

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

18th Congress
2nd Regular Session

HOUSE BILL NO. 7842



Introduced by: **HON. LORNA C. SILVERIO**

**AN ACT STRENGTHENING THE LEGAL ASSISTANCE PROGRAM OF THE
PHILIPPINE NATIONAL POLICE, RECONSTITUTING FOR THE PURPOSE THE
PHILIPPINE NATIONAL POLICE – LEGAL SERVICE, CREATING THE POLICE
LEGAL ASSISTANCE FUND, AND FOR OTHER PURPOSES**

EXPLANATORY NOTE

As government personnel tasked with enforcing the law, preventing and controlling crimes, maintaining peace and order, and ensuring public safety and internal security, police officers and personnel face overwhelming risks to their lives and limbs. Performance of their day-to-day mission, however, also carries the risk of litigation, which can adversely affect their employment and financial standing. As such, promotion of welfare of the police officers necessitates not only the mitigation of risk of death and injury during police operations, but also the extension of legal assistance when they face administrative, civil, criminal charges before courts.

This bill seeks to strengthen the capacity of the Philippine National Police (PNP) to provide assistance to qualified police personnel in two ways. First, it authorizes the reconstitution of the PNP-Legal Service (PNP-LS) to ensure its responsiveness to the needs and requirements of the entire police organization. The bill also grants additional incentives to PNP-LS personnel, which could help in improving its prospects in recruiting additional police lawyers. Second, the bill creates the Police Legal Assistance Fund to finance the provision of legal assistance to qualified PNP personnel, and improve the competencies and capabilities of the PNP-LS.

Ultimately, this bill seeks to contribute to government effort in ensuring that police operations promote the rule of law and uphold the rights of all individuals.

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

Lorna C. Silverio

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

Section 1. Title. – This Act shall be known as the “Police Officers’ Legal Assistance Act.”

Section 2. Declaration of policy – It is hereby declared the policy of the state to uphold the dignity and rights of every individual, including those mandated to enforce the law, prevent and control crimes, maintain peace and order, and ensure public safety and internal security but are unable to afford legal services for litigation arising from or in connection with the performance of their and functions. Toward this end, State shall bolster the Legal Assistance Program of the Philippines National Police (PNP) by strengthening the PNP-Legal Service (PNP-LS) and creating a legal assistance fund to ensure the provision of timely and responsive legal services to the PNP organization and its personnel.

Section 3. The Philippine National Police Legal Service. – The PNP-LS, created pursuant to the National Police Commission (NAPOLCOM) Resolution No. 93-023, is hereby reconstituted as a national administrative support unit of the Philippine National Police (PNP) on accordance with the provisions of this Act.

Section 4. Mandate. – The PNP-LS shall be mandated under this Act to render legal services for benefit of the police organization and its personnel.

Section 5. Powers and Functions. – The PNP-LS shall exercise the following powers and functions:

- a) Promote rights-based policing through issuance of legal opinions, conduct of legal and policy research, and provision of legal education;
- b) Ensure timely and responsive delivery of legal services to the PNP organization, as well as to individual police officers and other uniformed and non-uniformed personnel; and
- c) Perform such other functions as may be necessary to carry out the purposes of this Act or may be provided by law.

Section 6. Organization. – The PNP-LS shall be headed by the Director. The Command Staff of the PNP-LS shall be composed of a Director with rank of Police Major General, who shall be assisted by a Deputy Director and Chief-of Staff, both with rank of Police Brigadier General.

Section 7. The Director of Legal Service. – The Director for Legal Service shall perform the following duties and functions:

- a) Serve as legal counsel of the PNP and provide legal service to the PNP in any legal action, suit or proceeding filed before any court of competent jurisdiction;
- b) Draft or study contracts affecting the PNP and submit appropriate recommendation thereto;
- c) Render legal opinion on matters concerning the operations and administration of the PNP;
- d) Provide legal assistance and counsel to officers and personnel of the PNP;
- e) Direct, supervise and ensure coordination of the tasks and activities of the PNP-LS;
- f) Assign, designate, and deploy its legal officers to other units of the PNP; and
- g) Perform other functions as may be directed by Chief of the PNP, the Secretary of the Interior and Local Government, or the President of the Philippines.

Section 8. Organizational Structure and Staffing Pattern. – The NAPOLCOM shall, in coordination with the PNP and subject to the approval of the Department of Budget and Management (DBM) determine the organizational structure and staffing pattern of the PNP-LS. In the exercise of such authority, the NAPOLCOM may in coordination with PNP, create, abolish, or reorganize any division or unit under relation to the needs of the entire police organization. The PNP shall appoint officers and employees of the PNP-LS in accordance with civil service rules, regulations and standards.

Section 9. Promotion of PNP-LS Personnel. – The NAPOLCOM shall establish the promotion system within the PNP-LS, which shall follow the general principles of the promotion system in the PNP.

Section 10. Career Development and Personnel Incentives. – PNP-LS personnel shall be granted occupational specialty pay in addition to other allowances authorized under existing laws, the occupational specialty pay shall not exceed fifty percent (50%) of their base pay. The occupational specialty pay shall not be considered a forfeiture of other remuneration and allowances which PNP-LS personnel are entitled to under existing laws.

PNP-LS personnel shall also be given priority in the allocation for training and education of the PNP.

Section 11. Police Legal Assistance Fund. – The Police Legal Assistance Fund is hereby established for the purpose of providing legal assistance and improving the access and quality of legal service provided to qualified PNP personnel.

Section 12. Institutional Arrangement. – The Police Legal Assistance Fund shall be managed and administrated by the PNPN as a trust fund. The fund shall be set aside and released for following purposes:

- a) Payment of actual expenses, including premiums for bail bonds, in relation to the defense of administrative civil or criminal filed against qualified PNP personnel;
- b) Engagement of services of private legal practitioners in relation to the defense of administrative, civil or criminal cases filed against qualified PNP personnel;
- c) Recruitment and training of qualified police lawyers, including the completion of credit units required under the Mandatory Continuing

- Legal Education Program and other similar programs as may be required by the Supreme Court of the Philippines;
- d) Provision of occupational specialty pa to qualified police personnel in accordance with Section 10 of this act; and
 - e) Other purposes as may be authorized by NAPOLCOM.

Section 13. Guidelines in the Provision of Legal Assistance. – The following guidelines shall be observed by the PNP in reviewing applications for legal assistance:

- a) Legal assistance can only be availed by police personnel involved in cases arising from or in connection with the performance of their duties and functions;
- b) Legal assistance may be granted in the form of service to be rendered by the PNP-LS, or in the form of cash to cover legal expenses incurred or to be incurred by qualified police personnel in relation to the defense of their case before any competent court;
- c) Legal assistance shall not to be granted in cases filed by the PNP against its own personnel;
- d) Priority shall be accorded to legal assistance applications submitted by police personnel deployed in operating units of the PNP and in city and municipal police stations and substations;
- e) Priority shall be given to enlisted police personnel and junior commissioned officers over senior commissioned police officers;
- f) The amount charged against the Police Legal Assistance Fund shall be refunded to the PNP if the claimant is found guilty by final judgment in relation to the offense charged.

The NAPOLCOM shall, in accordance with the guidelines and in coordination with the PNP, promulgate and issue rules and regulations on the implementation of the PNP Legal Assistance Program and the Utilization of the Police Legal Assistance Fund.

Section 14. Funding Sources. The Police Legal Assistance Fund may be funded through i) annual government appropriations; ii) grants and donations; (iii) twenty-percent (20%) share from the licensing, registration and permit fees and charges collected by the PNP pursuant to Republic Act No. 10591, otherwise known as the “Comprehensive Firearms and Ammunition Regulation Act,” (iv) legal assistance refunds as provided in Section 13(f) of this Act; and (v) other applicable fund sources.

Section 15. Appropriations. – The amount required for the initial implementation of this Act shall be taken from the current fiscal year's appropriation of the PNP. Thereafter, the amount needed for the operation and maintenance of the PNP-LS shall be included in the General Appropriations Act.

Section 16. Implementing Rules and Regulations. – The NAPOLCOM shall, in coordination with the PNP, DBM, Department of the Interior and Local Government, Department of Finance, and other government agencies concerned, promulgate the necessary implementing rules and regulations within sixty (60) days upon the approval of this Act.

Section 17. Separability Clause. – If any provision, section of part of this Act shall be declared unconstitutional or invalid, such judgment shall not affect, invalidate or impair any other provisions, sections or parts hereof.

Section 18. Repealing Clause. – All laws, acts, decrees, executive orders, issuances, and rules and regulations or parts thereof which are contrary to and inconsistent with this Act are hereby repealed, amended or modified accordingly.

Section 19. Effectivity. – This Act shall take fifteen (15) days following its publication in at least two (2) newspapers of general circulation or in the Official Gazette.

Approved,

A handwritten signature in dark ink, appearing to read "Leni L. Robredo", is written below the word "Approved,".