

Republic of the Philippines
HOUSE OF REPRESENTATIVES
CONGRESS OF THE PHILIPPINES
Quezon City, Metro Manila

SEVENTEENTH CONGRESS
First Regular Session

House Bill No. 5840



Introduced by Honorable REYNALDO V. UMALI

EXPLANATORY NOTE

The 1987 Constitution declared as policy of the State to value the dignity of every human person and guarantees full respect for human rights (Section 11, Article II). The Constitution likewise provides that the State has the prime duty of the State to serve and protect its people.

In recent months, several controversial reports were released regarding alleged extra-judicial killings allegedly linked with the government's ongoing campaign against illegal drugs and criminality. Some of these reports alleged that law enforcers are the one responsible for the vigilante killings or extra-judicial killings in the country.

Due to these events, there is a growing need to ensure that in the execution of law enforcers' duty, they follow its rules of engagement and within the purview of the law. Law enforcers, particularly members of the national police, in enforcing the law and carrying out the Administration's order, do not have the license to violate the constitutional right of the suspect.

This Bill seeks to protect the people from the arbitrary use of the law by 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.

In view of thereof, early consideration and approval of this bill is earnestly sought.

A handwritten signature in black ink, appearing to read 'R. Umali', written over the printed name.

HON. REYNALDO V. UMALI

Representative

2nd District, Oriental Mindoro

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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:

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

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

Sec. 3. Establishment of Police Law Enforcement Court ("Police Court") and Appellate Police Law Enforcement Court ("Appellate Police Court"). - The Supreme Court shall create a special court designated as the Police Law Enforcement Court ("Police Court"), among existing Regional Trial Courts which shall handle all civil and criminal cases involving the abuse of authority whether in or off duty of the members of the Philippine National Police including civil and criminal cases arising out of the violation of a member of the Philippine National Police of its PNP operational procedures and other police protocols designed to protect the rights of the accused.

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

Sec. 4. Qualification and Training of Judges for the Police Law Enforcement Courts. - Sec. 15 of Batas Pambansa Big. 129, as amended, is hereby further amended to read as follows:

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

(b) Training of Family Court Judges. xxx

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

INCLUDING PHILIPPINE AND INTERNATIONAL HUMAN RIGHTS LAWS TO CAPACITATE THE POLICE COURT TO UPHOLD THE DUTY OF THE STATE TO PROMOTE PEACE AND ORDER THROUGHOUT THE COUNTRY WHILE PROTECTING THE CONSTITUTIONAL RIGHTS OF THE CITIZENS."

Sec. 5. Jurisdiction of Police Law Enforcement Courts ("Police Courts").

- The Police Courts shall have exclusive original jurisdiction to hear and decide the following cases:

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

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

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

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

Sec. 6. Prosecutors to the Police Courts. - The Department of Justice shall assign Prosecutors to prosecute cases within the jurisdiction of the Police Courts. It shall provide for a mechanism to ensure the speedy resolution of preliminary investigations, within 30 days from the receipt of the complaint.

Sec. 7. Assistance of Public Attorneys. - The Public Attorney's Office shall represent members of the Philippine National Police charged with violations cognizable before the police courts for acts directly connected to

performance of their lawful duties as police officers, without need of evidence of indigency.

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

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

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

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

- 1)Decisions/Resolutions of the Police Courts;
- 2)Decisions/Resolutions of the National Police Commission in administrative cases over uniformed members of the Philippine National Police;
- 3)Decisions/Resolutions of the of Civil Service Commission in administrative cases over non-uniformed employees of the Philippine National Police.

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

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

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

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

Sec. 14. Transitory Provision. - Pending the issuance of implementing rules and regulations, the Supreme Court shall designate from among existing branches of the Regional Trial Court at least one Police Court in each judicial region.

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

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

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

Adopted.