



Republic of the Philippines
House of Representatives
Quezon City, Metro Manila



EIGHTEENTH CONGRESS

Second Regular Session
House Bill No. **5933**

INTRODUCED BY **REP. ESMAEL "TOTO" G. MANGUDADATU**

EXPLANATORY NOTE

This bill aims to strengthen the impartiality and integrity of the Internal Affairs Service (IAS) by creating the Bureau of Special Investigations (BSI) amending for the purpose Republic Act No. 8551 otherwise known as "Philippine National Police Reform and Modernization Act".

Presently, the IAS is under the direct supervision of the Chief of PNP. As the watchdog of integrity of the civilian personnel, the Internal Affairs Service (IAS), ought to be free from any form of influence, pressure, intimidation, and intervention from the Chief of PNP and other high ranking PNP officers in the performance of their investigative and adjudicative duties. Moreover, the Bureau of Jail Management and Penology and the Bureau of Fire Protection currently has no IAS of their own.

Therefore, an independent and impartial Bureau of Special Investigations (BSI) as the oversight bureau for the integrity of the PNP, BJMP, and BFP shall be created. The Secretary of the Interior and Local Government shall have the sole supervision over BSI to ensure an independent, impartial, and effective functions of the duties of the BSI, outside from the framework of the PNP, BJMP, and BFP.

For the afore-mentioned reasons, the approval of this Bill is fervently requested.

ESMAEL "TOTO" G. MANGUDADATU



Republic of the Philippines
House of Representatives
Quezon City, Metro Manila

EIGHTEENTH CONGRESS
Second Regular Session
House Bill No. **5933**

INTRODUCED BY **REP. ESMAEL "TOTO" G. MANGUDADATU**

AN ACT
CREATING THE BUREAU OF SPECIAL INVESTIGATIONS (BSI), PROVIDING FUNDS THEREOF, AND AMENDING FOR THIS 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:

TITLE I
TITLE AND DECLARATION OF POLICY

Section 1. *Short Title* – This act shall be known as "The Bureau of Special Investigations Act".

Section 2. *Declaration of Policy* – It is the policy of the state that public officers and employees must at all times be accountable to the people, serve them with utmost responsibility, integrity, loyalty, and efficiency, act with patriotism and justice, and lead modest lives.

The Bureau of Special Investigations shall be organized to ensure accountability and uprightness of the personnel of the Philippine National Police (PNP), the Bureau of Jail and Penology (BJMP), the Bureau of Fire Protection (BFP), the Philippine Public Safety College (PPSC), and other bureaus in the Department of the Interior and Local Government (DILG) which are considered to be parts of the uniformed services in the conduct of law enforcement and/or in the performance of their functions.

TITLE II

THE BUREAU OF SPECIAL INVESTIGATIONS

Section 3. *Creation Power and Functions* - There is hereby created an independent, impartial, and effective Bureau of Special Investigations (BSI) under the direct supervision of the Secretary of the Interior and Local Government (SILG) which shall have the following functions:

- a) Pro-actively conduct inspections and audits on PNP, BJMP, BFP, PPSC, and other bureaus in the Department of the Interior and Local Government (DILG) which are considered to be parts of the uniformed services and submit results of such inspections and audits to SILG for appropriate action and/or guidance in policy formulation and submit results of such inspection to the requesting authority, or the SILG for appropriate action and/or guidance in policy formulation;
- b) Investigate complaints, gather evidence in support of an open investigation, and submit results thereof to the requesting authority, or to the Chief of PNP or SILG, for appropriate action and/or file appropriate formal complaints before it if the evidence gathered in such investigation warrants formal/summary hearing for proper disposition;
- c) Conduct summary hearings on PNP, BJMP, BFP, PPSC, and other personnel in the uniformed service who are facing administrative charges;
- d) Submit periodic report on the assessment, analysis, and evaluation of the character and behavior of PNP, BJMP, BFP, PPSC, including personnel of the

Bureaus in the DILG, to the SILG and the National Police Commission in the selection and promotion of PNP, BJMP, BFP, and PPSC personnel, including other Bureaus in the DILG;

- e) File appropriate criminal cases against PNP, BJMP, BFP, PPSC and other personnel in the uniformed service before the court as evidence warrants and assist in the prosecution of the case;
- f) Provide assistance to the Ombudsman and other police disciplinary offices in cases involving the personnel of the PNP, BJMP, BFP, PPSC and other bureaus in the DILG which are considered to be parts of the uniformed services; and
- g) Perform investigations as may be directed by the SILG concerning the character, behavior or actions of the aforementioned personnel, which may negatively affect the image, performance, and integrity of the PNP, BJMP, BFP, PPSC or any other bureau under the DILG which is considered as part of the uniformed services.

The BSI shall also conduct, *motu proprio*, automatic investigations of the following cases involving the aforementioned personnel:

- a) Incidents where a personnel discharges a firearm;
- b) Incidents where death, serious physical injury, or any violation of human rights occurred in the conduct of an operation;
- c) Incidents where evidence was compromised, tampered with, obliterated, or lost while in the custody of police personnel;
- d) Incidents where a suspect in the custody of the police was seriously injured; and
- e) Incidents where the established rules of engagement have been violated.

Finally, the BSI shall provide recommendations vis-à-vis promotion of the personnel of PNP, BJMP, BFP, PPSC and other bureaus in the uniformed service or their assignment to any key position.

Section 4. *Organization.* - A National BSI Office shall be established together with offices for every region and province. The BSI shall be headed by an Inspector General (IG) who shall be assisted by two (2) Deputy Inspector Generals (DIG), specifically one (1) DIG for Administration and one (1) DIG for Operations.

The regional offices shall be headed by a Regional Director while the provincial office shall be headed by a Provincial Director.

The head of the BSI shall be a civilian who shall meet the qualification requirements provided herein.

For purposes of efficiency and responsiveness in the execution of the functions of the BSI vis-à-vis the coverage of this Act, the BSI, in coordination with the Office of the SILG, shall establish a rationalized staffing and organizational structure from the national level down to the provincial level. However, the system of pay and allowances, upgrading of salaries and benefits, promotion, attrition and personnel career development as well as retirement and separation program shall be patterned after the PNP, as provided in its rationalization plan.

The BSI shall have its own financial and logistics management and services programs subject to the approval of the SILG.

Section 5. *Appointments.* – The Inspector General shall be appointed by the President upon the recommendation of the SILG. The Inspector General (IG) shall serve for a term of six (6) years without reappointment or extension.

The Inspector General shall have the following qualifications:

- a) A citizen of the Philippines;
- b) A member of the Philippine Bar with at least five (5) year of experience in handling criminal or administrative cases; and

- c) Must not be an active personnel of the PNP, BJMP, BFP, PPSC or any other bureau under the DILG that is considered as a part of the uniformed services.

Appointments of personnel who shall occupy various positions shall be made by the Inspector General and shall be based on an established career pattern and criteria to be promulgated by the BSI.

Section 6. *Entry qualifications to BSI* – Entry or transfer to the BSI shall be voluntary and subject to the rigid screening where only persons who have at least three (3) years of experience in criminal, forensic, and/or administrative investigation, with proven competence and integrity, and who have no derogatory service record shall be considered for appointment

Section 7. *Appointments to the National, Regional, and Provincial Bureau of Special Investigations (BSI)* – Appointments of the heads of the National, Regional, and Provincial Bureau of Special Investigations shall be approved by the Inspector General of the BSI. Likewise, the BSI IG shall be the approving/appointing authority of all hiring and promotions of personnel.

Section 8. *Promotions.* – The BSI shall establish a promotion system which shall follow the general principle of the promotion in the PNP.

Section 9. *Prohibitions.* – Any personnel who shall be employed with the BSI shall not thereafter be qualified to join any other unit of the PNP, BJMP, BFP, and other Bureaus of the DILG. Neither shall any personnel of the BSI be allowed to sit in a committee deliberating on the appointment, promotion, or assignment of any PNP, BJMP, BFP personnel, and other Bureaus of the DILG.

Section 10. *Career Development and Incentives.* – Non-administrative personnel of the BSI shall be granted the following:

- a) Occupational specialty pay which shall not exceed fifty percent (50%) of their basic pay. This pay shall not be considered a forfeiture of other remuneration and allowances allowed under existing laws.
- b) Priority in the quota allocation for training and education.

Section 11. *Records Management of the BSI.* – National, Regional, and Provincial BSI shall maintain and update the administrative case profile/records of the members of the PNP, BJMP, BFP, PPSC and other herein contemplated bureaus within their jurisdiction. The heads or any high-ranking officials of the PNP, BJMP, BFP, PPSC and other offices shall not, in any way, deny the request of the BSI for such records for this purpose, unless an order from a competent court is issued denying access to such records.

When a personnel of PNP, BJMP, BFP, PPSC, and other bureaus concerned is reassigned, transferred, or promoted to another location or unit outside the jurisdiction of the current BSI where his record is maintained, his records shall be transferred to the BSI with jurisdiction over the transferred personnel while copies will be retained by the former BSI. In cases where a personnel of the PNP, BJMP, BFP, PPSC, and other bureaus covered has been relieved of his position and has not been given an assignment, the BSI of his last assignment, shall continue to have jurisdiction over his or her records until such time that the officer or member shall have been given a new assignment where his records will be forwarded.

Section 12. *Inclusion of Supervisors and Superiors in BSI Investigations.* – The immediate superior or supervisor of the personnel or units being investigated shall be automatically included in the investigation of the BSI for purposes of determining lapses in administration or supervision.

Section 13. *Citizen's Complaint.* – The Bureau of Special Investigation shall have jurisdiction to investigate Citizen's complaints and cases referred by the People's Law Enforcement Board and against Members of the PNP, BJMP, BFP, PPSC and other

Offices covered by this Act; Provided, that, with respect to Section 41(a) of RA No. 6975 as amended, a complaint or a charge filed against a member of the PNP, BJMP, BFP, PPSC and other bureaus covered by this Act shall be heard exclusively by the disciplining authority who first acquired jurisdiction over the case notwithstanding the existence of concurrent jurisdiction as regards the offense. Whichever the case may be, the disciplining authority herein contemplated shall submit his/her findings, assessments, and recommendations directly to the SILG through the BSI IG for the SILG's decision.

After receipt of complaint, 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.

Section 14. *Disciplinary Recommendations of the BSI.* –

(a) Any uniformed personnel of the PNP, BJMP, BFP, PPSC and other bureaus under the DILG, which are considered to be parts of the uniformed services, who is found guilty of any of the cases mentioned in Section 3 of this Act and any immediate superior or supervisor found negligent under Section 12 shall be automatically dismissed or demoted, as the case may be.

(b) A final Decision by the SILG for the imposition of disciplinary measures against an erring PNP, BJMP, BFP, PPSC and other covered bureau's personnel shall be immediately implemented and cannot be revised, set-aside, or unduly delayed by any disciplining authority except by order of the court. Any disciplining authority as mentioned in Section 41 of RA No. 6975 who fails to act or who acts with abuse of discretion regarding the decision of the SILG shall be made liable for gross neglect of duty. The disciplinary authority who acts in such manner shall automatically be submitted for investigation to the Inspector General or to the SILG, as may be deemed appropriate, for proper disposition.

Section 15. *Appeals.* – Appeals to decisions based on the findings and recommendations rendered by the Provincial BSI shall be appealable to the Regional BSI within ten (10) working days upon the receipt thereof. Failure to file a verified appeal to the Regional BSI shall make such decision/s final and executory. In case of appeal of such Decision to the Regional BSI, the latter has forty five (45) days within which to decide such appeal or he may conduct clarificatory hearings within such period otherwise he must resolve such appeal within sixty (60) from receipt of such appeal.

In case of adverse decision of the Regional BSI or in case of failure to decide the appeal within sixty (60) days from receipt of such appeal, the aggrieved party may file a verified Petition for Review to the IG/National BSI, with the option to create a panel. Decisions of the IG/National BSI, on meritorious grounds, may be further raised to the SILG or the court as may be appropriate. Provided, That the summary dismissal powers of the Police General and Regional Directors as provided in Section 42 of Republic Act No. 6975 shall remain valid: Provided, further, That the existing jurisdiction over offenses as provided under Section 41(b)(c) of Republic Act No. 6975 as amended shall not be affected.

Section 16. *Complaints Against the BSI.* – A complaint against any personnel or office of the BSI shall be brought to the Inspector General's Office or to the Office of the SILG as may be deemed appropriate.

TITLE III

TRANSITORY PROVISIONS

Section 17. *Transitory Provision.* – The Internal Affairs Service (IAS) of the PNP shall be transferred under the supervision of SILG thirty (30) days after the effectivity of this Act. Provided, that the first appointed IG must select those qualified to join the ranks of the BSI from the existing IAS personnel. The IAS personnel who have not been selected or those who opt not to join the BSI will be given the option to return to the PNP or to retire from service. Provided, further, that all unexpended

appropriations, supplies, materials and equipment of the IAS shall be transferred to the BSI.

TITLE IV FINAL PROVISIONS

Section 18. *Implementing Rules and Regulation.* – The previous IAS of the PNP which shall form part of the BSI and the Department of Interior and Local Government shall promulgate rules and regulation for the effective implementation of this Act within one (1) year from approval of this Act. Such rules and regulation shall take effect upon their publication in three (3) newspapers of general circulations or publication in the Official Gazette.

Section 19. *Appropriations.* – The amount necessary to carry out the provisions of this Act is hereby authorized to be appropriated in the General Appropriations Act of the year following its enactment into law and thereafter.

Section 20. *Repealing Clause.* – All laws, presidential decrees, letters of instructions, executive orders, rules and regulations insofar as they are inconsistent with this Act, are hereby repealed or amended as the case may be.

Section 21. *Separability Clause.* – In case any provision of this Act or any portion thereof is declared unconstitutional by a competent court, other provisions shall not be affected thereby.

Section 22. *Effectivity Clause.* – This Act shall take effect after its complete publication in at least three (3) newspapers of general circulation publication in the Official Gazette.