

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

SEVENTEENTH CONGRESS
Second Regular Session

HOUSE BILL NO. 6672



Introduced by **HONORABLE LUIS RAYMUND "LRAY" F. VILLAFUERTE, JR.**

EXPLANATORY NOTE

This bill proposes the establishment of special police courts to be known as Police Law Enforcement Courts in all regional trial courts and the consequent creation of Appellate Police Law Enforcement Courts by amending Batas Pambansa Bilang 129 otherwise known as the Judiciary Reorganization Act of 1980.

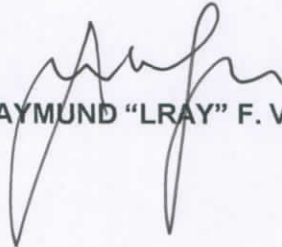
Over the first half of 2017, the Philippine National Police (PNP) has already conducted almost 70,000 drug operations alone, whose legitimacy of means and outcome have drawn much attention. In fact, the PNP has been tagged in numerous infamous cases of alleged murders and deaths labeled as collateral damage in the war against illegal drugs and other crimes. National and international media have fixed the spotlight on the police and their alleged abuses. Given the magnitude of ongoing police operations and the express mandate of President Rodrigo Roa Duterte that the police forces remain vigilant and aggressive in its law enforcement despite the issues besetting them, there is an urgent need for a system of special police courts to ensure the fair and speedy disposition of cases involving active and non-active members of the PNP.

The Police Law Enforcement Courts shall focus on all criminal and civil cases filed against active and non-active members of the PNP in the pursuit of their duties, as well as violations of PNP operational procedures and other police protocols. In light of this, the Supreme Court shall accordingly 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. Members of the bench shall undergo proper training to competently hear these cases.

Admittedly, while much power and trust have been reposed upon our courageous police forces whose lives and reputation are also in constant threat, the same grant of authority

calls for equally unrelenting supervision and regulation. This bill is a reaffirmation of our utmost responsibility to put the safety of our people, their lives and properties above everything else for this democracy is only as strong as their faith and trust in its institutions.

In view of the foregoing premises, the swift approval of this bill is humbly sought.

A handwritten signature in black ink, appearing to be 'Lray F. Villafuerte, Jr.', written over the printed name.

LUIS RAYMUND "LRAY" F. VILLAFUERTE, JR.

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HOUSE BILL NO. 6672

Introduced by HONORABLE LUIS RAYMUND "LRAY" F. VILLAFUERTE, JR.

AN ACT
ESTABLISHING THE POLICE LAW ENFORCEMENT COURTS,
GRANTING THESE COURTS 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".

Section 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."

Section 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.

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

(a) Qualifications. - 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.

Section 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;
- 4) 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.

Section 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.

Section 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

Section 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.

Section 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.

Section 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.

Section 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.

Section 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.

Section 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.

Section 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.

Section 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.

Section 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.

Section 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,