

REPUBLIC OF THE PHILIPPINES
HOUSE OF REPRESENTATIVES
Quezon City

SEVENTEENTH CONGRESS
Third Regular Session

House Bill No. 8386



Introduced by **MAGDALO Party-List Representative**
HON. GARY C. ALEJANO

EXPLANATORY NOTE

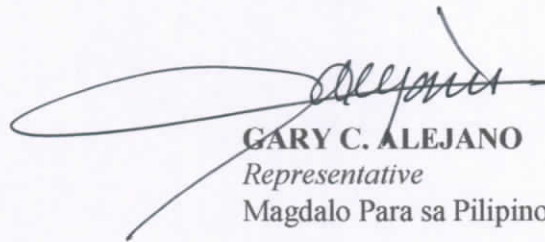
Society grants members of law enforcement enormous power over citizens to enable the police to keep the peace and to preserve social order. They are granted a great deal of freedom to use their judgment regarding which laws to enforce, when and against whom. This wide range of options and authority can lead to the abuse of their power. Some police officers come to see themselves not as simply enforcers of the law, but as the law itself. Every abuser frequently reminds his victim that it is within his power to deprive her of her physical safety, security, privacy, freedom and life if and when he chooses. Most abusers, however, are not able to enlist the help of the criminal justice system to carry out their threats. Batterers within law enforcement are.

There is great systemic resistance against prosecuting an officer. If a victim decides to file a criminal complaint, she will have to present an extremely compelling story to the police and state's attorney to counter their reluctance to pursue the complaint. She will have to be able to convey that, in addition to common forms of abuse, the abuser exploited his professional status and power to control and to terrorize her. Advocates working with these victims must be knowledgeable not only about the general dynamics of domestic violence but also about police-perpetrated domestic violence tactics and the workings of the criminal justice system. Working with victims of officer-involved domestic violence has made us acutely aware that the standard remedies are often inadequate and may even leave the victim more vulnerable. We need to rethink our strategies on many different levels. Because this issue is so complex, we need to educate ourselves and other community providers before we can hope to adequately serve this special population.

It is for the abovementioned reasons that this bill is proposed. Under this Act, 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.

Through this Act, we would be able to better discipline erring policemen and protect our citizens from undue harm.

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



GARY C. ALEJANO
Representative
Magdalo Para sa Pilipino Party-List

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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 "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:*

1 **SEC. 1. Short Title.-** This Act shall be known as the "*Police Court Act of 2018*".
2

3 **SEC.2. Declaration of Policy.** - It is the policy of the State to value the dignity of
4 every human person and guarantee full respect for human rights. To uphold this duty, the
5 State shall prosecute rogue police elements through a special court that will provide the
6 public fair, impartial and speedy disposition of complaints for violations of constitutional
7 rights and PNP operational procedures and code of ethical standards committed by the
8 members of the Philippine National Police free from the "kabaro system."
9

10 **SEC.3. Establishment of Police Law Enforcement Court ("Police Court") and**
11 **Appellate Police Law Enforcement Court ("Appellate Police Court").** – The Supreme Court
12 shall create a special court designated as the Police Law Enforcement Court ("Police Court"),
13 among existing Regional Trial Courts which shall handle all civil and criminal cases
14 involving the abuse of authority whether in or off duty of the members of the Philippine
15 National Police including civil and criminal cases arising out of the violation of a member of
16 the Philippine National Police of its PNP operational procedures and other police protocols
17 designed to protect the rights of the accused.
18

19 The Supreme Court shall likewise designate an Appellate Police Court from among
20 the division of the Court of Appeals that shall handle all appeals coming from the Police
21 Courts and appeals over the decision/resolution of the National Police Commission in
22 administrative cases.
23

24 **SEC.4. Qualification and Training of Judges for the Police Law Enforcement**
25 **Courts.-** Sec. 15 of Batas Pambansa Big. 129, as amended, is hereby further amended to read
26 as follows:
27

1 **SEC. 8. Notice on Transfer/Re-assignment of Police Personnel.-** In order to
2 ensure continuous prosecution and trial of the case, upon filing of a civil or criminal case
3 before a prosecutor for preliminary investigation or the Police Court for trial, the Chief of the
4 PNP and the NAPOLCOM shall be informed in writing of a case filed against any member of
5 the Philippine National Police.
6

7 The PNP shall seek approval from the appropriate prosecutor or the Police Court to
8 which the case is assigned of any transfer/reassignment of the accused police personnel
9 subsequent to the filing of the complaint. The PNP shall ensure the attendance of its accused
10 personnel in all hearings before the prosecutor and the Police Court.
11

12 **SEC.9. Jurisdiction of the Appellate Police Law Enforcement Courts ("Appellate**
13 **Police Courts").** – Appellate Police Courts shall have exclusive appellate jurisdiction to hear
14 appeals over the following cases:
15

- 16 1) Decision/Resolutions of the Police Courts;
- 17 2) Decision/Resolutions of the National Police Commission in administrative
18 cases over uniformed members of the Philippine National Police;
- 19 3) Decisions/Resolutions of the Civil Service Commission in administrative cases
20 or non-uniformed employees of the Philippine National Police.
21
22

23 **SEC. 10. Appeals.-** Decisions and orders of the Police Courts shall be appealed in
24 the same manner and subject to the same conditions as appeals from the ordinary Regional
25 Trial Courts.
26

27 **SEC.11. Special Rules of Procedure.-** The Supreme Court shall promulgate
28 special rules of procedure for the transfer of cases to the new courts during the transition
29 period and for the disposition of police cases with the aim of providing the public fair,
30 impartial and speedy disposition of complaints.
31

32 **SEC.12. Use of Income.-** The Supreme Court shall be allowed to use ten percent
33 (10%) of the income derived from filing and other court fees under Rule 141 of the Rules of
34 Court for research and other operating expenses including capital outlay.
35

36 **SEC.13. Appropriations.-** The amount necessary to carry out the provisions of this
37 Act, including the creation of new courts as may be determined by the Supreme Court
38 whenever the need for more Police Court and Appellate Police Courts so warrant, shall be
39 included in the General Appropriations Act of the year following its enactment into law and
40 thereafter.
41

42 **SEC.14. Transitory Provision.-** Pending the issuance of implementing rules and
43 regulations, the Supreme Court shall designate from among existing branches of the Regional
44 Trial Court at least one Police Court in each judicial region.
45

46 **SEC.15. Repealing Clause.-** All laws, decrees, orders, rules and regulations or
47 other issuances or parts thereof inconsistent with the provisions of this Act are hereby
48 repealed or modified accordingly.
49

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

4
5 **SEC.17. *Effectivity.***- This Act shall take effect after fifteen (15) days following
6 the completion of its publication either in the Official Gazette or in newspaper of general
7 circulation in the Philippines.

Approved,