

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City
17th CONGRESS
Third Regular Session
House Bill No. **8277**



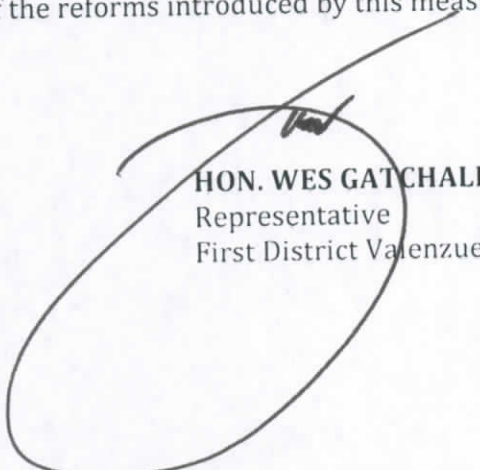
Introduced by **Representative Wes Gatchalian**

EXPLANATORY NOTE

"With great power, comes great responsibility." This phrase is not only the central theme of some of the most popular pop movies, it is also a fundamental theory embedded in our constitutional philosophy. Our constitution, recognizing the power that can be wielded by the state and its agents, codified the bill of rights enshrining inalienable entitlements of the citizens. In addition it made public accountability a central theme in its provisions. This bill is now proposed is in furtherance of this principle as it aims to strengthen the accountability of members of the Philippine National Police (PNP). Specifically, this bill proposes for the People's Law Enforcement Board (PLEB) to have jurisdiction to hear and decide cases filed by citizens, against erring members of the PNP. In addition it aims to strengthen its structure by lessening potential political influence.

Following the government's noble endeavor to truly crack down against the evils of illegal drugs in the country, several have raised concerns over potential abuses by some members of the PNP in the conduct of their operations. Proceedings in the two houses of congress have both come to the inevitable conclusion that the Internal Affairs Service (IAS) as well as the PLEB, the bodies in charge of holding members of the PNP accountable, must have more authority and independence.

The bill also creates a congressional oversight committee to monitor the performance of the PLEB in view of the reforms introduced by this measure.



HON. WES GATCHALIAN
Representative
First District Valenzuela City

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AN ACT
AMENDING REPUBLIC ACT NO. 8551, OTHERWISE KNOWN AS THE
PHILIPPINE NATIONAL POLICE REFORM AND REORGANIZATION ACT OF
1998" AND REPUBLIC ACT NO. 6975, OTHERWISE KNOWN AS "THE
DEPARTMENT OF INTERIOR AND LOCAL GOVERNMENT ACT OF 1990",
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 "Strengthening the IAS and PLEBs Act of 2017".

Sec. 2. Sec. 2. Paragraph (a), Section 43 of Republic Act No. 6975 is amended to read as follows:

"(a) Creation and Functions. — [Within thirty (30) days from the issuance of the implementing rules and regulations by the Commission, there shall be created by the sangguniang panlungsod/bayan in every city and municipality such number of People's Law Enforcement Boards (PLEBs) as may be necessary] THE DEPARTMENT OF INTERIOR AND LOCAL GOVERNMENT (DILG) SHALL ENSURE THE CREATION OF THE PEOPLE'S LAW ENFORCEMENT BOARD (PLEB) IN EVERY CITY AND MUNICIPALITY IN THE PHILIPPINES[: Provided, That there shall be at least one (1) PLEB for every municipality and for each of the legislative districts in a city.] PROVIDED THAT, IN CASES OF CITIES OR MUNICIPALITIES HAVING MORE THAN FIVE HUNDRED (500) CITY OR MUNICIPAL POLICE PERSONNEL, AN ADDITIONAL PLEB SHALL BE CREATED, AS THE CASE MAY BE. The PLEB shall have jurisdiction to hear and decide citizen's complaints or cases filed before it against erring officers and members of the PNP. [There shall be at least one (1) PLEB for every five hundred (500) city or municipal police personnel.] THE DILG SHALL CREATE SUCH NUMBER OF ADDITIONAL PLEBs, AS MAY BE DEEMED NECESSARY, BASED ON THE STANDARDS AS ABOVEMENTIONED.

FURTHER, THE DILG SHALL ENSURE THE PROPER MANAGEMENT AND OPERATION AND SUPPORT OF ALL THE PLEB. TO THIS END, THE DILG

TOGETHER WITH THE APPROPRIATE LOCAL GOVERNMENT UNITS (LGUs), SHALL PROVIDE SUFFICIENT OFFICE SPACE FOR EVERY PLEB CREATED, IN ACCORDANCE WITH THE LAW, PROVIDED FURTHER THAT, THE DILG UNDERSECRETARY FOR LOCAL GOVERNMENT OR THE DILG UNDERSECRETARY FOR PEACE AND ORDER, AS CHOSEN BY THE DILG SECRETARY, SHALL BE RESPONSIBLE IN ENSURING THAT THE CREATION OF PLEB IN EACH LGU IS FULLY COMPLIED WITH. PROVIDED FURTHER THAT, EVERY PLEB THEREBY CREATED, THROUGH ITS CLERK, SHALL REPORT TO THE UNDERSECRETARY APPOINTED EVERY FIFTH (5TH) DAY OF THE MONTH REGARDING THE STATUS OF THE CASES FILED OR REFERRED TO THEREFROM.

Sec. 3. Paragraph (b), Section 43 of R.A. No. 6975 is hereby amended to read as follows:

"(b) Composition and Term of Office. — The PLEB shall be composed of FIVE (5) MEMBERS, CHOSEN BY THE CITY OR MUNICIPAL MAYOR OF THE LGU CONCERNED, WHICH SHALL CONSIST OF ANY OF the following:"

[(1) Any member of the sangguniang panlungsod/bayan chosen by his respective sanggunian;

[(2) Any members of the barangay captains of the city or municipality concerned chosen by the association of barangay captains IN THE SAID CITY OR MUNICIPALITY; and]

"[(3) Three (3) other members who shall be chosen by the peace and order council from among the respected members of the community known for their probity and, integrity, one (1) of whom must be a woman member and another a member of the Bar, or, in the absence thereof, a college graduate, or the principal of the central elementary school in the locality.]

(A) A MEMBER OF THE INTEGRATED BAR OF THE PHILIPPINES (IBP);

(B) A WOMAN,

(C) A MEMBER OF THE ACADEME, WHICH MAY BE A DEAN, DISTRICT SUPERVISOR, OR IN THE ABSENCE THEREOF, A PRINCIPAL;

(D) A FOURTH YEAR LAW STUDENT;

(E) A MEMBER OF THE BUSINESS SECTOR;

(F) A SENIOR CITIZEN;

(G) A BARANGAY CAPTAIN; OR

(H) A MEMBER OF A NON-GOVERNMENTAL ORGANIZATION (NGO) OR A CIVIC ORGANIZATION.

PROVIDED THAT, NO TWO (2) MEMBERS OF THE PLEB SHALL BELONG TO THE SAME CATEGORY, AS STATED ABOVE. PROVIDED FURTHER THAT, EVERY PLEB SHALL HAVE ONE (1) MEMBER OF THE IBP, WHO SHALL BE ABLE TO ADMINISTER OATHS UPON THE FILING OF THE COMPLAINT. THEREAFTER, A COPY OF THE COMPLAINT SHALL BE FORWARDED BY THE CLERK TO THE CHIEF OF POLICE, FOR HIS COGNIZANCE.

TO THIS END, EVERY PLEB CREATED OR THOSE ALREADY EXISTING SHALL APPOINT ONE (1) CLERK, PREFERABLY A FOURTH YEAR LAW STUDENT OR A MEMBER OF THE IBP, WHO SHALL RECORD ALL THE CASES FILED OR 7 REFERRED TO THE PLEB AND THE STATUS THEREOF. THE CLERK SHALL ALSO

SUBMIT TO THEIR RESPECTIVE LGUs THE FULL NAMES AND POSITION OF 9 EVERY POLICE PERSONNEL WHO HAVE BEEN PREVENTIVELY SUSPENDED AND 1 PLEB DECISIONS RENDERED WHICH SHALL BE PUBLISHED IN A NEWSPAPER OF 11 GENERAL CIRCULATION IN EVERY FIFTEENTH (15TH) DAY OF THE MONTH FOR 12_ PUBLIC INFORMATION AND SHALL POST THE SAME IN TWO (2) CONSPICUOUS PLACES IN THE CITY OR MUNICIPAL HALL CONCERNED OF.

The Chairman of the PLEB shall be elected from among its members. The term of office of the members of the PLEB shall be for a period of three (3) years from assumption of office. Such member shall hold office until his successor shall have been chosen and qualified.

Sec. 4. Section 52, par. 4 (c) of R.A. No. 8551 amending Section 41 of R.A. No. 6975 shall further be amended as follows:

(c) Exclusive Jurisdiction. — A complaint or a charge filed against a PNP member shall be heard and decided exclusively by the disciplining authority who has acquired original jurisdiction over the case and notwithstanding the existence of concurrent jurisdiction as regards the offense: Provided, That offenses which carry higher penalties referred to a disciplining authority shall be referred to the appropriate authority which has jurisdiction over the offense.

IN FURTHERANCE, UPON THE FILING OF THE COMPLAINT WITH THE PLEBs, SUFFICIENT IN FORM AND SUBSTANCE, THE PLEB SHALL CONDUCT, MOTU PROPRIO, AUTOMATIC INVESTIGATION OF CASES INVOLVING UNIFORMED AND NON-UNIFORMED PNP PERSONNEL, IN THE FOLLOWING CASES:

- (A) INCIDENTS WHERE A POLICE PERSONNEL COMMITS ANY MINOR OFFENSE, AS DEFINED HEREIN BELOW;
- (B) INCIDENTS WHERE A POLICE PERSONNEL ILLEGALLY DISCHARGES A FIREARM;
- (C) INCIDENTS WHERE DEATH, SERIOUS OR SLIGHT PHYSICAL INJURY, OR ANY VIOLATION OF HUMAN RIGHTS OCCURRED IN THE CONDUCT OF A POLICE OPERATION;
- (D) INCIDENTS WHERE EVIDENCE WAS COMPROMISED, TAMPERED WITH, OBLITERATED, OR LOST WHILE IN THE CUSTODY OF POLICE PERSONNEL;
- (E) INCIDENTS WHERE A SUSPECT IN THE CUSTODY OF THE POLICE DIED, INJURED, OR MALTREATED;
- (F) INCIDENTS WHERE THE ESTABLISHED RULES OF ENGAGEMENT HAVE BEEN VIOLATED;
- (G) INCIDENTS WHERE PNP PERSONNEL WERE INVOLVED IN ILLEGAL DRUG ACTIVITIES;
- (H) INCIDENTS THAT TARNISH THE REPUTATION OF THE PNP;
- (I) INCIDENTS WHERE PNP PERSONNEL WERE INVOLVED IN HEINOUS CRIMES: AND
- (J) INCIDENTS WHERE THE PNP PERSONNEL COMMITTED MALFEASANCE, MISFEASANCE, NONFEASANCE, AND VIOLATIONS OF THE REVISED PENAL CODE OR ANY OTHER SPECIAL PENAL LAW.

"For purposes of this Act, a 'minor offense' shall refer to any act or omission not involving moral turpitude, but affecting the internal discipline of the PNP, and shall include, but not limited to:

- "(1) Simple misconduct or negligence;
- "(2) Insubordination;
- "(3) Frequent absences and tardiness;
- "(4) Habitual drunkenness;
- "(5) LEWD BEHAVIOR; and
- "(6) Gambling prohibited by law."

Sec. 5. Section 69 of R.A. No. 8551 amending par. c, Section 43 of R.A. No. 6975 shall be further amended to read as follows:

"(c) Compensation. — Membership in the PLEB is a civic duty. [However, PLEB members shall be paid per diem and shall be provided with life insurance coverage as may be determined by the city or municipal council from city or municipal funds.] The DILG shall provide [for the per diem and insurance coverage] THE PLEB A BUDGETARY 3() SUPPORT FOR THE EXPENSES NECESSARY IN ITS OPERATION AND MANAGEMENT. [of PLEB members in certain low income municipalities."] A REASONABLE AMOUNT OF ALLOWANCE COMMENSURATE TO THE SERVICES RENDERED SHALL BE PROVIDED TO EACH MEMBER OF THE PLEB.

Sec. 6. Section 55 of R.A. No. 8551 amending Section 47 of R.A. No. 6975 shall be further amended to read as follows:

"Sec. 47. Preventive Suspension [Pending a Criminal Case.] — Upon the filing of a complaint or information, WHETHER IN THE PLEB OR WITH THE COURT, sufficient in form and substance, against a member of the PNP [for grave felonies where the penalty imposed by law is six (6) years and one (1) day or more,] FOR ANY ACT COMMITTED IN VIOLATION OF THE LAW, the PLEB shall immediately ORDER THE [suspend SUSPENSION OF the accused from office for a period not exceeding ninety (90) days, DEPENDING ON THE GRAVITY OF THE ACT COMMITTED, from THE FILING OR arraignment, AS THE CASE MAY BE:]. PROVIDED THAT, THE ACCUSED SHALL SURRENDER OR DEPOSIT HIS OR HER PNP IDENTIFICATION CARD, POLICE BADGE, AND SERVICE FIREARM TO THE IMMEDIATE SUPERVISOR TO AVOID HARASSMENTS AND POSSIBLE TAMPERING OF EVIDENCE. [Provided, however, That if it can be shown by evidence that the accused is harassing the complainant and/or witnesses, the court may order the preventive suspension of the accused PNP member even if the charge is punishable by a penalty lower than six (6) years and one (1) day: Provided, further, That the preventive suspension shall not be more than ninety (90) days except if the delay in the disposition of the case is due to the fault, negligence or petitions of the respondent:]. Provided THAT [finally, That] such preventive suspension may be sooner lifted by the court in the exigency of the service upon recommendation of the chief, PNP AND UPON FINDING THAT THE CASE WAS FILED WITHOUT SUFFICIENT EVIDENCE.

[Such case shall be subject to continuous trial and shall be terminated within ninety (90) days from arraignment of the accused.] " MOREOVER, THE MOMENT THE CASE IS FILED, THE ACCUSED SHALL BE GIVEN AN ORDER BY THE PLEB NOT TO BE WITHIN THE RADIUS OF TWENTY- FIVE (25) KILOMETERS FROM THE ACTUAL RESIDENCE OF THE COMPLAINANT OR TO BE WITHIN TEN (10) METERS AWAY FROM THE COMPLAINANT, IN PUBLIC PLACES IN CASE OF VIOLATION OF THE IMMEDIATELY PRECEDING PARAGRAPH, THE PNP PERSONNEL SHALL BE SUBJECT TO IMMEDIATE DISMISSAL FROM HIS OR HER SERVICE.

Sec. 7. Section 56 of RA 8551 amending Section 49 of Republic Act No. 6975 shall be further amended to read as follows:

"SEC. 49. Legal Assistance. — The Secretary of Justice, the chairman of the Commission or the Chief of the PNP may authorize lawyers of their respective agencies to provide legal assistance to any member of the PNP who is facing before the prosecutor's office, the court or any competent body, a charge or charges arising from any incident which is related to the performance of his official duty: Provided, That government lawyers so authorized shall have the power to administer oaths: Provided, further, That in such cases, when necessary, as determined by the Commission, a private counsel may be provided at the expense of the Government. The Secretary of Justice, the Chairman of the Commission and the Chief of the PNP shall jointly promulgate rules and regulations to implement the provisions of this Section. FURTHERMORE, PURSUANT TO THE LAW STUDENT PRACTICE RULE AS EMBODIED IN RULE 138- A OF THE RULES OF COURT, A LAW STUDENT WHO HAS SUCCESSFULLY COMPLETED 3RD YEAR OF THE REQUIRED LAW CURRICULUM AND IS ENROLLED IN A RECOGNIZED LAW SCHOOL'S CLINICAL LEGAL EDUCATION PROGRAM APPROVED BY THE SUPREME COURT, MAY APPEAR WITHOUT COMPENSATION IN ANY CASE FILED BEFORE ANY PLEB, TO REPRESENT CITIZEN COMPLAINANTS. PROVIDED FURTHER THAT, THE SAID LAW STUDENT SHALL BE UNDER THE DIRECT SUPERVISION AND CONTROL OF A MEMBER OF THE INTEGRATED BAR OF THE PHILIPPINES DULY ACCREDITED BY THE LAW SCHOOL.-

Sec. 8. A new Section 70 shall be inserted to read as follows:

Sec. 70. DECISION OF THE PLEB. — THE PLEB SHALL PROMULGATE ITS DECISION WITHIN FIFTEEN (15) DAYS FROM THE TIME THE COMPLAINT IS FILED WITH THE CLERK. HOWEVER, IN CASES WHERE ACTS COMPLAINED OF CONSTITUTES MINOR OFFENSES. AS DEFINED IN ARTICLE 4 OF THIS ACT, THE PLEB SHALL PROMULGATE ITS DECISION WITHIN FIVE (5) DAYS FROM THE TIME THE COMPLAINT IS FILED WITH THE CLERK. MOREOVER, IN CASES WHERE THE POLICE PERSONNEL ADMITS THE ALLEGATIONS STATED IN THE COMPLAINT AGAINST HIM OR HER, THE PLEB MAY RENDER A LESSER PENALTY OF SUSPENSION TO THE POLICE PERSONNEL, WHICH MAY NOT BE MORE THAN THIRTY (30) DAYS, TAKING INTO CONSIDERATION THE CIRCUMSTANCES OF THE CASE.

Sec. 9. A new Section 71 shall be inserted to read as follows:

Sec. 71. WHERE TO APPEAL. — THE DECISION OF THE PLEB SHALL BE APPEALABLE TO THE COMMISSION WITHIN FIVE (5) DAYS FROM THE PROMULGATION OF THE DECISION, WHICH MAY THEREAFTER BE APPEALED TO THE COURT OF APPEALS, AND THE SUPREME COURT THEREAFTER.

Sec. 10. A new Section 72 shall be inserted to read as follows:

Sec. 72. CONGRESSIONAL OVERSIGHT COMMITTEE. — THERE IS HEREBY CREATED A JOINT CONGRESSIONAL OVERSIGHT COMMITTEE COMPOSED OF FOURTEEN (14) MEMBERS, SEVEN (7) MEMBERS OF WHICH ARE FROM THE SENATE WHILE ANOTHER SEVEN (7) ARE FROM THE HOUSE OF REPRESENTATIVES. THE MEMBERS OF THE SENATE SHALL BE APPOINTED BY THE SENATE OF THE PRESIDENT BASED ON THE PROPORTIONAL REPRESENTATION OF THE PARTIES OR COALITIONS THEREIN WITH AT LEAST TWO (2) SENATORS REPRESENTING THE MINORITY WHILE THE MEMBERS OF THE HOUSE OF REPRESENTATIVES (HOR) SHALL BE APPOINTED BY THE SPEAKER, ALSO BASED ON PROPORTIONAL REPRESENTATION OF THE PARTIES OR COALITIONS THEREIN, WITH AT LEAST TWO (2) MEMBERS REPRESENTING THE MINORITY. PROVIDED THAT, BOTH THE CHAIRMANS OF THE COMMITTEE ON JUSTICE AND HUMAN RIGHTS OF THE SENATE AND THE 4 HOR SHALL BECOME AUTOMATIC MEMBERS. THE COMMITTEE SHALL THEREAFTER BE HEADED BY THE CHAIRMAN OF () THE SENATE COMMITTEE ON JUSTICE AND HUMAN RIGHTS AND WILL BE CO-CHAIRLED BY THE CHAIRMAN OF THE HOR COMMITTEE ON JUSTICE AND HUMAN RIGHTS OF THE SENATE. IN LINE WITH THIS, THE PLEB SHALL ANNUALLY REPORT TO THE SAID CONGRESSIONAL OVERSIGHT COMMITTEE FOR THE FIRST THREE (3) YEARS UPON THE IMPLEMENTATION OF THIS ACT, WHICH MAY THEREAFTER BE EXTENDED FOR ANOTHER THREE (3) YEARS, AS MAY BE NECESSARY.

Sec. 11. A new Section 73 shall be inserted to read as follows:

Sec. 73. INFORMATION DISSEMINATION. — THE DEPARTMENT OF INTERIOR AND LOCAL GOVERNMENT (DILG) IN COORDINATION WITH THE NATIONAL POLICE COMMISSION AND THE APPROPRIATE LOCAL GOVERNMENT UNITS, SHALL UNDERTAKE AN INFORMATION DISSEMINATION CAMPAIGN FOR PURPOSES OF ENRICHING PUBLIC KNOWLEDGE ON PLEB, ITS FUNCTIONS AND POWERS. THEY SHALL UNDERTAKE TO HIGHLIGHT PLEB'S ROLE AS A DISCIPLINARY MECHANISM IN CITIZEN'S COMPLAINTS AGAINST MEMBERS OF THE PNP. TO THIS END, THE DEPARTMENT AND THE COMMISSION SHALL HOLD SEMINARS, TRAININGS AND SUCH OTHER PUBLIC INFORMATION CAMPAIGN TO ACHIEVE THIS PURPOSE. FURTHERMORE, THE DILG IN COORDINATION WITH THE COMMISSION SHALL ISSUE A MANUAL PROVIDING THE RULES AND REGULATIONS FOR THE ENFORCEMENT, MANAGEMENT AND ADMINISTRATION OF THE SUMMARY PROCEEDINGS EMBODIED IN THE IMPLEMENTATION OF THE PLEB. PROVIDED THAT, DUE PROCESS SHALL BE

OBSERVED. HOWEVER, TECHNICAL RULES OF PROCEDURE SHALL NOT BE APPLIED.

Sec. 12. A new Section 74 is hereby inserted to Republic Act No. 8551, as follows:

SEC. 74. TRAININGS OF PLEB PERSONNEL. — THE DEPARTMENT OF INTERIOR AND LOCAL GOVERNMENT (DILG), IN COORDINATION WITH THE NATIONAL POLICE COMMISSION (COMMISSION) SHALL ENSURE THE PROPER IMPLEMENTATION OF THE DISCIPLINARY MECHANISM OF THE PLEB. TO THIS END, THE DILG AND THE COMMISSION SHALL UNDERTAKE TO PROVIDE MANDATORY ANNUAL TRAINING AND SEMINARS FOR ALL MEMBERS OF THE PLEB.

Sec. 13. Section 70 of R.A. No. 8551 shall be amended to read as follows:

Section 70. Budget Allocation. — The annual budget of the [Local Government Units (LGU)] DILG shall include an item and the corresponding appropriation for the maintenance and operation of [their local] THE PLEB IN EVERY CITY OR MUNICIPALITY.

Sec. 14. Section 71 of R.A. No. 8551 shall be removed:

[Section 71. Request for Preventive Suspension. — The PLEB may ask any authorized superior to impose preventive suspension against a subordinate police officer who is the subject of a complaint lasting up to a period as may be allowed under the law. A request for preventive suspension shall not be denied by the superior officer in the following cases:

- a) when the respondent refuses to heed the PLEB's summons or subpoena;
- b) when the PNP personnel has been charged with offenses involving bodily harm or grave threats,
- c) when the respondent is in a position to tamper with the evidence; andlawphil.net
- d) when the respondent is in a position to unduly influence the witnesses.

Any superior who fails to act on any request for suspension without valid grounds shall be held administratively liable for serious neglect of duty.]

Sec. 15. All subsequent Sections of Republic Act No. 8551, otherwise known as the Philippine National Police Reform and Reorganization Act of 1998, shall hereafter be renumbered accordingly.

Sec. 16. 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. 17. 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.