

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

SEVENTEENTH CONGRESS
Third Regular Session

HOUSE BILL NO. 7925



Introduced by HONORABLE AMADO T. ESPINO, JR.

EXPLANATORY NOTE

It is the policy of the State to establish a highly efficient, effective and competent Philippine National Police (PNP). However, more than restructuring the PNP organization and modernizing its equipment and facilities, it is also imperative to ensure that members of the national police force are imbued with the highest sense of discipline.

The great military strategist, Sun Tzu, had counselled about the importance of strong disciplinary mechanisms and advised that, even with the best strategies, a battle can easily be lost if the execution of strategy is left to a poorly disciplined force.

In the years to come, the PNP would need a highly disciplined police force to overcome more challenging wars against sophisticated forms of criminality, and this can come to fruition if strengthened disciplinary mechanisms are in place.

This Bill seeks to strengthen existing disciplinary mechanisms within the PNP organization.

In particular, it proposes to reconstitute the Internal Affairs Service (IAS) as "Internal Affairs" with a revised organizational structure up to the city and municipal police station levels. It aims to clothe the Internal Affairs with the power to hear and decide, with finality, administrative cases filed against PNP uniformed members. If enacted, this adjudicatory power will amend Section 49 of Republic Act (RA) 8551 which grants IAS the power to "generally conduct summary proceedings and hearings" and, thus, only make disciplinary recommendations. As to jurisdiction, the Internal Affairs shall continue to exercise automatic jurisdiction over enumerated *motu proprio* cases, without need of referral from concerned police commanders. In addition, however, this Bill also proposes that the Internal Affairs should be granted jurisdiction to take cognizance of citizen's complaints to be resolved within thirty (30) days upon filing of formal charges. To successfully perform its mandate of being the "police of the police", the Internal Affairs ought to be impartial and independent hence, this Bill pushes for its own recruitment quota; separate placement and

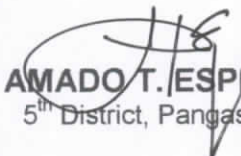
promotion policies and procedures; and fiscal independence such that it shall enjoy automatic, direct and regular release of funds. Likewise, to efficiently and effectively perform its proposed expanded adjudicatory function, this Bill seeks to ensure that adequate number of personnel will be assigned at the Internal Affairs and institutionalize the grant of Occupational Specialty Pay (OSP) and other incentives.

Further, this Bill proposes to establish a separate and distinct Police Justice System, with the end view of enhancing the disciplinary actions that police commanders are authorized to take in cases of "breach of internal discipline" committed by uniformed members under their respective commands, as conceptualized under Section 41 (b) (1) - (4) of RA 6975, as amended by Section 52 of RA8551. As envisioned, the Police Justice System shall have the following salient features:

- 1) Mandatory exercise of disciplinary powers on "breach of internal discipline" cases by police commanders at all levels of command, under the principle of command responsibility;
- 2) Abbreviated procedures/timelines;
- 3) Swift disciplinary action but with observance of due process;; and
- 4) Imposition of the administrative penalty of "restrictive custody" which may constitute limited restraint to liberty such as "restriction to quarters", "confinement to police station/police headquarters premises and/or disciplinary barracks", and "correctional custody".

Finally, to restore public trust and confidence on an unbiased PNP disciplinary mechanism, this Bill proposes that decisions promulgated by the Internal Affairs should be promptly implemented. Notably, decisions imposing the penalty of six (6) months suspension or dismissal shall be immediately executory, even pending appeal. PNP commanders or heads of office who fail to implement such decisions or who act with abuse of discretion on said decisions shall be made liable for gross neglect of duty.

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


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

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**“AN ACT TO STRENGTHEN DISCIPLINARY MECHANISM IN THE
PHILLIPINE NATIONAL POLICE, AMENDING FOR THE PURPOSE CERTAIN
PROVISIONS OF REPUBLIC ACT NO. 6975, AS AMENDED BY
REPUBLIC ACT NO. 8551, AND FOR OTHER PURPOSES”**

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

Sec. 1. Short Title. – This Act shall be known as the “Strengthened
Philippine National Police (PNP) Disciplinary Mechanism Act.”

Sec. 2. Declaration of Policy. – It is the policy of the State to establish a
highly efficient, effective and competent police force, which is national in scope,
civilian in character, and administered and controlled by the National Police
Commission (NAPOLCOM).

A community and service-oriented law enforcement agency, the PNP shall
promote and respect human rights and uphold the rule of law in the performance of
its primary functions to maintain peace and order and ensure public safety and
security,

The State shall endeavor to establish and maintain a strengthened internal
affairs service in the Philippine National Police that shall be the primary instrument to
measure, enhance, and instill performance and discipline among all PNP units and
personnel and conduct investigation and prosecution in an impartial, independent,
expeditious and professional manner, thereby ensuring the citizenry of unbiased
police disciplinary mechanism.

Sec. 3. Organization of the Internal Affairs (IA) – The Internal Affairs
Service (IAS) of the PNP created under Republic Act No. 8551 is hereby reorganized
as Internal Affairs (IA). The IA shall be an independent, impartial, effective and
efficient institutional guardian of integrity and shall be placed directly under the Office
of the Chief, PNP. It shall be headed by an Inspector General (IG) who may either be
a civilian or uniformed personnel with the rank of Police Lieutenant General duly
appointed by the President upon the recommendation of the Chief, PNP through the
NAPOLCOM. The IG shall serve for a term of six (6) years, without reappointment,
or upon reaching the compulsory retirement age of 56 years old, whichever comes
first.

1 The IG shall be assisted by a Deputy Inspector General who is a uniformed
2 personnel with a rank of Police Major General likewise appointed by the President
3 upon recommendation of the NAPOLCOM from among the most senior and qualified
4 officers in the IA.

5
6 There shall be two (2) Assistant Deputies Inspector General, one for
7 Administration and one for Operations, both with the rank of Police Brigadier
8 General.

9
10 There shall be a National IA that shall have the following Divisions, headed by
11 a uniformed personnel with the rank of Police Colonel:

12
13 a. Personnel and Human Resource Division – which shall provide
14 manpower, career planning and development, trainings, personnel
15 transactions and employee welfare;

16
17 b. Logistics and Finance Division - which shall provide plans and
18 programs and formulate policies and procedures regarding acquisition,
19 inventory, control, distribution, maintenance and disposal of supplies and shall
20 oversee the implementation of programs on transportation facilities and
21 installations and the procurement and maintenance of supplies and
22 equipment; and shall provide with staff advice and assistance on budgetary
23 and financial matters, including the overseeing of the processing and
24 disbursement of funds;

25
26 c. Planning and Research Division – which shall provide technical
27 services in areas of overall policy formulation, strategic and operational
28 planning, management systems or procedures, evaluation and monitoring of
29 programs, projects and internal operations of the IA;

30
31 d. Inspection and Audit Division - which shall conduct inspection and
32 audit and monitor to determine character development, discipline,
33 performance of personnel and operational readiness and procedures of the
34 PNP units to improve police services and integrity;

35
36 e. Intelligence and Investigation Division - which shall provide
37 information for the recruitment of personnel of the PNP, placement,
38 promotion, and in gathering of evidence in support of IA open investigation
39 and prosecution of administrative and criminal cases;

40
41 f. Legal Division - which shall provide efficient and effective summary
42 hearing of administrative cases; serve as legal counsel of the IA; draft or
43 study contracts, render legal opinions arising from the administration and
44 operation of the IA;

45
46 g. Police Community Relations Division – which shall provide the
47 necessary support, programs, and activities to restore values, discipline, and
48 performance of PNP personnel; provide alternative channel to report police
49 irregularities and anomalies;

50
51 h. Information and Communications Technology Division – which shall
52 be responsible for managing information, electronics and communications

1 technology resources to promote, develop and regulate integrated strategic
2 ICT systems and reliable and efficient communications infrastructure. It shall
3 provide and maintain reliable, secured, integrated, and cost-efficient
4 information technology and communications services and facilities. It shall
5 likewise be responsible for the design, implementation, and maintenance of
6 the IA database system.

7
8 The Regional IA offices shall be headed by a Director with a rank of Police
9 Brigadier General except for the Director of the National Capital Region IA who shall
10 have a rank of Police Major General.

11
12 The District IA of the National Capital Region shall be headed by a District
13 Director with a rank of Police Brigadier General.

14
15 The Provincial and Highly Urbanized City IA offices shall be headed by a
16 Director with a rank of at least Police Colonel or a civilian of equivalent grade.

17
18 The heads of the City IA or Municipal IA offices shall have the rank of at least
19 Police Lieutenant Colonel or a civilian of equivalent grade.

20
21 Uniformed PNP personnel who joined or transferred to the IA shall be barred
22 thereafter from joining or being appointed to any positions of other units of the PNP.

23
24 **Sec. 4. Qualification of the Inspector General.** – To serve as IG, the
25 appointee must possess the following qualifications:

26
27 a. A citizen of the Philippines;

28
29 b. At least fifty (50) years old;

30
31 c. If a civilian, must be a member of the Philippine Bar, in good
32 standing, with at least ten (10) years of experience in handling criminal or
33 administrative cases; and

34
35 d. If uniformed personnel, must be a holder of a relevant Master's
36 degree and with a rank of at least a Police Brigadier General prior to his
37 appointment.

38
39 **Sec. 5. Functions of the IA** - The IA shall exercise the following functions;

40
41 I. General Functions

42
43 a. Pro-actively conduct inspections and audits on PNP personnel and
44 units;

45
46 b. Investigate complaints and gather evidence in support of an open
47 investigation;

48
49 c. Hear and decide with finality administrative cases filed against
50 uniformed members of the PNP facing administrative charges;
51

d. Submit a periodic report on the assessment, analysis and evaluation of the character and behavioral conduct of the PNP personnel and units to the Chief, PNP and the NAPOLCOM;

e. File appropriate criminal cases against PNP members before the regular court as evidence warrants and assist in the prosecution of the case, and

f. Provide assistance to the Office of the Ombudsman in cases involving the members of the PNP.

II. Special Functions

The IA shall conduct motu proprio investigations on the following cases;

a. A police personnel unlawfully discharges a firearm;

b. Death, serious physical injury, or any violation of human rights occurred in the conduct of a police operation;

c. Evidence was compromised, tampered with, obliterated, or lost while in the custody of police personnel;

d. A suspect in the custody of the police dies or is seriously injured;

e. The established rules of engagement and the PNP Operational procedures have been violated ; and

f. A prima facie evidence to believe that a police personnel has committed a crime in the performance of his duties.

III. Other Functions

The IA shall also provide the requisite documents or recommendations relative to the promotion of PNP personnel or the transfer or appointment of PNP members to any key position.

It shall recommend to the Department of Justice for the protection of witnesses who are vital to the conduct of investigation and effective prosecution of PNP personnel facing administrative or criminal case.

Sec. 6. Entry Qualification to the IA. – The IA shall be composed of uniformed and non-uniformed personnel. The IG shall appoint the personnel of IA who shall occupy various positions in accordance with the established career path approved by the NAPOLCOM.

Civilians recruited into the IA as Patrolman shall possess the same qualifications as provided for in Republic Act No. 6975, as amended by Republic Act No. 8551, and shall undergo similar screening procedures and trainings for Patrolmen recruited into the PNP.

1 Transfer of PNP personnel to the IA shall be voluntary. PNP personnel who
2 will transfer to the IA shall be subject to rigid screening where only those who have
3 no derogatory records and who have at least ten (10) remaining years in the service
4 shall be appointed. Uniformed personnel, who are members of the Bar and
5 graduates of related disciplines may enter the IA laterally.
6

7 **Sec.7. Recruitment** – The IA shall have a rationalized staffing pattern in
8 accordance with its organizational structure. It shall have a separate recruitment
9 quota for Patrolman and non-uniformed personnel. The authorized personnel
10 strength of the IA shall not exceed four percent (4%) of the total strength of the PNP.
11 The allocation for non-uniformed personnel shall not exceed forty percent (40%) of
12 the total personnel strength of the IA. The system of pay and allowance, career
13 development and promotion as well as well as separation, attrition, and retirement
14 for IA personnel shall be patterned after the PNP system.
15

16 **Sec. 8. Promotion** – Promotion of personnel of the national, regional, district,
17 provincial, city, and municipal IA shall follow the general principles of the promotion
18 system in the PNP with IG as the approving authority upon the recommendation of
19 the IA placement board.
20

21 **Sec. 9. Compulsory Retirement** – Compulsory retirement for uniformed
22 personnel shall be upon the attainment of age 56. The compulsory retirement of the
23 NUP of IA shall be governed by existing laws, rules and regulations for the civilian
24 employees of the government.
25

26 **Sec. 10. Optional Retirement.** – Upon accumulation of at least twenty (20)
27 years of satisfactory active service, IA uniformed personnel, at the employee's
28 request, may be retired from the service and entitled to receive the benefits provided
29 by law. The optional retirement of the NUP of IA shall be governed by existing laws,
30 rules and regulations for the civilian employees of the government.
31

32 **Sec. 11. Occupational Specialty Pay/Incentives.** – Personnel of the IA shall
33 in addition to other pay and allowances authorized under existing laws be granted
34 Occupational Specialty Pay which shall amount to fifty percent (50%) of their basic
35 pay which shall be paid monthly and shall be included as separate line item in the
36 General Appropriations Act. This pay shall not be considered a forfeiture of other
37 remuneration and allowances which are allowed under existing laws.
38

39 **Sec. 12. Immediate Supervisor and Superior in IA Investigations.** – The
40 immediate superior or supervisor of the personnel or units being investigated under
41 Section 32 of this Act shall be automatically included in the investigation of the IA to
42 exclusively determine lapses in administration or supervision.
43

44 **Sec. 13. Restrictive Custody of Personnel under Investigation.** - Unit
45 commanders or head of offices are allowed to place their personnel under restrictive
46 custody pending investigation on alleged commission of serious or grave offenses.
47 All firearms, PNP badge, ID and other government properties issued to the erring
48 personnel shall be recalled by the Supply Accountable Officer of their respective
49 units.
50

51 For purposes of this section, the term "restrictive custody" refers to the
52 reasonable restraint and restriction of police personnel to specified limits, barracks or

1 quarters of the PNP pending investigation. It is a permissible precautionary measure
2 to assure the PNP authorities that the police personnel concerned are always
3 accounted for.

4
5 Any police personnel who shall break the provisions of restrictive custody
6 shall be subjected to administrative investigation to determine the liability, in addition
7 to the original complaint where said personnel is already being investigated upon.

8 In cases of breach of internal discipline, a separate and distinct Police Justice
9 System, as promulgated by the NAPOLCOM upon recommendation of the C, PNP,
10 shall be adopted.

11
12 **Sec. 14. Jurisdiction and Penalties.** – After notice and hearing, disciplinary
13 authorities can impose the penalties provided herein for the following offenses:

14
15 a. On Breach of Internal Discipline:

16
17 1) Chief of Police or equivalent supervisors may impose the
18 administrative punishment of reprimand, suspension or forfeiture of salary for
19 a period not exceeding sixty (60) days, or any combination thereof;

20
21 2) Provincial Directors or equivalent supervisors may impose the
22 administrative punishment of reprimand, suspension or forfeiture of salary for
23 a period not exceeding one hundred twenty (120) days, or any combination
24 thereof;

25
26 3) Police Regional Directors or equivalent supervisor may impose the
27 administrative punishment of reprimand, suspension or forfeiture of salary for
28 a period not exceeding one hundred eighty (180) days, or any combination
29 thereof, or dismissal from service; and

30
31 4) The Chief of the PNP may impose the disciplinary punishment of
32 reprimand, suspension or forfeiture of salary for a period not exceeding one
33 hundred eighty (180) days; or any combination thereof, or dismissal from
34 service;

35
36 b. On Citizen's Complaint:

37
38 1) People's Law Enforcement Board where the offense is punishable
39 by suspension or forfeiture of salary for a period not exceeding one hundred
40 eighty (180) days; or a combination of both, or by dismissal; and

41
42 2) Regional Director NAPOLCOM where the offense is punishable by
43 suspension or forfeiture of salary for a period not exceeding one hundred
44 eighty (180) days; or a combination of both, or by dismissal.

45
46 a. The PNP Internal Affairs shall have jurisdiction over:

47
48 1) Citizen's complaint to be resolved, within 30 days upon filing of
49 formal charge; and

50
51 2) Breach of internal discipline, upon referral of concerned police
52 commanders: *Provided*, That the Internal Affairs shall exercise jurisdiction

over cases enumerated in Section 32 (II), without need of referral of concerned police commanders.

d. Exclusive Jurisdiction - When a complaint or charge is filed against a PNP member, it shall be heard and decided exclusively by the disciplinary authority which first acquired original jurisdiction over the case: *Provided*, That, offenses which carry a higher or lower imposable penalty shall be referred to the appropriate disciplinary authority: *Provided, further*, That should any disciplinary authority or IA take cognizance of any complaint beyond his jurisdiction and render a decision thereon, the same shall be void and shall not be a bar to the filing of a complaint against the PNP member before the proper disciplinary authority. Any disciplinary authority or IA officer who violates this provision shall be proceeded against administratively for serious irregularity in the performance of duty.

e. Forum Shopping or Multiple Filing of Complaints - When an administrative complaint is filed with a disciplinary authority, no other case involving the same cause of action shall be filed with any other disciplinary authority.

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

1) That he has not commenced any other action or proceeding involving the same issues in other disciplinary forum;

2) That to the best of his knowledge, no such action or proceeding is pending in other police administrative disciplinary machinery or authority;

3) That if there is any such action or proceeding which is either pending or may have been terminated, he must state the status thereof; and

4) That if he should thereafter learn that a similar action or proceeding has been filed or is pending before any other police disciplinary authority, he must undertake to report that fact within five (5) days therefrom to the disciplinary authority where the original complaint or pleading has been filed.

The NAPOLCOM shall provide in its implementing rules and regulations a scale of penalties to be imposed upon any member of the PNP under this Section.

Sec. 15. Preventive Suspension - Immediately upon filing of a formal charge, the IA may, *motu proprio* or upon motion of the complaining party, order the preventive suspension of any police personnel who has been accused of having committed serious or grave offense, particularly those involving heinous crimes as defined under existing laws, rules and regulations, upon the following grounds:

a. That the charge is serious or grave and the evidence of guilt is strong and the respondent may influence the course of an investigation; or

b. There is evidence to show that respondent is exerting efforts to harass, intimidate, coerce or unduly influence the complainant or his/her witnesses into withdrawing his complaint or retracting his sworn statement or that of his witnesses against the respondent or to tamper with the evidence.

1 The firearms, PNP badge, ID and other government properties issued to said
2 police personnel shall be recalled. The period of preventive suspension shall not
3 exceed ninety (90) days.

4
5 The order of preventive suspension shall be directed to the concerned
6 superior who shall immediately implement the same. Failure to abide with the order
7 shall constitute dereliction of duty.

8 ***Sec. 16. Implementation of IA Decisions. -***

9
10 a. The concerned PNP units shall immediately implement the decisions
11 of the IA, imposing disciplinary measures or sanctions against erring PNP
12 personnel.

13
14 b. Decisions of IA imposing the penalty of 6 months suspension, or
15 dismissal are immediately executory pending appeal.

16
17 c. Any head of the PNP unit/office who fails to implement the
18 decisions of the IA, within fifteen (15) days from receipt thereof, or who acts
19 with abuse of discretion on said decisions shall be made liable for gross
20 neglect of duty.

21
22 ***Sec. 17. Procedure on Appeal.-***

23
24 a. Breach of Internal Discipline

25
26 1) Decisions of the Chief of Police or equivalent supervisor may be
27 appealed to the Provincial Director or equivalent supervisor whose decision
28 becomes final, executory and non-appealable.

29
30 2) Decisions of the Provincial Director or equivalent supervisor may be
31 appealed to the Regional Director or equivalent supervisor whose decision
32 becomes final, executory and non-appealable.

33
34 3) Decisions of the Regional Director or equivalent supervisor
35 imposing the penalty of 6 months suspension or dismissal may be appealed
36 to the Chief, PNP.

37
38 4) Decisions of the Chief PNP, in the exercise of original or appellate
39 jurisdiction, imposing the penalty of 6 months suspension or dismissal may be
40 appealed to the National Appellate Board (NAB).

41
42 5) Decisions of NAB are appealable to the Court of Appeals (CA).

43
44 b. Citizen's Complaint

45
46 1) Decisions of the Regional Director of NAPOLCOM and PLEBs
47 imposing the penalty of 6 months suspension or dismissal may be appealed
48 to the Regional Appellate Board (RAB).

49
50 2) Decisions of the RAB may be appealed to the Commission En
51 Banc; and

3) Decisions of the Commission En Banc, in the exercise of original or appellate jurisdiction, may be appealed to the CA.

c. The Internal Affairs

1) Decisions of the Municipal IA and City IA on citizen's complaint and breach of internal discipline may be appealed to Provincial IA whose decision becomes final, executory and non-appealable.

2) Decisions of Provincial IA may be appealed to the Regional IA whose decision becomes final, executory and non-appealable.

3) Decisions of the Regional IA imposing the penalty of 6 months suspension or dismissal and District IA may be appealed to the IG.

4) Decisions of the IG, both on original and appellate jurisdiction, may be appealed to the Commission En Banc.

5) Decisions of Commission En Banc may be appealed to the CA.

Sec. 18. Source of Funds. – The appropriation for the Internal Affairs including funds for the Occupational Specialty Pay shall be under a specific item in the Annual General Appropriations Act. This shall include Personnel Services Maintenance and Other Operating Expenses and Capital Outlay.

Sec. 19. Fiscal Independence. – In order to strengthen its fiscal independence, the Internal Affairs shall have an automatic, direct and regular release of funds, based on the approved annual general appropriations, subject to the existing rules, practices and regulations on auditing and accounting of the Commission on Audit. It shall have its own Finance, Budget Management and Accounting Officer. The IA shall have a distinct and separate budget from the other PNP units and offices.

Sec. 20. Implementing Rules and Regulations. – Within one hundred eighty (180) days from approval of this Act, the Chief, PNP, in coordination with the National Police Commission and Secretary of Budget and Management, shall promulgate the necessary rules and regulations for its effective implementation.

Sec. 21. Congressional Oversight Committee. – There is hereby created a Congressional Oversight Committee to monitor and oversee the implementation of the provisions of this Act. The committee shall be composed of six (6) members from the Senate and six (6) members from the House of Representatives with the Chairpersons of the Committee on Public Order and Illegal Drugs and the Committee on Public Order and Safety of both Houses as Joint Chairpersons. The five (5) other members from each Chamber shall be designated by the Senate President and the Speaker of the House of Representatives, respectively.

The Minority shall have at least two (2) representatives from both Chambers.

Sec. 22. Separability Clause. – If any provision of this Act shall be held unconstitutional or invalid, the other provisions shall not be affected and shall remain valid.

1
2 **Sec. 23. Repealing Clause.** – Sections 39, 40, 41, 42, 43, 44, 45, 46, 49,
3 and 50 of Republic Act No. 8551, are hereby repealed. All other laws, executive
4 orders, rules and regulations inconsistent with or contrary to this Act are hereby
5 accordingly repealed or modified.
6

7 **Sec. 24. Effectivity Clause.** – This Act shall take effect after fifteen (15) days
8 following its publication in two (2) national newspapers of general circulation.
9

10 Approved,