

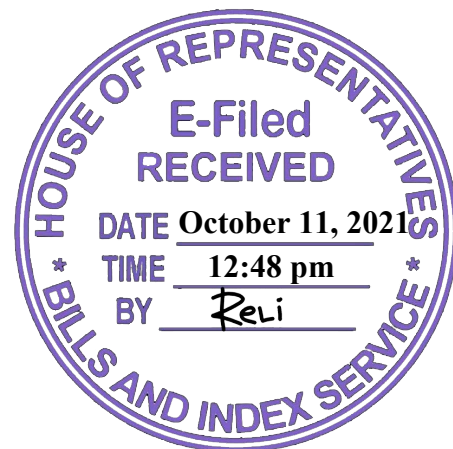
HOUSE OF REPRESENTATIVES

Quezon City

EIGHTEENTH CONGRESS

Third Regular Session

House Bill No. 10360



Introduced by

Representative Lucy Torres-Gomez

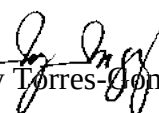
EXPLANATORY NOTE

National peace is one of the keystones for continued progress in the Philippines. While we endeavor to strengthen our laws against crime, insurgency and terrorism, we must balance these laws with measures that safeguards the general public from misconduct, abuses, and outright crimes committed by members of the Philippine National Police (PNP).

This bill addresses this intention by strengthening the PNP disciplinary mechanism by way of progressive amendments of R.A. No. 6975, as amended by R.A. No. 8551. This bill primarily re-organizes the Internal Affairs Service (IAS) into the Internal Affairs (IA), which would be an independent and impartial institution placed directly under the Office of the Chief of the Philippine National Police.

Some of the added powers of the IA would be: (a) to hear and decide with finality, administrative cases filed against uniformed PNP, (b) investigate based on prima facie evidence, (c) recommend to the Department of Justice protection of certain witnesses, (d) sole jurisdiction for Citizens' Complaints, (e) summary dismissal, and (f) order preventive suspension of police officers accused of having committed serious or grave offenses, among others. Additionally, this bill intensifies the penalties, by way of reprimand, suspension or forfeiture of salary by a factor of four.

With the enactment of this bill, our nation would undoubtedly advance in delivering peace while ensuring just and proper implementation of our laws on peace and order.


Lucy Torres-Gomez

HOUSE OF REPRESENTATIVES
Quezon City

EIGHTEENTH CONGRESS
Third Regular Session

House Bill No. 10360

Introduced by

Representative Lucy Torres-Gomez

**"AN ACT TO STRENGTHEN THE DISCIPLINARY MECHANISM IN THE
PHILIPPINE NATIONAL POLICE, AMENDING FOR THE PURPOSE CERTAIN
PROVISIONS OF REPUBLIC ACT NO. 6975, AS AMENDED BY REPUBLIC ACT
NO. 8551 FOR OTHER PURPOSES"**

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

SECTION 1. *Short Title.* –This Act shall be known as the "*Strengthened Philippine
National Police (PNP) Disciplinary Mechanism Act.*"

SEC. 2. *Declaration of Policy and Principles.* - It is the policy of the state to
establish a highly efficient, effective and competent police force, which is national in scope,
civilian in character, and administered and controlled by the National Police Commission
(NAPOLCOM).

A community and service-oriented law enforcement agency, the PNP shall promote and
respect human rights and uphold the rule of law in the performance of its primary functions
to maintain peace and order and ensure public safety and security.

The State shall endeavor to establish and maintain a strengthened internal affairs
service in the Philippine National Police that shall be the primary instrument to measure,
enhance, and instill performance and discipline among all PNP units and personnel and
conduct investigation and prosecution in an impartial, independent, expeditious and

professional manner, thereby ensuring the citizenry of unbiased police disciplinary mechanism.

SEC. 3. *Organization of the Internal Affairs (IA)* - The Internal Affairs Service (IAS) of the PNP created under Republic Act No. 8551 is hereby reorganized as Internal Affairs (IA). The IA shall be an independent, impartial, effective and efficient institutional guardian of integrity and shall be placed directly under the Office of the Chief, PNP.

It shall be headed by an Inspector General (IG) who is a civilian duly appointed by the President upon the recommendation of the Chief, PNP through the NAPOLCOM.

The IG shall be assisted by a Deputy Inspector General who is a uniformed personnel with a rank of Police Major General, likewise appointed by the President upon the recommendation of the NAPOLCOM from among the most senior and qualified officers in the IA.

There shall be two (2) Assistant Deputies Inspector General, one for Administration and one for Operations, both with the rank of Police Brigadier General.

SEC. 4. *Functions of the IA* - The IA shall exercise the following functions:

I. General Functions

- a) Pro-actively conduct inspections and audits on PNP personnel and units;
- b) Investigate complaints and gather evidence in support of an open investigation;
- c) Hear and decide with finality administrative case filed against uniformed members of the PNP facing administrative charges;
- d) Submit a periodic report on the assessment, analysis and evaluation of the character and behavioral conduct of the PNP personnel and units to the Chief, PNP and NAPOLCOM;
- e) File appropriate criminal cases against PNP members before the regular court as evidence warrants and assist in the prosecution of the case, and
- f) Provide assistance to the Office of the Ombudsman in cases involving the members of the PNP.

II. Special Functions

The IA shall conduct motu proprio investigations on the following cases:

- a) A police personnel unlawfully discharges a firearm;
- b) Death, serious physical injury, or any violation of human rights occurred in the conduct of a police personnel;
- c) Evidence was compromised, tampered with, obliterated, or lost while in the custody of police personnel;
- d) A suspect in the custody of the police dies or is seriously injured;
- e) The established rules of engagement and the PNP Operational procedures have been violated; and
- f) A prima facie evidence to believe that a police personnel has committed a crime in the performance of his duties.

III. Other Functions

It shall recommend to the Department of Justice for the protection of witnesses who are vital to the conduct of investigation and effective prosecution of PNP personnel facing administrative or criminal case.

SEC. 5. *Organizational Structure of IA*- - The IA shall be composed of the following units:

- 1) **National IA** - There shall be a National IA that shall have the following Divisions, headed by a uniformed personnel with the rank of Police Colonel:
 - a) Personnel and Human Resource Division - which shall provide manpower, career planning and development, trainings, personnel transactions and employee welfare;
 - b) Logistics and Finance Division - which shall provide plans and programs and formulate policies and procedures regarding acquisition, inventory, control, distribution, maintenance and disposal of supplies and shall oversee the implementation of programs on transportation facilities and installations and the procurement and maintenance of supplies and equipment; and shall provide with staff advice and assistance on budgetary and financial matters, including the overseeing of the processing and disbursement of funds;
 - c) Planning and Research Division - which shall provide technical services in areas of overall policy formulation, strategic and operational planning, management systems of procedures, evaluation and monitoring of programs, projects and internal operations of the IA;

- d) Inspection and Audit Division - which shall conduct inspection and audit and monitor to determine character development, discipline, performance of personnel and operational readiness and procedures of the PNP units to improve police services and integrity.
 - e) Intelligence and Investigation Division - which shall provide information for the recruitment of personnel of the PNP, placement, promotion, and in gathering of evidence in support of IA open investigation and prosecution of administrative and criminal cases;
 - f) Legal Division – which shall provide efficient and effective summary hearing of administrative cases; serve as legal counsel of the IA; draft or study contracts, render legal opinions arising from the administration and operations of the IA;
 - g) Police Community Relations Division - which shall provide the necessary support, programs, and activities to restore values, discipline, and performance of PNP personnel; provide alternative channel to report police irregularities and anomalies;
 - h) Information and Communication Technology Division - which shall be responsible for managing information, electronics and communications technology resources to promote, develop and regulate integrated strategic ICT systems and reliable and efficient communications technology resources to promote, develop and regulate integrated strategic ICT systems and reliable and efficient communications infrastructure. It shall provide and maintain reliable, secured, integrated, and cost-efficient information technology and communications services and facilities. It shall likewise be responsible for the design, implementation, and maintenance of the IA database system.
- 2) **Regional IA** - The Regional IA offices shall be headed by a Director with a rank of Police Brigadier General, except for the Director of the National Capital Region IA who shall have a rank of Police Major General.
 - 3) **District IA** - The District IA of the National Capital Region shall be headed by a District Director with a rank of Police Brigadier General.
 - 4) **Provincial and Highly Urbanized City IA** - The Provincial and Highly Urbanized City IA offices shall be headed by a Director with a rank of at least Police Colonel or a civilian of equivalent grade.
 - 5) **City IA** - The heads of the City IA offices shall have the rank of at least Police Lieutenant Colonel or a civilian or equivalent grade.

SEC. 6. *Qualifications and Terms of Office of Inspector General*- To serve as IG, the appointee must possess the following qualifications:

- a. A citizen of the Philippines;
- b. At least fifty (50) years old;
- c. Must be a member of the Philippine Bar, in good standing, with at least ten (10) years of experience in handling criminal or administrative cases; and

The IG shall serve for a term of six (6) years, without reappointment, or upon reaching the compulsory retirement age of 65 years old, whichever comes first.

SEC. 7. *Entry for Qualification to the IA*- The IA shall be composed of uniformed and non-uniformed personnel. The IG shall appoint the personnel of IA who shall occupy various positions in accordance with the established career path approved by the NAPOLCOM. The uniformed personnel of IA shall have its own set of uniform, rank classification, salary, recruitment and promotion processes, and retirement benefit system.

Civilians recruited into the IA as Patrolman shall possess the same qualifications as provided for in Section 30 of Republic Act No. 6975, as amended by Section 14 of Republic Act No. 8551, and shall undergo similar screening procedures and training for Patrolmen recruited into the PNP.

Transfer of the PNP personnel to the IA shall be voluntary. Qualified PNP Uniformed Personnel may only exercise the option to join or transfer to the IA two (2) years from the effectivity of this Act. PNP personnel who will transfer to the IA shall be subject to rigid screening where only those who have no derogatory records and who have at least ten (10) remaining years in the service shall be appointed.

Uniformed personnel, who are members of the Bar and graduates of related disciplines may enter the IA laterally.

SEC. 8. *Prohibition*- Uniformed PNP personnel who joined or transferred to the IA shall be barred thereafter from joining or being appointed to any positions of other units of the PNP.

SEC. 9. *Recruitment*- The IA shall have a rationalized staffing pattern in accordance with its organizational structure. It shall have a separate recruitment quota for Patrolman

and non-uniformed personnel. The authorized personnel strength of the IA shall not exceed four percent (4%) of the total strength of the PNP. The allocation for non-uniformed personnel (NUP) shall not exceed forty percent (40%) of the total personnel strength of the IA. The system of pay and allowances, career development and promotion as well as separation, attrition, and retirement for the IA personnel shall be patterned after the PNP system.

SEC. 10. *Promotion*- Promotion of personnel of the national, regional, district, provincial, and city IA shall follow the general principles of the promotion system in the PNP with IG as the approving authority upon the recommendation of the IA placement board.

SEC. 11. *Compulsory Retirement*- The compulsory retirement of the IG IA and NUP shall be governed by the existing laws, rules, and regulations for the civilian employees of the government. For uniformed personnel, the compulsory retirement shall be governed by the existing laws, rules, and regulations for the PNP personnel.

SEC.12. *Optional Retirement*- Upon accumulation of at least twenty (20) years of satisfactory active service, IA uniformed personnel, at the employee's request, may retire from the service and be entitled to receive the benefits provided by law. The optional retirement of the NUP of IA shall be governed by existing laws, rules and regulations for the civilian employees of the government.

SEC. 13. *Occupational Specialty Pay/Incentives*- Personnel of the IA shall, in addition to other pay and allowances authorized under existing laws, be granted Occupational Specialty Pay which shall amount to fifty percent (50%) of their basic pay which shall be paid monthly and shall be included as separate line item in the General Appropriations Act. This pay shall not be considered a forfeiture of other remunerations and allowances which are allowed under existing laws.

SEC. 14. *Immediate Supervisor and Superior in IA Investigation*- The immediate supervisor or supervisor of the personnel or units being investigated shall be automatically included in the investigation of the IA to exclusively determine lapses in administration or supervision.

SEC. 15. *Restrictive Custody of Personnel under Investigation* – Unit commanders or head of offices are allowed to place their personnel under restrictive custody pending

investigation on alleged commission of serious or grave offenses. All firearms, PNP badge, ID and other government properties issued to the erring personnel shall be recalled by the Supply Accountable Officer of their respective units.

For purposes of this section, the term “restrictive custody” refers to the reasonable restraint and restriction of police personnel to specified limits of the PNP pending investigation. It is a permissible precautionary measure to assure the PNP authorities that the police personnel concerned are always accounted for.

Any police personnel who shall break the provisions of restrictive custody shall be subjected to administrative investigation to determine the liability, in addition to the original complaint where said personnel is already being investigated upon.

A facility for Restrictive Custody of PNP personnel shall be established in every region.

SEC. 16. *Police Justice System-*

In cases of breach of internal discipline, a separate and distinct Police Justice System, as promulgated by the NAPOLCOM upon recommendation of the Chief, PNP, shall be adopted.

SEC. 17. *Jurisdiction and Penalties-* After notice and hearing, disciplinary authorities can impose the penalties provided herein for the following offenses:

a) On **Breach of Internal Discipline:**

- 1) Chief of Police or equivalent supervisors may impose the administrative punishment of reprimand, suspension or forfeiture of salary for a period not exceeding sixty (60) days, or any combination thereof;
- 2) Provincial Directors or equivalent supervisors may impose the administrative punishment of reprimand, suspension or forfeiture of salary for a period not exceeding one hundred twenty (120) days, or any combination thereof;
- 3) Police Regional Directors or equivalent supervisor may impose the administrative punishment of reprimand, suspension or forfeiture of salary for a period not exceeding one hundred eighty (180) days, or

any combination thereof, or dismissal-from service;

- 4) The Chief of the PNP may impose the disciplinary punishment of reprimand, suspension or forfeiture of salary for a period not exceeding one hundred eighty (180) days; or any combination thereof or dismissal from service;

b) On **Citizens' Complaint:**

The IA has the sole jurisdiction to resolve Citizens' Complaint against PNP Uniformed Personnel as follows:

- 1) City IA or equivalent supervisors may impose the administrative punishment of reprimand, suspension or forfeiture of salary for a period not exceeding sixty (60) days, or any combination thereof;
- 2) Provincial IA or equivalent supervisors may impose the administrative punishment of reprimand, suspension or forfeiture of salary for a period not exceeding one hundred twenty (120) days, or any combination thereof;
- 3) Regional IA or equivalent supervisor may impose the administrative punishment of reprimand, suspension or forfeiture of salary for a period not exceeding one hundred eighty (180) days, or any combination thereof, or dismissal from service;
- 4) IG IA may impose the disciplinary punishment of, reprimand, suspension or forfeiture of salary for a period not exceeding one hundred eighty (180) days or any combination thereof, or dismissal from service;

c) **Summary Dismissal (SD) Cases-** SD Powers of the NAPOLCOM, PNP Chief, PNP Regional Directors and IA. - The chief of the PNP, PNP regional directors, and IA after due notice and summary hearings, may immediately remove or dismiss any respondent PNP member in any of the following cases:

- 1) When the charge is serious and the evidence of guilt is strong;
- 2) 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; and
- 3) When the respondent is guilty of a serious offense involving conduct

unbecoming of a police officer.

Any member or officer of the PNP who shall go on absence without official 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.

- d) The NAPOLCOM shall provide in its implementing rules and regulations a scale of penalties to be imposed upon any member of the PNP under this Section.
- e) **Exclusive Jurisdiction** - When a complaint or charge is filed against a PNP member, it shall be heard and decided exclusively by the disciplinary authority which first acquired original jurisdiction over the case: Provided, that, offenses which carry a higher or lower imposable penalty shall be referred to the appropriate disciplinary authority: Provided, further, that should any disciplinary authority or IA take cognizance of any complaint beyond his jurisdiction and render a decision thereon, the same shall be void and shall not be a bar to the filing of a complaint against the PNP member before the proper disciplinary authority. Any disciplinary authority or IA officer who violated this provision shall be proceeded against administratively for serious irregularity in the performance of duty.
- f) **Forum Shopping** or Multiple Filing of Complaints- When an administrative complaint is filed with a disciplinary authority, no other case involving the same cause of action shall be filed with any other disciplinary authority.

In order to prevent forum shopping multiple filing of complaints, the complainant 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;

- 1) That he has not commenced any other action or proceeding involving the same issues in other disciplinary forum;

- 2) That to the best of his knowledge, no such action or proceeding is pending in other police administrative disciplinary machinery or authority;
- 3) 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
- 4) 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.

The NAPOLCOM shall provide in its implementing rules and regulations a scale of penalties to be imposed upon any member of the PNP under this Section.

SEC. 18. Preventive Suspension- Immediately upon filing of a formal charge, the IA may, motu proprio or upon motion of the complaining party, order the preventive suspension for a period of not exceeding ninety (90) days to any police personnel who has been accused of having committed serious or grave offense, particularly those involving heinous crimes as defined under existing laws, rules and regulations, upon the following grounds:

- a) That the charge is serious or grave and the evidence of guilt is strong and the respondent may influence the course of an investigation; or
- b) There is evidence to show that respondent is exerting efforts to harass, intimidate, coerce or unduly influence the complainant or his/her witnesses into withdrawing against the respondent or to tamper with the evidence.

The PNP Personnel placed under preventive suspension shall upon receipt of the order to surrender his/her firearms, PNP badge, ID and other government properties issued to him/her.

The order of preventive suspension shall be directed to the concerned superior who shall immediately implement the same. Failure to abide with the order shall constitute dereliction of duty.

SEC. 19. Implementation of CPNP, RD, and IA Decisions-

- a) The concerned PNP units shall immediately implement the decisions of the CPNP, RD, and IA, imposing disciplinary measures or sanctions against erring PNP personnel.

- b) Decisions of CPNP, RD, and IA imposing the penalty of six (6) months suspension, or dismissal are immediately executory pending appeal.
- c) Any head of the PNP unit/office who fails to implement the decisions of the IA, within fifteen (15) days from the receipt thereof, or who acts with abuse of discretion on said decisions shall be made liable for gross neglect of duty.

SEC. 20. *Procedure of Appeal-*

a) Breach of Internal Discipline

- 1) Decisions of the Chief of Police or equivalent supervisor may be appealed to the Provincial Director or equivalent supervisor whose decision becomes final, executory and non-appealable.
- 2) Decisions of the Provincial Director in the exercise of original jurisdiction or equivalent supervisor may be appealed to the Regional Director or equivalent supervisor whose decision becomes final, executory and non-appealable.
- 3) Decisions of the Regional Director in the exercise of original jurisdiction or equivalent supervisor imposing the penalty of 180 days suspension or dismissal may be appealed to the Chief, PNP.
- 4) Decisions of the Chief, PNP, in the exercise of original or appellate jurisdiction, imposing the penalty of one hundred and eighty (180) days suspension or dismissal may be appealed to the National Appellate Board (NAB).
- 5) Decisions of NAB are appealable to the Court of Appeals (CA).

b) The Internal Affairs

- 1) Decisions of the City IA on citizens' complaint may be appealed to Provincial IA whose decision becomes final, executory and non-appealable.
- 2) Decisions of Provincial IA in the exercise of original jurisdiction may be appealed to the Regional IA whose decision becomes final, executory and non-appealable.
- 3) Decisions of the Regional IA and District IA in the exercise of original jurisdiction imposing the penalty of six (6) months suspension or dismissal may be appealed to the IG.

- 4) Decisions of the IG, both on original and appellate jurisdiction, may be appealed to the Chief, PNP.
- 5) Decision of the Chief, PNP in the exercise of its appellate jurisdiction may be appealed to NAB.
- 6) Decisions of NAB may be appealed to the CA.

c) Summary Dismissal (SD) Cases

- 1) Decisions of the CPNP, RD and IG, IA in the exercise of their SD powers are appealable to NAPOLCOM En Banc.

SEC. 21. *Source of Fund*- The appropriation for the Internal Affairs including funds for the Occupational Specialty Pay shall be under a specific item in the Annual General Appropriations Act. This shall include Personnel Services Maintenance and Other Operating Expenses and Capital Outlay.

SEC. 22. *Fiscal Independence*- In order to strengthen its fiscal independence, the Internal Affairs shall have an automatic, direct and regular release of funds, based on the approved annual general appropriations, subject to the existing rules, practices and regulations on auditing and accounting of the Commission on Audit. It shall have its own Finance, Budget Management and Accounting Officer. The IA shall have a distinct and separate budget from the other PNP units and offices.

SEC. 23. *Implementing Rules and Regulations*-- Within one hundred eighty (180) days from approval of this Act, the Chief, PNP, in coordination with the National Police Commission and Secretary of Budget and Management, shall promulgate the necessary rules and regulations for its effective implementation.

SEC. 24. *Congressional Oversight Committee*- There is hereby created a Congressional Oversight Committee to monitor and oversee the implementation of the provisions of this Act. The committee shall be composed of six (6) members from the Senate and six (6) members from the House of Representatives with the Chairpersons of the Committee on Public Order and Illegal Drugs and the Committee on Public Order and Safety of both Houses as Joint Chairpersons. The five (5) other members from each Chamber shall be designated by the Senate President and the Speaker of the House of Representatives, respectively.

The Minority shall have at least two (2) representatives from both Chambers.

SEC. 25. *Separability Clause*- If any provision of this Act shall be held unconstitutional or invalid, the other provisions shall not be affected and shall remain valid.

SEC. 26. *Repealing Clause*- Section 45, RA 6975 and Sections 5, 39, 40, 42, 44, 45, 46, 50, 52 and 73 of Republic Act No. 8551, are hereby repealed. All other laws, executive orders, rules and regulations inconsistent with or contrary to this Act are hereby accordingly repealed or modified.

SEC. 27. *Effectivity Clause*- This Act shall take effect after fifteen (15) day following its publication in two (2) national newspapers of general circulation.

Approved,