

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

SEVENTEENTH CONGRESS
Third Regular Session

HOUSE BILL NO. 8267



Introduced by Honorable FREDERICK W. SIAO

EXPLANATORY NOTE

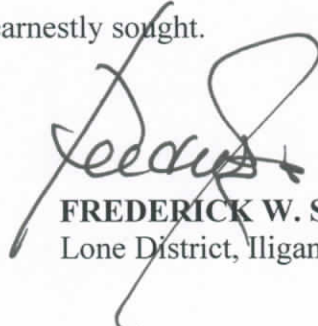
This bill seeks to transfer to the Philippine National Police (PNP) the power to exercise operational supervision and control over police units assigned or stationed in local government units.

The PNP is the lead agency of the government tasked to enforce the laws, prevent and control crimes, maintain peace and order, and ensure public safety and internal security.

During the Eighth Congress, the revitalized PNP was established through Republic Act No. 6975, otherwise known as the "*Department of the Interior and Local Government Act of 1990*." The law was further strengthened and expanded by Republic Act No. 8551, otherwise known as the "*Philippine National Police Reform and Reorganization Act of 1998*." Under these laws, local chief executives are given the operational control and supervision over the police units assigned or stationed in their respective city or municipality. Because of this authority, police commanders often develop a sense of "debt of gratitude" towards their local chief executives.

The proposed transfer to the PNP of the supervision and control over police units assigned or stationed in the local government units from the local chief executives will do away with the "debt of gratitude" mentality and bolster the commitment of the members of the PNP to fulfill their duty to enforce the law without fear or favor. Members of the PNP can also perform their tasks better because they will be aware that they are assigned to a particular local government unit not because of any political patronage but because they are qualified, capable and effective to serve and protect the people in the locality.

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


FREDERICK W. SIAO
Lone District, Iligan City

"I) EXERCISE CONTROL AND SUPERVISION OF ANTI-GAMBLING OPERATIONS; AND

“[h)]J Perform such other duties and exercise all other functions as may be provided by law.

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“THE TERM ‘OPERATIONAL SUPERVISION AND CONTROL’ REFERS TO THE POWER TO DIRECT, SUPERINTEND, AND OVERSEE THE DAY-TO-DAY FUNCTIONS OF POLICE INVESTIGATION OF CRIME, CRIME PREVENTION ACTIVITIES, AND TRAFFIC CONTROL IN ACCORDANCE WITH THE RULES AND REGULATIONS PROMULGATED BY THE COMMISSION.

“IT ALSO INCLUDES THE POWER TO DIRECT THE EMPLOYMENT AND DEPLOYMENT OF UNITS OR ELEMENTS OF THE PNP, THROUGH THE STATION COMMANDER, TO ENSURE PUBLIC SAFETY AND EFFECTIVE MAINTENANCE OF PEACE AND ORDER WITHIN THE LOCALITY. FOR THIS PURPOSE, THE TERMS ‘EMPLOYMENT’ AND ‘DEPLOYMENT’ MEAN AS FOLLOWS:

“‘EMPLOYMENT’ REFERS TO THE UTILIZATION OF UNITS OR ELEMENTS OF THE PNP FOR PURPOSES OF PROTECTION OF LIVES AND PROPERTIES, ENFORCEMENT OF LAWS, MAINTENANCE OF PEACE AND ORDER, PREVENTION OF CRIMES, ARREST OF CRIMINAL OFFENDERS AND BRINGING THE OFFENDERS TO JUSTICE AND ENSURING PUBLIC SAFETY, PARTICULARLY IN THE SUPPRESSION OF DISORDERS, RIOTS, LAWLESSNESS, VIOLENCE, REBELLIOUS AND SEDITIOUS

CONSPIRACY, INSURGENCY, SUBVERSION OR OTHER RELATED ACTIVITIES.

“‘DEPLOYMENT’ MEANS THE ORDERLY AND ORGANIZED PHYSICAL MOVEMENT OF ELEMENTS OR UNITS OF THE PNP WITHIN THE PROVINCE, CITY OR MUNICIPALITY FOR PURPOSES OF EMPLOYMENT AS HEREIN DEFINED.

SEC. 2. Section 51 of Republic Act No. 6975, as amended, is hereby further amended to read as follows:

“SECTION 51. Powers of Local Government Officials Over the PNP Units or Forces. – Governors and mayors shall be deputized as representatives of the Commission in their respective territorial jurisdiction. As such, the local executives shall discharge the following functions:

“a) Provincial Governor – 1. Power to Choose the Provincial Director. – The provincial governor shall choose the provincial director from a list of three (3) eligible recommended by the PNP regional director.

“2. Overseeing the Provincial Public Safety Plan Implementation.
– The governor, as chairman of the provincial peace and order council, shall oversee the implementation of the provincial public safety plan, which is prepared taking into consideration the integrated community safety plans, as provided under paragraph (b) (2) of this section.

“b) City and Municipal Mayors – ~~[1.—Operational Supervision and Control. The city and municipal mayors shall exercise operational supervision and control over PNP units in their respective jurisdiction except during the thirty (30) day period immediately preceding and the thirty (30) days following any national, local and barangay elections.~~

~~During the said period, the local police forces shall be under the supervision and control of the Commission on Elections.~~

~~“The term ‘operational supervision and control’ shall mean the power to direct, superintend, and oversee the day-to-day functions of police investigation of crime, crime prevention activities, and traffic control in accordance with the rules and regulations promulgated by the Commission.~~

~~“It shall also include the power to direct the employment and deployment of units or elements of the PNP, through the station commander, to ensure public safety and effective maintenance of peace and order within the locality. For this purpose, the terms ‘employment’ and ‘deployment’ shall mean as follows:~~

~~“‘Employment’ refers to the utilization of units or elements of the PNP for purposes of protection of lives and properties, enforcement of laws, maintenance of peace and order, prevention of crimes, arrest of criminal offenders and bringing the offenders to justice and ensuring public safety, particularly in the suppression of disorders, riots, lawlessness, violence, rebellious and seditious conspiracy, insurgency, subversion or other related activities.~~

~~“‘Deployment’ shall mean the orderly and organized physical movement of elements or units of the PNP within the province, city or municipality for purposes of employment as herein defined.]~~

[2]1. Integrated Community Safety Plans. – The municipal [4] OR city mayor shall, in coordination with the local peace and order council of which he is the chairman pursuant to Executive Order No. 309, as amended, develop and establish an integrated area [4] AND community

public safety plan embracing priorities of action and program thrusts for implementation by the local PNP stations.

“It shall, likewise, be the duty of the city or municipal mayor to sponsor periodic seminars for members of the PNP assigned or detailed in his city or municipality in order to update them regarding local ordinances and legislations.

“[3]2. Administrative Disciplinary Powers. – In the areas of discipline, city and municipal mayors shall have the powers to impose, after due notice and summary hearings, disciplinary penalties for minor offenses committed by members of the PNP assigned to their respective jurisdictions, as provided in Section 41 of this Act.

“[4]3. Other Powers. – In addition to the aforementioned powers, city and municipal mayors shall have the following authority over the PNP units in their respective jurisdictions:

- “i. Authority to choose the chief of police from a list of five (5) eligibles recommended by the provincial police director, preferably from the same province, city or municipality: *Provided, however,* That in no case shall an officer-in-charge be designated for more than thirty (30) days: *Provided, further,* That the local peace and order council may, through the city or municipal mayor, recommend the recall or reassignment of the chief of police when, in its perception, the latter has been ineffective in combating crime or maintaining peace and order in the city or municipality: *Provided, finally,* That such relief shall be based on guidelines established by the NAPOLCOM;

- “ii. Authority to recommend to the provincial director the transfer, reassignment or detail of PNP members outside of their respective city or town residences; and
- “iii. Authority to recommend from a list of eligibles previously screened by the peace and order council the appointment of new members of the PNP to be assigned to their respective cities or municipalities without which no such appointments shall be attested: *Provided*, that whenever practicable and consistent with the requirements of the service, PNP members shall be assigned to the city or municipality of their residence.

~~“[The control and supervision of anti-gambling operations shall be within the jurisdiction of local government executives.]”~~

SEC. 3. *Implementing Rules and Regulations.* – Within ninety (90) days from the effectivity of this Act, the Secretary of the Interior and Local Government in coordination with the Chief of the Philippine National Police, shall issue the necessary rules and regulations for the effective implementation of this Act.

SEC. 4. *Separability Clause.* – If any provision or part of this Act is declared invalid or unconstitutional, the remaining parts or provisions not affected shall remain in full force and effect.

SEC. 5. *Repealing Clause.* – All other laws, decrees, orders, rules and regulations and other issuances, or parts thereof, which are inconsistent with the provisions of this Act are hereby repealed or amended accordingly.

SEC. 6. *Effectivity.* – This Act shall take effect fifteen (15) days after its publication in the *Official Gazette* or in a newspaper of general circulation.

Approved,