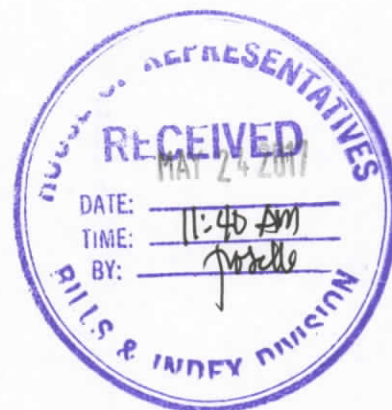


SEVENTEENTH CONGRESS)
REPUBLIC OF THE PHILIPPINES)
First Regular Session)

HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 5713



Introduced by REP. FERDINAND L. HERNANDEZ

AN ACT

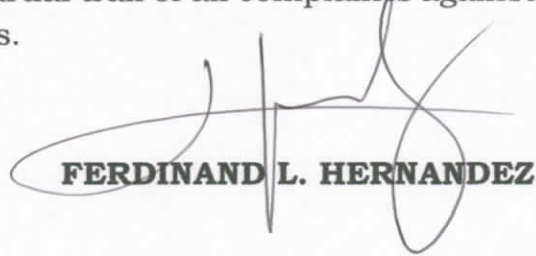
ESTABLISHING THE POLICE LAW ENFORCEMENT COURTS, GRANTING THESE EXCLUSIVE ORIGINAL JURISDICTION OVER VIOLATIONS OF CONSTITUTIONAL RIGHTS AND PNP RULES OF ENGAGEMENT COMMITTED BY THE POLICE, AMENDING BATAS PAMBANSA BILANG 129, AS AMENDED, OTHERWISE KNOWN AS "THE JUDICIARY REORGANIZATION ACT OF 1980", APPROPRIATING FUNDS THEREFORE AND FOR OTHER PURPOSES

The obligation of the government to protect the people is a duty so sacrosanct, it is fundamental to the legitimacy of the establishment of the state.

The spate of controversial reports on alleged extra-judicial killings and the report on the existence of alleged death squads, attributing some murders to government-sanctioned killings fuelled the filing of two Senate Resolutions that prompted the Committee on Justice to investigate, in aid of legislation, the alleged recent and rampant killings in the country. Although the Committee did not find any proof that there exists a state-sponsored policy authorizing extra-judicial killings, the Committee found that unabated killings have been continuing for some 20 years already, crossing several administrations, and yet measures taken by the police authorities to prevent and investigate such have not resulted in a significant impact on bringing down such killings. Throughout these years, the only constant in the equation is the existence of the police and its concomitant duty to prevent and investigate these killings.

With the recent strong campaign against illegal drugs and criminality initiated by the incumbent President, there is a growing need to ensure that the police's execution of its duty follows its rules of engagement and is within the purview of the law. While we expect the police to do their job with palpable vigor in enforcing the law and carrying out the President's orders, such "presidential encouragement" does not give the police the license to violate the constitutional rights of suspects.

Under the social contract theory, the police must realize that they draw their authority to carry guns and enforce the law from the citizens. Thus, they are expected to enforce the law to the letter. Should the police use their guns against the innocent civilians or should they summarily execute people, they must be punished and removed from the service with dispatch, without sacrificing due process, to preserve the trust of the people in its government. This bill seeks to shield the citizenry from the use by the police of unbridled power, leading to violation of constitutional rights, by providing a special court that will provide speedy and impartial trial of all complaints against the police in the performance of their duties.



FERDINAND L. HERNANDEZ

HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 5713

AN ACT
ESTABLISHING THE POLICE LAW ENFORCEMENT COURTS, GRANTING
THESE EXCLUSIVE ORIGINAL JURISDICTION OVER VIOLATIONS OF
CONSTITUTIONAL RIGHTS AND PNP RULES OF ENGAGEMENT
COMMITTED BY THE POLICE, AMENDING BATAS PAMBANSA BILANG
129, AS AMENDED, OTHERWISE KNOWN AS "THE JUDICIARY
REORGANIZATION ACT OF 1980", APPROPRIATING FUNDS
THEREFORE AND FOR OTHER PURPOSES

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

1 **Sec. 1. Short Title.** - This Act shall be known as the **"Police Court**
2 **Act of 2017."**

3 **Sec. 2. Declaration of Policy.** - It is the policy of the State to value
4 the dignity of every human person and guarantee full respect for human
5 rights. To uphold this duty, the State shall prosecute rogue police elements
6 through a special court that will provide the public fair, impartial and speedy
7 disposition of complaints for violations of constitutional rights and PNP
8 operational procedures and code of ethical standards committed by the
9 members of the Philippine National Police free from the "kabaro system."

10 **Sec. 3. Establishment of Police Law Enforcement Court ("Police**
11 **Court") and Appellate Police Law Enforcement Court ("Appellate Police**
12 **Court").** - The Supreme Court shall create a special court designated as the
13 Police Law Enforcement Court ("Police Court"), among existing Regional Trial
14 Courts which shall handle all civil and criminal cases involving the abuse of

1 authority whether in or off duty of the members of the Philippine National
2 Police including civil and criminal cases arising out of the violation of a
3 member of the Philippine National Police of its PNP operational procedures
4 and other police protocols designed to protect the rights of the accused.

5 The Supreme Court shall likewise designate an Appellate Police Court
6 from among the divisions of the Court of Appeals that shall handle all appeals
7 coming from the Police Courts and appeals over the decision/resolution of the
8 National Police Commission in administrative cases.

9 **Sec. 4. Qualification and Training of Judges for the Police Law**

10 **Enforcement Courts.** - Sec. 15 of Batas Pambansa Big. 129, as amended, is
11 hereby further amended to read as follows:

12 **"Sec. 15. (a) Qualification.** - No person shall be appointed a
13 Regional Trial Judge or a Presiding Family Court **OR A POLICE LAW**
14 **ENFORCEMENT COURT JUDGE**, unless he is a natural-born citizen of
15 the Philippines, at least thirty-five (35) years of age, and, for at least ten
16 (10) years, has been engaged in the practice of law in the Philippines or
17 has held a public office in the Philippines requiring the admission to
18 the practice of law as an indispensable requisite.

19 (b) Training of Family Court Judges. xxx

20 **(c) TRAINING OF POLICE LAW ENFORCEMENT COURT**
21 **("POLICE COURT") JUDGES. - THE SUPREME COURT SHALL**
22 **PROVIDE A PERIODIC AND CONTINUING PROGRAM FOR THE**
23 **PRESIDING JUDGE AND THE COURT PERSONNEL OF THE POLICE**
24 **COURTS ON POLICE PROTOCOLS, TACTICS AND RULES OF**
25 **ENGAGEMENT AND PNP OPERATIONAL PROCEDURES INCLUDING**

1 **PHILIPPINE AND INTERNATIONAL HUMAN RIGHTS LAWS TO**
2 **CAPACITATE THE POLICE COURT TO UPHOLD THE DUTY OF THE**
3 **STATE TO PROMOTE PEACE AND ORDER THROUGHOUT THE**
4 **COUNTRY WHILE PROTECTING THE CONSTITUTIONAL RIGHTS OF**
5 **THE CITIZENS.”**

6 **Sec. 5. Jurisdiction of Police Law Enforcement Courts (“Police**
7 **Courts”).** - The Police Courts shall have exclusive original jurisdiction to hear
8 and decide the following cases:

9 1) All civil and criminal cases, including the revised penal code and
10 special penal laws whether in or off duty filed against the members of the
11 Philippine National Police;

12 2) All civil and criminal cases including the revised penal code and
13 special penal laws arising out of the violation of a member of the Philippine
14 National Police of its rules of PNP Operational Procedure, rules of engagement
15 and other police protocols;

16 3) All complaints for violation of constitutional rights where one of the
17 accused is
18 a member of the Philippine National Police;

19 3) Issuance of writ of habeas corpus where there is evidence that the
20 victim is held under the custody of any of the members of the Philippine
21 National Police.

22 **Sec. 6. Prosecutors to the Police Courts.** - The Department of Justice
23 shall assign Prosecutors to prosecute cases within the jurisdiction of the
24 Police Courts. It shall provide for a mechanism to ensure the speedy

1 resolution of preliminary investigations, within 30 days from the receipt of the
2 complaint.

3 **Sec. 7. Assistance of Public Attorneys.** - The Public Attorney's Office
4 shall represent members of the Philippine National Police charged with
5 violations cognizable before the police courts for acts directly connected to
6 performance of their lawful duties as police officers, without need of evidence
7 of indigency.

8 PNP shall ensure adequate legal representation of its force by forging
9 agreements for free legal service with the integrated bar of the Philippines and
10 other reputable law organizations.

11 **Sec.8. Notice on Transfer/Re-assignment of Police Personnel.** - In
12 order to ensure continuous prosecution and trial of the case, upon filing of a
13 civil or criminal case before a prosecutor for preliminary investigation or the
14 Police Court for trial, the Chief of the PNP and the NAPOLCOM shall be
15 informed in writing of a case filed against any member of the Philippine
16 National Police.

17 The PNP shall seek approval from the appropriate prosecutor or the
18 Police Court to which the case is assigned of any transfer/reassignment of the
19 accused police personnel subsequent to the filing of the complaint. The PNP
20 shall ensure the attendance of its accused personnel in all hearings before the
21 prosecutor and the Police Court.

22 **Sec. 9. Jurisdiction of the Appellate Police Law Enforcement**
23 **Courts ("Appellate Police Courts").** - Appellate Police Courts shall have
24 exclusive appellate jurisdiction to hear appeals over the following cases:

25 1)Decisions/Resolutions of the Police Courts;

1 2)Decisions/Resolutions of the National Police Commission in
2 administrative cases over uniformed members of the Philippine National
3 Police;

4 3)Decisions/Resolutions of the of Civil Service Commission in
5 administrative cases over non-uniformed employees of the Philippine National
6 Police.

7 **Sec. 10. Appeals.** - Decisions and orders of the Police Courts shall be
8 appealed in the same manner and subject to the same conditions as appeals
9 from the ordinary Regional Trial Courts.

10 **Sec. 11. Special Rules of Procedure.** - The Supreme Court shall
11 promulgate special rules of procedure for the transfer of cases to the new
12 courts during the transition period and for the disposition of police cases with
13 the aim of providing the public fair, impartial and speedy disposition of
14 complaints.

15 **Sec. 12. Use of Income.-** The Supreme Court shall be allowed to use
16 ten percent (10%) of the income derived from filing and other court fees under
17 Rule 141 of the Rules of Court for research and other operating expenses
18 including capital outlay.

19 **Sec. 13. Appropriations.** - The amount necessary to carry out the
20 provisions of this Act, including the creation of new courts as may be
21 determined by the Supreme Court whenever the need for more Police Court
22 and Appellate Police Courts so warrant, shall be included in the General
23 Appropriations Act of the year following its enactment into law and thereafter.

24 **Sec. 14. Transitory Provision.** - Pending the issuance of
25 implementing rules and regulations, the Supreme Court shall designate from

1 among existing branches of the Regional Trial Court at least one Police Court
2 in each judicial region.

3 **Sec. 15. Repealing Clause.** - All laws, decrees, orders, rules and
4 regulations or other issuances or parts thereof inconsistent with the
5 provisions of this Act are hereby repealed or modified accordingly.

6 **Sec. 16. Separability Clause.** - If any portion or provision of this Act
7 is declared unconstitutional, the remainder of this Act or any provision not
8 affected thereby shall remain in force and effect.

9 **Sec. 17. Effectivity.** - This Act shall take effect after fifteen (15) days
10 following the completion of its publication either in the Official Gazette or in a
11 newspaper of general circulation in the Philippines.

12 Adopted.