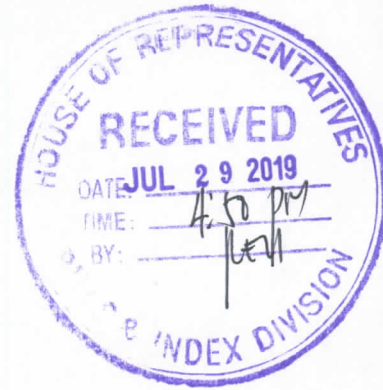


Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

Eighteenth Congress
First Regular Session

HOUSE BILL NO. 3065



Introduced by: Hon. Jericho Jonas B. Nograles

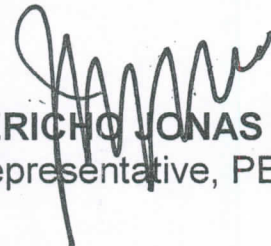
EXPLANATORY NOTE

This Bill seeks to strengthen the Internal Affairs Service (IAS) of the Philippine National Police (PNP), amending for the purpose Republic Act No. 8551, otherwise known as the "*Philippine National Police Reform Reorganization Act of 1998*".

The Internal Affairs Service (IAS) of the PNP is an essential part of the disciplinary mechanism of the PNP. It serves as the monitoring body of the character and behavior of all policemen and operates as the investigating and adjudicatory body on all administrative offenses committed by PNP personnel.

As the office that oversees the conduct of the uniformed personnel, the IAS should be free from influence, pressure and intervention from the Chief PNP, and other high ranking PNP officers in adjudicating administrative cases. Placing IAS under the direct supervision of the Secretary of the Interior and Local Government will make the PNP-IAS an independent, impartial, effective and efficient institutional guardian of integrity.

Hence, approval of this Bill is earnestly requested.


JERICHO JONAS B. NOGRALES
Representative, PBA PartyList

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HOUSE OF REPRESENTATIVES
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HOUSE BILL NO. _____

Introduced by: Hon. Jericho Jonas B. Nograles

An Act

Strengthening the Internal Affairs Service (IAS) of the Philippine National Police (PNP), amending for the purpose Republic Act No. 8551, otherwise known as the "*Philippine National Police Reform and Reorganization Act of 1998*".

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

SECTION 1. Section 39 of the Republic Act No. 8551 is hereby amended to read as follows:

"TITLE V

Internal Affairs Service

Sec. 39. Creation, Powers and Functions. – An Internal Affairs Service (IAS) of the PNP is [hereby created which shall;] **AN INDEPENDENT, IMPARTIAL EFFECTIVE AND EFFICIENT INSTITUTIONAL GUARDIAN OF INTEGRITY. THE IAS SHALL BE UNDER THE DIRECT SUPERVISION OF THE SECRETARY OF THE INTERIOR AND LOCAL GOVERNMENT AND SHALL BE AN ESSENTIAL PART OF THE DISCIPLINARY MECHANISM OF THE PNP.**

THE IAS SHALL EXERCISE THE FOLLOWING POWERS AND FUNCTIONS:

- a.) xxx xxx xxx
- b.) xxx xxx xxx
- c.) conduct summary hearing on PNP members facing administrative charges **AND ADJUDICATE WITH FINALITY THE ADMINISTRATIVE CASES FILED BEFORE THE IAS;**
- d.) Submit a periodic report on the assessment, analysis and evaluation of the character and behavior of PNP personnel and units to the [Chief PNP] **SECRETARY OF THE INTERIOR AND LOCAL GOVERNMENT** and the Commission **FOR CONSIDERATION IN THE SELECTION AND PROMOTION OF PNP PERSONNEL;**
- e.) xxx xxx xxx
- f.) provide assistance to the Office of the Ombudsman **AND OTHER PNP DISCIPLINARY OFFICES** in cases involving the personnel of the PNP;
- g.) **RECOMMEND THE ADMISSION OF WITNESSES TO THE WITNESS PROTECTION PROGRAM OF THE DEPARTMENT OF JUSTICE WHO ARE VITAL TO THE EFFECTIVE PROSECUTION OF PNP PERSONNEL INVOLVED IN CRIMINAL CASES.**

The IAS shall also conduct, *motu proprio*, automatic investigation of following cases **INVOLVING UNIFORMED PNP PERSONNEL**;

- a.) xxx xxx xxx

ALLOWANCES, PROMOTION, ATTRITION AND PERSONNEL CAREER DEVELOPMENT AS WELL AS RETIREMENT AND SEPARATION PROGRAM FOR BOTH UP (UNIFORMED PERSONNEL) AND NUP (NON UNIFORMED PERSONNEL) SHALL BE PATTERNED AFTER THE PNP. THE AUTHORIZED PERSONNEL STRENGTH OF IAS SHALL NOT EXCEED TWO PERCENT (2%) OF THE TOTAL STRENGTH OF THE PNP. THE NUP ALLOCATION SHALL NOT EXCEED TO FORTY PERCENT (40%) OF IAS PERSONNEL STRENGTH.

THE IAS SHALL HAVE A SEPARATE FINANCIAL AND LOGISTIC MANAGEMENT AND SERVICES PROGRAM SUBJECT TO THE APPROVAL OF THE SILG. THE BUDGETARY REQUIREMENT OF IAS SHALL BE SEPARATE AND DISTINCT FROM THE PNP, AND SHALL BE INCLUDED INTO THE ANNUAL GENERAL APPROPRIATIONS ACT (GAA) OF THE YEAR FOLLOWING ITS ENACTMENT INTO LAW.

SECTION 2. Section 41 of the same Act is hereby amended to read as follows:

"SEC. 41. Appointment. – The inspector General (IG) shall be appointed by the President upon the recommendation of the [Director General] **SECRETARY OF INTERIOR AND LOCAL GOVERNMENT** [and duly endorsed by the Commission]. Appointment of personnel who shall be made by the IG and shall be based on the established career pattern and criteria to be promulgated by the [Commission] IAS.

THE INSPECTOR GENERAL SHALL SERVE FOR A TERM OF SIX (6) YEARS WITHOUT REAPPOINTMENT OR EXTENSION.

TO BE APPOINTED INSPECTOR GENERAL OF THE IAS, MUST BE: (A) A CITIZEN OF THE PHILIPPINES; (B) A MEMBER OF THE PHILIPPINE BAR WITH AT LEAST FIVE (5) YEARS OF EXPERIENCE IN HANDLING CRIMINAL OR ADMINISTRATIVE CASES; AND (C) NOT ACTIVE UNIFORMED PERSONNEL OF THE PNP."

SECTION 42. Entry qualification to IAS. – Entry or **TRANSFER** to the Internal Affairs Service shall be voluntary and subject to rigid screening where only PNP personnel who have at least five (5) years' experience in **POLICE INVESTIGATION** [law enforcement] and who have no derogatory

service records shall be considered for appointment: *Provided*, **THAT PNP UNIFORMED PERSONNEL JOINING IAS MUST HAVE AT LEAST TEN (10) REMAINING YEARS IN THE SERVICE: PROVIDED FURTHER, THAT CIVILIAN RECRUITED INTO THE IAS AS POLICE OFFICER 1 OR NUP's, SHALL POSSESS THE SAME QUALIFICATIONS, ELIGIBILITIES, AND SHALL UNDERGO SCREENING PROCEDURE AND SERVICE TRAINING FOR PO1 AND NUP SET FORTH BY THE PNP AND THE COMMISSION. MEMBERS OF THE BAR, AND GRADUATES OF OTHER RELATED DISCIPLINES** [that member of the Bar] may enter the service laterally. **THE IAS SHALL BE ALLOCATED APPROPRIATE QUOTA OF PNPA GRADUATES PER YEAR.**

SECTION 43. [Initial] Appointments to the National, Directorial, and Provincial Internal Affairs Service Office - [Initial] Appointments of the heads of the Internal Affairs Service Office shall be **APPROVED BY THE IG, IAS** [made by the President upon recommendation by the Commission. Thereafter,]. Appointment and promotions to the service shall follow the **GENERAL PRINCIPLES OF THE PROMOTION SYSTEM IN THE PNP WITH IG AS THE APPROVING/APPOINTING AUTHORITY.** [established requirements and procedures.]

SECTION 45. RETIREMENT. - UNIFORMED IAS PERSONNEL SHALL BE UPON THE ATTAINMENT OF AGE FIFTY SIX (56).

SECTION 46. Prohibition. – **ALL** PNP personnel who join the IAS **SHALL BE BARRED** [may not] thereafter **FROM** joining any other unit of the PNP. Neither shall any personnel of the IAS be allowed to sit in a committee deliberating on the appointment, promotion, assignment of any PNP personnel.

SECTION 47. Career Development and Incentives. – (1) Personnel of the Internal Affairs Service shall in addition to other **PAY** and allowances authorized under existing laws be granted Occupational Specialty Pay (OSP) which shall [not exceed] **AMOUNT TO** fifty percent (50%) of their basic pay **WHICH SHALL BE PAID SEMI-ANNUALLY AND SHALL BE INCLUDED AS SEPARATE LINE ITEM IN GENERAL APPROPRIATION ACT (GAA).** This pay shall not be considered a forfeiture of other remuneration and allowances which are allowed under existing laws. (2) IAS [members] **PERSONNEL** shall [also have priorities in the] **BE ALLOCATED A quota BY**

THE PNP [allocation] for training and education, BOTH LOCAL AND FOREIGN, AS PART OF THEIR CAREER ADVANCEMENT.

SECTION 48. Record Management of the IAS. – NATIONAL, REGIONAL, PROVINCIAL, CITY AND DISTRICT [Local] Internal Affairs Offices shall MAINTAIN AND [be responsible for the maintenance and] update [of] the ADMINISTRATIVE CASE AND PROFILE /records of the members of the PNP within their jurisdiction. THE IAS SHALL NOT BE DENIED ACCESS BY THE PNP UNIT HEAD/CHIEF, UPON REQUEST OF SAID DOCUMENTS FOR THIS PURPOSE.

SECTION 49. [Inclusion of Supervisors and Superiors in IAS Investigation. – The immediate superior or supervisor of the personnel or units being investigated under the preceding section shall be automatically included in the investigation of the IAS to exclusively determine lapses in administration or supervision.] ANY UNIFORMED PNP PERSONNEL FOUND GUILTY OF ANY CASES MENTIONED IN SEC. 39 OF THIS ACT SHALL BE METED OUT THE PENALTY OF DISMISSAL OR DEMOTION, AS THE CASE MAY BE. THE IMMEDIATE SUPERIOR OR SUPERVISOR OF THE PERSONNEL OR UNITS BEING INVESTIGATED UNDER THE PRECEDING SECTION SHALL BE AUTOMATICALLY INCLUDED IN THE INVESTIGATION OF THE IAS TO DETERMINE IF SUCH IMMEDIATE SUPERIOR OR SUPERVISOR HAS CONSPIRED OR CONDONED TO THE COMMISSION OF SUCH ACT OR IS FOUND TO BE GROSSLY NEGLIGENT IN THE EXERCISE OF HIS ADMINSTRATIVE AND/OR SUPERVISORY FUNCTION TO PREVENT THE COMMISSION OF THE ACT.

SECTION 50. Disciplinary Recommendation of the IAS. –

- a.) Any uniformed PNP personnel found guilty of any of the cases mentioned in Sec. 39 of this Act and any immediate superior or supervisor found negligent under Section 48 shall be [recommended] automatically [for] dismiss[al] **ED FROM THE SERVICE** or demot[i]on **ED**, as the case may be.
- b.) [Recommendation by] **DECISION OF** the IAS for the imposition of disciplinary measures against an erring PNP personnel [once final, cannot be revised, set-aside, or unduly delayed] **SHALL BE IMMEDIATELY IMPLEMENTED** by [any] **THE** disciplining authority

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(3) xxx xxx xxx

(4) INTERNAL AFFAIRS SERVICE WHICH HAS
TERRITORIAL JURISDICTION OF THE OFFENSE.

The Commission, **TOGETHER WITH THE IAS**, shall provide in its implementing rules and regulations a scale of penalties to be imposed upon any member of the PNP under this section.

(b) Internal Discipline. – On dealing with minor offenses involving internal discipline found to have been committed by any regular member of their respective commands, the duly designated supervisors and equivalent officers of the PNP shall, after due notice and summary hearing, exercise disciplinary powers as follows:

- (1) Chief of Police or equivalent supervisors may summarily impose the administrative punishment of admonition or reprimand; restriction to specified limits; withholding of privileges; forfeiture of salary or suspension; or any of the combination of the foregoing; Provided, That in all cases, the total period shall not exceed fifteen (15) days;
- (2) Provincial Directors or equivalent supervisors may summarily impose the administrative punishment of admonition or reprimand; restrictive custody; withholding of privileges; forfeiture of salary or suspension, or any total period shall not exceed thirty (30) days;
- (3) Police Regional Directors or equivalent supervisor shall have the power to impose upon any member the disciplinary punishment of dismissal from the service. He may also impose the administrative punishment of admonition or reprimand; restrictive custody; withholding of privileges; suspension or forfeiture of salary; demotion; or any combination of the foregoing; Provided, that in all cases, the total period shall not exceed sixty (60) days;

- (4) The Chief of the PNP shall have the power to impose the disciplinary punishment of dismissal from the service; suspension or forfeiture of salary; or any combination thereof for a period not exceeding one hundred eighty (180) days; Provided, further, That the Chief of the PNP shall have the authority to place police personnel under restrictive custody during the pendency of a grave administrative case filed against him or even after filing of a criminal complaint, grave in nature, against such police personnel.

(5) INTERNAL AFFAIRS SERVICE WHICH HAS TERRITORIAL JURISDICTION OF THE OFFENSE.

(c) Exclusive Jurisdiction. – A complaint or a charge filed against a PNP member shall be heard and decided exclusively by the **IAFFICE WHERE THE COMPLAINT WAS FIRST FILED OR TAKEN COGNIZANCE**, [disciplining authority who has acquired original jurisdiction over the case and] notwithstanding the existence of concurrent jurisdiction **OF OTHER DISCIPLINARY AUTHORITY**, as regards the offense: Provided, That **THE PENALTIES IMPOSE ON THESE** offenses which carry higher penalties referred to a disciplining authority shall be referred to **SHALL BE REFERRED TO** appropriate authority [which has jurisdiction over the offense] **FOR IMPLEMENTATION.**

“For purpose 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 absence and tardiness;
- “(4) Habitual drunkenness; and
- “(5) Gambling prohibited by law.

[without just cause]. Any disciplining authority who fails to act or who acts with abuse of discretion on the [recommendation] **DECISIONS** of the IAS shall be made liable for gross neglect of duty. The case of erring disciplining authority shall be submitted to the [Director General] **SECRETARY OF THE INTERIOR AND LOCAL GOVERNMENT** for proper disposition.”

SECTION 51. Appeals. - Decision rendered by the [provincial inspector] **PROVINCIAL INTERNAL AFFAIRS SERVICE** shall be forwarded to the [Area] **REGIONAL** Internal Affairs Service for review within ten (10) working days upon receipt thereof. Decision of the [Area] **REGIONAL IAS** [office] may be appealed to the National [office] **IAS** through the Office of Inspector General **OR TO THE CHAIRMAN, REGIONAL APPELATE BOARD (RAB)**. Decision rendered by the National IAS shall be appealed to the National Appellate Board or to the **REGULAR** court as may be appropriate. [: Provided, That the summary dismissal powers of the Director General and Regional Directors as provided in Section 42 of RA 6975 shall remain valid: *Provided*, further, That the existing jurisdiction over offenses as provided under RA 6975 shall not be affected.]

SECTION 51. Complaint against IAS. – A complaint against any personnel or office of IAS shall be brought to the Inspector General’s Office or to the [Commission] **OFFICE OF THE SILG** as may be appropriate.

TITLE VI DISCIPLINARY MECHANISM

SECTION 52. Section 41 of Republic Act 6975 is hereby amended as follows:

Section 52 (a). Citizen’s Complaint. - Any complaint by a natural or juridical person against any member of the PNP **CAN BE**, [shall be] brought before the following:

- | | | | |
|-----|-----|-----|-----|
| (1) | xxx | xxx | xxx |
| (2) | xxx | xxx | xxx |

“(d) Forum shopping of multiple filing of complaints. – When an administrative complaint is filed with a police disciplinary authority, such as the People’s Law Enforcement Board (PLEB), 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 complaint 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.

“(A) that he has not herefore commenced any other action or proceeding involving the same issues in other disciplinary forum;

“(B) that the best of his knowledge, no such action or proceeding is pending in other police administrative disciplinary machinery or authority;

“(C) 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;

“(D) 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.”

SECTION 53. Section 42 of Republic Act No. 6975 is hereby amended as follows:

“SEC. 42. Summary Dismissal Power of the National Police Commission, PNP Chief and PNP Regional Directors **AND IAS INSPECTOR GENERAL** – The National Police Commission, the chief of the PNP and PNP Regional Directors **AND INSPECTOR GENERAL OF IAS**, after due notice and summary hearings, may immediately remove, dismiss any respondent PNP member in any of the following cases:

“(A) when the charge is serious and the evidence of guilt is strong;

“(B) when the respondent is a recidivist or has been repeatedly charged and there are reasonable grounds to believe that he is guilty of the charges;

“(C) when the respondent is guilty of serious offense involving conduct unbecoming of a police officer.

“Any member or officer of the PNP who shall go on absence without leave (AWOL) for a continuous period of thirty (30) days or more shall be dismissed immediately from the service. His activities and whereabouts during the period shall be investigated and if found to have committed a crime, he shall be prosecuted accordingly.”

SECTION 54. Section 44 of Republic Act No. 6975 is hereby amended to read as follows:

“SEC. 44. Disciplinary Appellate Boards. – The formal administrative disciplinary machinery of the PNO shall be the National Appellate Board and the Regional Appellate Boards.

“The National Appellate Board shall be composed of the four (4) regular commissioners and shall be chaired by the executive officer. The Board shall consider appeals from the decision of the Chief of the PNP.

“The National Appellate Board may conduct its hearings or sessions in Metropolitan Manila or any part of the country as it may deem necessary.

“There shall be at least one (1) Regional Appellate Board per administrative region in the country to be composed of a senior officer of the regional commission as chairman and one (1) representative each from the PNP, and the regional peace and order council as members. It shall consider appeals from decisions of the **PNP REGIONAL DIRECTORS, MAYORS AND THE PLEB's**: Provided that the Commission may create additional regional appellate boards as the need arises.”

SEC. 4. This Act shall take effect fifteen (15) days after its publication in the *Official Gazette* or in a newspaper of general circulation.

Approved