing of appropriate complaint or complaints against them. It is also possible that unscrupulous

individuals simply want to harass either of them with a fabricated charge or multiple suits. The police officer will now have to face several charges with different disciplinary bodies or authorities. This will result in financial troubles of having to secure the services of a lawyer amidst the campaign for a salary hike.

The existence of too many bodies or authorities exercising administrative disciplinary powers over the uniformed members of the PNP serve as a disincentive and create a negative impact in the working atmosphere in the police organization. Relieving them of such burden is the least that the government can do for them.

This proposed measure will provide for a more organized and disciplined police force by enacting a law that would codify and concretely define the exclusive administrative disciplinary machinery of uniformed members of the PNP, geared towards an enhanced quality of public service and professionalization of the police organization. Thus, this humble representation cognizant of the aforesaid observations hereby asks my colleagues to give full support of the approval of this proposal.

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


AMADO T. ESPINO, JR.
5th District, Pangasinan

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HOUSE BILL NO. **5671**

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

AN ACT
**RATIONALIZING THE ADMINISTRATIVE DISCIPLINARY MACHINERY 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:

TITLE I

TITLE AND DECLARATION OF POLICY

SECTION 1. *Title.* – This Act shall be known as the "PNP Administrative Disciplinary Machinery Act of 2005."

SEC. 2. *Declaration of Policy and Principle.* – It is hereby declared the policy of the State to instill discipline and strength of character in the police service with the end in view of effecting a good and respectable police organization, which is tasked in the maintenance of law and order, and impartial enforcement of all laws of the land. To obtain this noble objective, there is an imperative need to rationalize the different administrative disciplinary machineries of PNP who commit any wrongdoing will be accordingly punished as expeditiously as possible while those not culpable be exonerated without necessary delay.

TITLE II

PEOPLE'S LAW ENFORCEMENT BOARD

SEC. 3. *Authority to Hear and Decide Citizen's Complaint.* – All citizens' complaint filed by a natural or juridical person against any uniformed member of the PNP shall be brought before the People's Law Enforcement Board (PLEB), for hearing and adjudication.

For purposes of this Act, citizen's complaint shall mean formal charge initiated by any natural or juridical person or his duly authorized representative on account of an irregular or illegal act or omission of a uniformed member of the PNP.

SEC. 4. *Creation and Appointment of Members.* – The Sangguniang Panlungsod/Bayan in every city and municipality shall create such number of People's Law Enforcement Board (PLEBs) as may be necessary: Provided, that there shall be at least one (1) PLEB for every five hundred (500) city or municipal police personnel or at least one (1) in every city or municipality.

1 Upon receipt of nominations for membership in the PLEB, the Sangguniang
2 Panlungsod/Bayan concerned shall immediately pass a Resolution formally organizing the said Board,
3 prescribing the number of support personnel to be assigned and providing the necessary funds for its
4 operation.
5

6 Based on the Resolution of the Sangguniang Panlungsod/Bayan, the City/Municipality Mayor
7 concerned in his capacity as the appointing authority for local government personnel shall then issue
8 the appointment for each of the PLEB members; copy furnished the Sangguniang Panlungsod/Bayan
9 and the Chief of Police or the city or municipality, for their information and guidance.
10

11 **SEC. 5. *Composition and Term of Office.*** – The PLEB shall be composed of five (5) member who
12 are removable only for cause to be chosen by the local peace and order council from among the
13 respected members of the community known for their probity and integrity representing all members
14 of society, to include but not limited to the business sector, Integrated Bar of the Philippines or in the
15 absence of a member thereof a college graduate or the principal of an elementary school within the
16 locality, Cooperative and Women's organization.
17

18 The Chairman of the PLEB shall be elected from among its members. The term of office of
19 the member of the PLEB shall be for a period of three (3) years from assumption of office. Such
20 member shall hold office until his successor shall have been chosen and qualified.
21

22 **SEC. 6. *Authority to Impose Penalties.*** – The PLEB shall have the authority to impose penalties
23 when the offense is punishable by reprimand, withholding of privileges, restriction to specified limits,
24 forfeiture of salary for a period of one (1) month, suspension for a period not exceeding six (6)
25 months, demotion in rank or by dismissal from the police service.
26

27 The Commission shall provide in its implementing rules and regulations the offenses for
28 which a uniformed member of the PNP may be charged administratively and the scale of penalties to
29 be imposed.
30

31 **SEC. 7. *Decisions.*** – All decisions of the PLEB may be appealed by the aggrieved party with the
32 regional appellate board within ten (10) days from receipt thereof. However, an aggrieved party may
33 file a motion for reconsideration on the decision rendered by PLEB within ten (10) days from receipt
34 thereof. Only one (1) motion for reconsideration is allowed which shall be resolved within ten (1)
35 days from the filing thereof.
36

37 **SEC. 8. *Compensation and Benefits.*** – Membership in the PLEB is a civic duty. However, PLEB
38 members shall be paid per diem and shall be provided with the life insurance coverage as may be
39 determined by the city or municipal council from the city or municipal funds.
40

41 **SEC. 9. *Budget Allocation.*** – The annual budget of the Local Government Units (LGU) shall include
42 an item and the corresponding appropriation for the maintenance and operation of their local PLEBs.
43

44 The Secretary shall submit a report to Congress and President within fifteen (15) days from
45 the effectivity of this Act on the number of PLEBs already organized as well as the LGUs still without
46 PLEBs. Municipalities or cities without a PLEB or with an insufficient number of organized PLEBs
47 shall be directed to immediately organize their respective PLEBs.
48

49 TITLE III

50 INTERNAL DISCIPLINE

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53 **SEC. 10. *Authority to Hear and Decide Cases Involving Minor Offenses Affecting Internal***
54 ***Discipline.*** – The Chiefs of Police, Provincial Directors, Regional Directors and their equivalent

1 supervisors as determined by the National Police Commission and the Chief PNP, shall have the
2 authority to investigate cases involving minor offenses affecting internal discipline filed against
3 uniformed members of the PNP, and after due notice and hearing, impose the administrative
4 punishment of reprimand; restriction to specified limits; withholding of privilege; forfeiture of salary
5 for a period of fifteen (15) days; or suspension from the service of a period not exceeding thirty (3)
6 days.

7
8 For purposes of this Act, breach of internal discipline shall refer to any offense committed by
9 a member of the PNP involving and affecting order and discipline within the police organization.

10
11 Minor offense shall refer to any act or omission not involving moral turpitude, but affecting
12 the internal discipline of the PNP, and shall include, but not limited to:

- 13
14 (1) Simple misconduct or negligence;
15 (2) Simple insubordination;
16 (3) Frequent absences and tardiness not falling under Title IV hereof;
17 (4) Discourtesy in the course of official duties;
18 (5) Violation of reasonable office rules and regulations.
19

20 21 TITLE IV

22 23 SUMMARY DISMISSAL AUTHORITY

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25 SEC. 11. *Authority to Investigate and Decide Summary Dismissal Cases.* – The National Police
26 Commission, Chief PNP and Regional Directors after due notice and hearing, may immediately
27 remove or dismiss any respondent PNP member in any of the following cases:

- 28
29 (a) When the charge is serious and the evidence of guilt is strong;
30 (b) When the respondent is a recidivist or has been repeatedly charged and there are
31 reasonable grounds to believe that he is guilty of charges; and
32 (c) When the respondent is on absence without official leave (AWOL) for
33 continuous period of thirty (3) days or more.
34

35 SEC. 12. *Exclusive Jurisdiction.* – A complaint or a charge filed against a PNP member shall be
36 heard and decided exclusively by the disciplining authority who first acquired jurisdiction over the
37 case and notwithstanding the existence of concurrent jurisdiction as regards to the offense.
38

39 SEC. 13. *Prohibition Against Forum Shopping or Multiple Filing of Complaints.* – When an
40 administrative complaint is filed with a police disciplinary authority, such as the People's Law
41 Enforcement Board (PLEB), no other case involving the same cause of action shall be filed with any
42 other disciplinary authority.
43

44 In order to prevent forum shopping or multiple filing of complaints, the complaint or party
45 seeking relief in the complaint shall certify under oath in such pleading, or in a sworn certification
46 annexed thereto and simultaneously filed therewith, to the truth of the following facts and
47 undertaking:
48

- 49 (a) That he has not heretofore commended any other action or proceeding involving
50 the same issues in other disciplinary forum;
51 (b) That to the best of his knowledge, no such action or proceeding is pending in
52 other police administrative disciplinary machinery or authority;
53 (c) That if there is any such action or proceeding which is either pending or may
54 have been terminated, he must state the status thereof; and

- 1 (d) That if he should thereafter learn that similar action or proceeding has been filed
2 or is pending before any other police disciplinary authority, he must undertake to
3 report that fact within (5) days there from to the disciplinary authority where the
4 original complaint or pleading has been filed;
5 (e) Deliberate failure to observe this particular section shall cause the immediate
6 dismissal of the case.
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8 TITLE V
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10 INTERNAL AFFAIRS SERVICE
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12 SEC. 14. *Functions.* – The Internal Affairs Service shall serve as the investigating arm of the PNP on
13 complaints or cases filed against uniformed members of the PNP.
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15 As investigating arm of the PNP, it shall conduct pre-charge investigation, initiate the filing
16 of formal complaints before any PNP disciplinary authority and prosecute the same until termination.
17

18 In addition, the IAS shall provide documents or recommendation as regards to the promotion
19 of the members of the PNP or the assignment of PNP personal to any key position.
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21 TITLE VI
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23 DISCIPLINARY APPELLATE BOARDS
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25 SEC. 15. *National Appellate Board.* – The National Appellate Board shall be composed of the
26 Chairman and the three (3) regular commissioners. It shall exercise appellate jurisdiction over
27 decisions of Regional Appellate Boards and of the Chief of the PNP, where the penalty imposed is
28 dismissal from the police service, forced resignation or demotion in rank. An appeal from the NAB
29 shall be filed within ten (1) days from receipt of the appealed decision.
30

31 The Board may conduct its hearings or sessions in Metropolitan Manila or any part of the
32 country, as it may deem necessary.
33

34 An aggrieved party may file a motion for reconsideration on the decision rendered by NAB
35 within ten (10) days from receipt thereof. Only one (1) motion for reconsideration is allowed which
36 shall be resolved within ten (10) days from the filing thereof. The filing of a motion for
37 reconsideration shall suspend the running of the reglementary period of appeal.
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39 The decision of the NAB shall be appealable to the Court of Appeals in accordance with Rule
40 43 of the Rules of Court.
41

42 SEC. 16. *Regional Appellate Boards.* – There shall be at least one (1) Regional Appellate Board
43 (RAB) per administrative region in the country to be composed of a senior official of the Commission
44 as Chairman and one (1) representative each from the PNP, and the regional peace and order council
45 as members. It shall consider appeals from the all decision of the PNP regional directors and the
46 PLEB: Provided, that the Commission may create additional regional appellate boards as the need
47 arises.
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49 An aggrieved party may file a motion for reconsideration on the decision rendered by RAB
50 within ten (10) days from receipt thereof. Only one (1) motion for reconsideration is allowed which
51 shall be resolved within ten (10) days from the filing thereof. The filing of a motion for
52 reconsideration shall suspend the running of the reglementary period of appeal.
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TITLE VII

COMMON PROVISIONS

SEC. 17. *Authority to Place Respondent Under Preventive Suspension Pending Investigation.* –

A.) Upon the filing of the formal complaint or at any time during the hearing, the Disciplinary Authority through its designated Summary Hearing Officer may, motu proprio or upon petition of the complainant, issue an order of preventive suspension in any of the following circumstances;

- (a) That the charge is serious and the evidence of guilt is strong; or
- (b) Although the charge is not serious, there is evidence to show that the respondent is exerting efforts to harass, intimidate coerce, or unduly influence complainant or any of his witness into withdrawing his complaint or retracting his sworn statement or that of his witness against the respondent;
- (c) Where there is a possibility that the respondent may tamper with or is tampering with the evidence in the custody of his office.

B.) The PLEB may, during the pendency of an administrative case and in the interest of justice, recommend to the authorized superior officer the preventive suspension of a police officer whose cause is pending before the Board. Such recommendation shall not be denied in any of the following cases:

- (a) When the respondent refuses to heed the PLEB's summons or subpoena
- (b) When the PNP personnel has been charged with offenses involving bodily harm or grave threats;
- (c) When the respondent is in position to tamper with evidence; and
- (d) When the respondent is in a position to unduly influence the complaint or his or her witnesses.

Any superior who refuses or fails to act on the recommendation of the PLEB without valid grounds shall be held administratively liable for serious neglect of duty.

SEC. 18. *Duration of Preventive Suspension.* – When the administrative case against any uniformed member of the PNP under preventive suspension is not finally decided by the disciplining authority within a period of ninety (90) days after the date of his preventive suspension, he shall be automatically reinstated in the police service: Provided, that when the delay in the disposition of the case is due to the fault, negligence or petition of the respondent, the period of delay should not be included in the counting the ninety (90) calendar days period of preventive suspension.

SEC. 19. *Authority to Issue Subpoena Ad Testificandum and Duces Tecum.* – The Hearing Officers of the Commission as well as that of the PNP and the PLEB may issue subpoena ad testificandum and duces tecum and to administer oaths in connection with the investigation of police administrative cases before them.

TITLE VIII

FINAL PROVISIONS

SEC. 20. *Rules and Regulations.* – Unless otherwise provided in this Act, the 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) newspaper of general circulation.

1 SEC. 21. *Appropriations.* – The amount necessary to carry out the provisions of this Act is hereby
2 authorized to be appropriated in the General Appropriations Act of the year following its enactment
3 into law and thereafter.

4
5 SEC. 22. *Repealing Clause.* – Sections 41(a), 42 and 44 of Republic Act No. 6975 as amended and
6 Sections 39, 49, 50 of Republic Act No. 8851 are hereby amended. Section 21 of R.A. 6770 entitled
7 "An Act Providing for the Functional and Structural Organization of the Office of the Ombudsman,
8 and for other Purposes," Section 3 (1) of E.O. No. 163 entitled "Declaring the Effectivity of the
9 Creation of the Commission on Human Rights as provided for in the 1987 Constitution, Providing
10 Guidelines for the Operation Thereof, and For Other Purposes," and pertinent civil service rules
11 inconsistent herewith are hereby repealed or modified accordingly as regards the uniformed personnel
12 of the PNP.

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14 Any other laws, presidential decrees, letter of instructions, executive orders, rules and
15 regulations insofar as they are inconsistent with this Act, are hereby repealed or amended as the case
16 may be.

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18 SEC. 23. *Separability Clause.* – In case any provision of this Act or any portion thereof is declared
19 unconstitutional by a competent court, other provisions shall not be affected thereby.

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21 SEC. 21. *Effectivity Clause.* – This Act shall take effect after its complete publication in at least three
22 (3) newspapers of general circulation.

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27 Approved,