

NINETEENTH CONGRESS OF THE)
REPUBLIC OF THE PHILIPPINES)
First Regular Session)



HOUSE OF REPRESENTATIVES

H. B. No. 3705

Introduced by Representative Ralph G. Recto

**AN ACT
TO ENSURE THE SECURITY OF MEMBERS, OFFICIALS, EMPLOYEES AND
GUESTS OF CONGRESS AND THE SAFETY OF CONGRESSIONAL PREMISES,
CREATING FOR THE PURPOSE THE CONGRESSIONAL POLICE FORCE,
APPROPRIATING FUNDS THEREFOR AND FOR OTHER PURPOSES**

EXPLANATORY NOTE

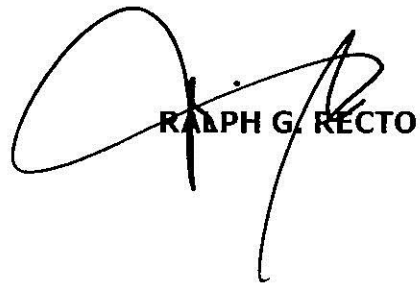
Congress has traditionally relied upon law enforcement agencies like the Armed Forces of the Philippines and the Philippine National Police to complement the Offices of Sergeant-at-Arms of the House of Representatives and the Senate of the Philippines in ensuring the security of Members and Officials of Congress as well as the safety of congressional premises. In more than one occasion, Congress has had to rely on the military and police officers to perform functions essential to legislation, such as serving *subpoenas*, contempt orders, and warrants of arrest. Such dependence on the executive agencies, while legally sanctioned, nonetheless impairs the independence of the Legislature and its capacity to establish its own security and operational protocols within its own premises.

This bill seeks to create a Congressional Police Force mandated to maintain peace and order, safety and security in Congress, and to perform tasks essential for Congress to carry out its legislative mandates. As the primary law enforcement agency concerned with the security of Congress, the Congressional Police shall be mandated to safeguard Members and Officials of Congress and members of their respective immediate families, as well as the employees and guests on congressional premises. As an agent of Congress, the Congressional Police is empowered to assist Members

and Officials of Congress in the performance of their constitutional duties, such as serving subpoenas and warrants, effecting arrests within congressional premises, and facilitating the processing of firearms licenses and permits.

Ultimately, this bill intends to protect a cornerstone of Philippine democracy – a safe, independent, open and functioning legislature.

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



RALPH G. RECTO

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

1 Section 1. *Short Title.* – This Act shall be known as the “*Congressional Police*
2 *Force Act.*”

3 Sec. 2. *Declaration of Policy.* – It is hereby declared the policy of the State to
4 ensure that government agencies and instrumentalities perform their respective
5 constitutional and legal mandate in a safe, secure and open environment. Towards this
6 end, a law enforcement organization under the direct control and supervision of
7 Congress shall be organized to ensure the effective and unimpeded performance of the
8 Legislature of its constitutionally-enshrined duty to the Filipino People.

9 Sec. 3. *Definition of Terms.* – For the purpose of this Act:

10 a) *Congress* shall refer to the bicameral legislative body comprised of the House
11 of Representatives and the Senate of the Philippines;

12 b) *Congressional Premises* shall refer to any land, office, building or facility
13 acquired through lease, donation, purchase, inter-government transfer, or otherwise,
14 for the use of the House of Representatives and the Senate of the Philippines;

1 c) *Legislative Employees* shall refer to the following: permanent, contractual and
2 casual employees of the Secretariat of the House of Representatives or the Senate of
3 the Philippines, *co-terminus* staff of incumbent district and party-list representatives or
4 senators, and consultants with valid contract of service with any office, bureau or
5 service under the House of Representatives or the Senate of the Philippines;

6 d) *Members of Congress* shall refer to duly-elected representatives of legislative
7 districts and party-lists, and senators; and

8 e) *Officials of Congress* shall refer to the following: the Speaker of the House of
9 Representatives, Deputy Speakers of the House of Representatives, Majority Leader of
10 the House of Representatives, Minority Leader of the House of Representatives,
11 Secretary-General of the House of Representatives, Sergeant-at-Arms of the House of
12 Representatives, President of the Senate of the Philippines, President *Pro Tempore* of
13 the Senate of the Philippines, Majority Leader of the Senate of the Philippines, Minority
14 Leader of the of the Senate of the Philippines, Secretary of the Senate of the Philippines
15 and Sergeant-at-Arms of the Senate of the Philippines, or any other official elected by
16 a majority of Members of the House of Representatives or the Senate of the Philippines;

17 Sec. 4. *Congressional Police Force*. – The Congressional Police Force is hereby
18 created for the purpose of effectively discharging the functions provided in this Act and
19 shall be composed of the Congressional Police Board and the Congressional Police. For
20 the purpose of administration and appropriation, the Congressional Police Force shall
21 be created as an attached agency to the Congress of the Philippines.

22 Sec. 5. *Congressional Police Board*. – The Congressional Police Board, hereinafter
23 referred to as the Board, is hereby created as an agency mandated to exercise
24 administrative control and operational supervision over the Congressional Police. The
25 Board shall be a collegial body composed of three regular commissioners composed of
26 the Sergeant-at-Arms of the House of Representatives, Sergeant-at-Arms of the Senate
27 of the Philippines, and the Chief of the Congressional Police.

28 Sec. 6. *Powers and Functions of the Board*. – The Board shall exercise the
29 following powers and functions:

30 a) Exercise administrative control over the Congressional Police;

1 b) Advise the Speaker of the House of Representatives and the President of the
2 Senate of the Philippines on all matters involving the security of Members and Officials
3 of Congress and the safety of congressional premises and legislative employees;

4 c) Foster and develop policies and promulgate rules and regulations, standards
5 and procedures to improve the capacity of the Congressional Police to perform its duties
6 and functions;

7 d) Prepare a congressional police manual prescribing rules and regulations for
8 the efficient organization, administration, and operation, including personnel
9 recruitment, selection, promotion, separation and retirement;

10 e) Approve or modify plans and programs on education and training, logistical
11 requirements, communications, records, information systems, and other matters
12 pertinent to the operations of the Congressional Police;

13 f) Resolve any complaint filed against officials and members of the Congressional
14 Police, including the determination and imposition of appropriate punishment and
15 penalties;

16 g) Prescribe minimum standards for arms, equipment, and uniforms and, after
17 consultation with the National Historical Commission of the Philippines (NHCP), for
18 insignia of ranks, awards and medals of honor;

19 h) Issue *subpoena* and *subpoena duces tecum* on matters pertaining to the
20 administration of the Congressional Police; and

21 i) Perform such other duties and exercise all other functions as may be provided
22 by law or assigned by the Speaker of the House of Representatives or the President of
23 the Senate of the Philippines.

24 *Sec. 7. Summary Dismissal Powers of the Congressional Police Board and the*
25 *Chief of the Congressional Police.* – The Board and the Chief of the Congressional Police,
26 after due notice and summary hearings, may immediately remove or dismiss any
27 respondent Congressional Police member in any of the following cases:

28 a) When the charge is serious and the evidence of guilt is strong;

29 b) When the respondent is a recidivist or has been repeatedly charged and there
30 are reasonable grounds to believe that he is guilty of the charges; and

31 c) When the respondent is guilty of a serious offense involving conduct
32 unbecoming of a Congressional Police officer.

1 Any commissioned or non-commissioned officer of the Congressional Police who
2 shall be absent without official leave (AWOL) for a continuous period of thirty (30) days
3 or more may be dismissed immediately from the service. The activities and whereabouts
4 of the erring congressional police officer during the period shall be investigated and, if
5 warranted, prosecuted accordingly.

6 Sec. 8. *Congressional Police.* – The Congressional Police is hereby created as a
7 law enforcement organization dedicated to secure Members and Officials of Congress
8 and members of their respective families, legislative employees and guests, to ensure
9 safety of congressional premises, and to sustain the unimpeded performance of the
10 Legislature of its constitutional mandate. The Congressional Police shall be initially
11 comprised of employees under the Office of Sergeant-at-Arms of the House of
12 Representatives and the Senate of the Philippines engaged in the implementation of
13 security rules, regulations and protocols of Congress, protection of Members and
14 Officials of Congress, maintenance of peace, order, and safety within congressional
15 premises, procurement of logistics and other supplies, execution or serving of
16 summons, warrants or *subpoena*, and other similar duties and functions. Thereafter,
17 commissioned and non-commissioned officers of the Congressional Police shall be
18 recruited in accordance with the provisions of this Act.

19 Sec. 9. *Duties and Functions.* – The Congressional Police shall exercise the
20 following duties and functions:

21 a) Protect the person of any Member or Official of Congress, or any member of
22 their immediate family, in any location within the Philippines, upon the determination
23 of the Board that such protection is necessary;

24 b) Ensure the safety of legislative employees and guests within congressional
25 facilities;

26 c) Protect congressional offices, buildings and grounds and other facilities owned
27 or used by Congress;

28 d) Enforce all laws and ordinances relative to the protection of lives and
29 properties within congressional premises;

30 e) Maintain peace and order and take all necessary steps to ensure public safety
31 within congressional premises;

1 f) Effect the arrest, with or without warrant, for any offense against the Republic
2 of the Philippines committed in their presence, or for any felony as cognizable under
3 the Philippine laws committed or being committed within congressional premises;

4 g) Serve warrants and *subpoenas* that may be issued by or upon order of the
5 House of Representatives or the Senate of the Philippines;

6 h) Coordinate with other law enforcement agencies in providing physical security
7 for Members and Officials of Congress outside congressional premises and in collecting
8 and sharing intelligence pertinent in ensuring the security of congressional premises
9 and the safety of Members and Officials of Congress and the members of their
10 immediate family;

11 i) Procure and maintain firearms, ammunitions and other equipment and
12 facilities necessary for the performance of its duties and functions;

13 j) Facilitate the application and issuance of License to Own and Possess Firearms
14 (LTOPF) or Permit to Carry Firearms Outside Residence (PTCFOR) to Members and
15 Officials of Congress, members of the Congressional Police, and qualified legislative
16 employees; and

17 k) Perform such other duties and exercise all other functions as may be provided
18 by law or assigned by the Board.

19 Sec. 10. *Organization.* – The Congressional Police shall be headed by a Chief
20 who shall be assisted by two (2) deputy chiefs. The Chief and Deputy Chiefs of the
21 Congressional Police shall be appointed jointly by the Speaker of the House of
22 Representatives and the President of the Senate of the Philippines.

23 Sec. 11. *Powers and Functions of the Chief of the Congressional Police.* – The
24 command and direction of the Congressional Police shall be vested in the Chief of the
25 Congressional Police who shall have the power to direct and control tactical as well as
26 strategic movements, deployment, placement, utilization of the Congressional Police or
27 any of its units and personnel, including its equipment, facilities and other resources.

28 Sec. 12. *Rank Classification.* – For purposes of efficient administration,
29 supervision and control, the rank classification of the members of the Congressional
30 Police shall be as follows:

31 Congressional Police Major General

32 Congressional Police Brigadier General

1 Congressional Police Colonel

2 Congressional Police Lieutenant Colonel

3 Congressional Police Major

4 Congressional Police Captain

5 Congressional Police Lieutenant

6 Congressional Police Executive Master Sergeant

7 Congressional Police Chief Master Sergeant

8 Congressional Police Senior Master Sergeant

9 Congressional Police Master Sergeant

10 Congressional Police Staff Sergeant

11 Congressional Police Corporal

12 Congressional Patrolman/Patrolwoman

13 *Sec. 13. Qualifications.* – No person shall be appointed as officer or member of
14 the Congressional Police unless the prospective congressional police officer possesses
15 the following minimum qualifications:

16 a) A citizen of the Philippines;

17 b) A person of good moral conduct;

18 c) Must have passed the psychiatric/psychological, drug and physical tests to be
19 conducted by any government hospital for the purpose of determining physical and
20 mental health;

21 d) Must possess a formal baccalaureate degree from a recognized institution of
22 learning;

23 e) Must be eligible in accordance with the standards set by the Commission;

24 f) Must not have been dishonorably discharged from military employment or
25 dismissed for cause from any civilian position in the Government;

26 g) Must not have been convicted by final judgment of an offense or crime
27 involving moral turpitude;

28 h) Must be eligible in accordance with the standards set by the Board; and

29 i) For a new applicant, must not be less than twenty-one (21) nor more than
30 thirty (30) years of age:

1 *Provided*, That with the exception of the last qualification, the above-enumerated
2 qualifications shall be continuing in character and an absence of any one of them at any
3 given time shall be a ground for separation or retirement from the service.

4 Sec. 14. *Training Program.* – All uniformed members of the Congressional Police
5 shall undergo a training program involving actual experience in patrol operations,
6 executive protection and physical defense, emergency medical response, firearms and
7 marksmanship, intelligence gathering and investigation, search and seizure, disaster
8 and crisis response, and other relevant skills and proficiencies as a requirement for
9 permanency of their appointment. Commissioned and non-commissioned officers of the
10 Congressional Police shall undergo training and education in the Philippine Public Safety
11 College or any equivalent training institutions to be selected by the Board.

12 Sec. 15. *Salaries and Benefits.* – The uniformed personnel and civilian employees
13 of the Congressional Police shall receive salaries, benefits, and allowances authorized
14 for their respective positions pursuant to existing laws, rules and regulations.

15 Sec. 16. *Uniformed Personnel Promotion.* – Any commissioned or non-
16 commissioned officer of the Congressional Police shall be eligible for promotion upon
17 the satisfaction of all requirements for promotion prescribed by the Board: *Provided*,
18 That special or meritorious promotion may be extended, upon validation of the Board,
19 to any commissioned or non-commissioned officer of the Congressional Police for
20 actions demonstrating a deed of personal bravery, courage, gallantry, or self-sacrifice
21 above and beyond the call of duty.

22 Sec. 17. *Death and Disability Benefits.* – Commissioned or non-commissioned
23 officers of the Congressional Police and/or their legal beneficiaries shall be entitled to
24 all benefits relative to the death or permanent incapacity suffered in the performance
25 of their duty as provided for under this Act and other existing laws.

26 A commissioned or non-commissioned officer of the Congressional Police who is
27 permanently and totally disabled as a result of injuries suffered or sickness contracted
28 in the performance of the officer's duty shall, upon finding and certification by the
29 appropriate medical officer that the extent of the disability or sickness renders such
30 congressional police officer unfit or unable to further perform the duties of the said
31 officer's position as duly certified by the Board, be entitled to one year's salary and to

1 a lifetime pension equivalent to eighty percent (80%) of the officer's last salary, in
2 addition to other benefits as provided under existing laws.

3 Should such congressional police officer who has been retired under permanent
4 total disability under this section dies within five (5) years from the officer's retirement,
5 the officer's surviving legal spouse or, if there be none, the surviving dependent
6 legitimate children shall be entitled to the pension for the remainder of the five (5)
7 years guaranteed period.

8 Sec. 18. *Compulsory Retirement.* – Compulsory retirement shall be upon the
9 attainment of age fifty-six (56) years for commissioned and non-commissioned officers
10 of the Congressional Police.

11 Sec. 19. *Optional Retirement.* – A commissioned and non-commissioned officer
12 of the Congressional Police shall, at the officer's own request and with the approval of
13 the Commission, be retired from the service and entitled to receive benefits provided
14 for by law: *Provided,* That the commissioned and non-commissioned officer concerned
15 must accumulate at least twenty (20) years of satisfactory active service prior to the
16 application for optional retirement.

17 Sec. 20. *Retirement in the Next Higher Rank.* – Commissioned and non-
18 commissioned officers of the Congressional Police shall, for the purpose of retirement
19 pay, be retired in one (1) rank higher than the permanent rank last held: *Provided,* That
20 they have served for at least one (1) year of active service in the permanent rank.

21 Sec. 21. *Retirement Benefits.* – Monthly retirement pay shall be fifty percent
22 (50%) of the base pay and longevity pay of the retired rank in case of twenty (20)
23 years of active service, increasing by two and one-half percent (2.5%) for every year
24 of active service rendered beyond twenty (20) years to a maximum of ninety percent
25 (90%) for thirty-six (36) years of active service and over: *Provided,* That, the
26 commissioned and non-commissioned officers of the Congressional Police shall have
27 the option to receive in advance and in lump sum their respective retirement pay for
28 the first five (5) years: *Provided, further,* That payment of the retirement benefits in
29 lump sum shall be made within one (1) month from effectivity date of retirement and/or
30 completion: *Provided, finally,* That retirement pay of the commissioned and non-
31 commissioned officers of the Congressional Police shall be subject to adjustments based
32 on the prevailing scale of base pay of police personnel in the active service.

1 Sec. 22. *Uniformed Personnel Pension Fund.* – A Uniformed Personnel (U/P)
2 Insurance Fund, hereinafter referred to as the U/P Insurance Fund, shall be created to
3 manage and finance the pension requirements of the uniformed personnel of the
4 Congressional Police.

5 The Government Service Insurance System (GSIS) shall be responsible for the
6 administration of the U/P Insurance Fund and the implementation of the pertinent
7 provisions of this Act: *Provided*, That the U/P Insurance Fund shall be administered and
8 reported separately from the GSIS Social Insurance Fund provided under Section 34 of
9 Republic Act No. 8291, otherwise known as "*The Government Service Insurance System*
10 *Act of 1997.*"

11 The U/P Insurance Fund shall not be used for purposes other than those provided
12 for under this Act. No portion of the U/P Insurance Fund or income thereof shall accrue
13 to the General Fund of the national government and its political subdivisions,
14 instrumentalities and other agencies including government-owned and controlled
15 corporations except as may be allowed under this Act.

16 Sec. 23. *Insurance Fund Generation.* – Congress shall, on a monthly basis,
17 contribute to the U/P Insurance Fund an amount equivalent to fifteen percent (15%)
18 of the monthly base pay of their uniformed personnel of the Congressional Police.
19 Uniformed personnel of the Congressional Police shall, on a monthly basis, contribute
20 to the U/P Insurance Fund an amount equivalent to six percent (6%) of their respective
21 monthly base pay.

22 The manner of collection and remittance of contributions to the U/P Insurance
23 Fund shall be in accordance with the relevant provisions of Republic Act No. 8291,
24 otherwise known as "*The Government Service Insurance System Act of 1997.*"

25 Sec. 24. *Insurance Fund Investments.* – The portions of the U/P Insurance Fund
26 which are not needed to meet any current obligation may be invested in accordance
27 with Section 36 of Republic Act No. 8291, otherwise known as "*The Government Service*
28 *Insurance System Act of 1997.*"

29 Sec. 25. *Grant of Additional Retirement and Separation Benefits.* – The GSIS
30 may, upon determination of actuarial soundness, provide better pension benefits to
31 qualified uniformed personnel retirees covered by the U/P Insurance Fund.

1 Sec. 26. *Insurance Fund Exemptions from Tax, Legal Process and Lien.* – Any
2 provision of the law to the contrary notwithstanding, all contributions for the U/P
3 Insurance Fund and all accruals thereto and income or investment earnings therefrom
4 shall be exempt from any tax, assessment, fee, charge, or customs or import duty in
5 accordance with Section 39 of Republic Act No. 8291, otherwise known as "*The*
6 *Government Service Insurance System Act of 1997.*"

7 Sec. 27. *Insurance Fund Guarantee.* – The government of the Republic of the
8 Philippines hereby guarantees the fulfillment of the obligations of the GSIS to uniformed
9 personnel of the Congressional Police covered by the U/P Insurance Fund as and when
10 they fall due.

11 Sec. 28. *Cost of U/P Insurance Fund Administration.* – The U/P Insurance Fund
12 shall bear the costs of its administration and development, in such amounts and for
13 limits as the GSIS Board of Trustees may deem appropriate, but not exceeding ten
14 percent (10%) of the annual revenues from all sources: *Provided, That* the President
15 of the Philippines may, on the basis of actuarial and management studies, increase
16 allotment for the administrative and operational expenses for the U/P Insurance Fund.

17 Sec. 29. *Insurance Fund Audit.* – The audit of the U/P Insurance Fund shall be
18 conducted in accordance with Section 22 of Republic Act No. 8291, otherwise known as
19 "*The Government Service Insurance System Act of 1997.*"

20 Sec. 30. *Retirement and Separation of Non-Uniformed Personnel Employees of*
21 *the Congressional Police.* – The retirement and separation of non-uniformed personnel
22 of the Congressional Police shall be in accordance with existing civil service laws, rules
23 and regulations.

24 Sec. 31. *Rationalization of Retirement and Separation Benefits.* – The Board shall
25 formulate a rationalized retirement and separation benefits schedule and program
26 within one (1) year from the effectivity of this Act for approval by Congress: *Provided,*
27 *That* the approved schedule and program shall have retroactive effect in favor of
28 commissioned and non-commissioned officers of the Congressional Police retired or
29 separated from the time specified in the law, unless the retirement or separation is for
30 cause and the decision denies the grant of benefits.

1 Sec. 32. *Assistance of Agencies under the Executive Department.* – Upon the
2 request of the Board, government agencies and instrumentalities under the Executive
3 Department may extend assistance to the Congressional Police in the performance of
4 its duties and functions by providing services (including personnel), equipment, and
5 facilities on a temporary or permanent basis.

6 Sec. 33. *Organizational Structure and Staffing Pattern.* – Subject to the approval
7 of the Department of Budget and Management (DBM), the Board and the Congressional
8 Police shall determine its organizational structure and create new bureaus, divisions or
9 units as it may deem necessary, and shall appoint officers and personnel in accordance
10 with existing laws, rules, and regulations.

11 Sec. 34. *Transition Period.* – The transfer of the pertinent functions, assets,
12 funds, equipment, properties, records, transactions, and personnel, and the formulation
13 of the internal organic structure, staffing pattern, operating system, and budget for the
14 Congressional Police, shall be completed within six (6) months from the effectivity of
15 this Act, during which time, the existing personnel shall continue to assume their posts
16 in holdover capacities until new appointments are issued: *Provided,* That the Board, in
17 coordination with the DBM, shall determine and create new positions and its
18 corresponding funding requirements: *Provided, further,* That any permanent or regular
19 employee transferred to the Congressional Police shall not suffer any reduction,
20 diminution or withdrawal of salaries and benefits already enjoyed by the employee
21 concerned.

22 Sec. 35. *Appropriations.* – The amount necessary for the implementation of the
23 provisions of this Act shall be included in the annual General Appropriations Act
24 following its enactment into law.

25 Sec. 36. *Implementing Rules and Regulations.* – Within thirty (30) days upon the
26 effectivity of this Act, the House of Representatives and the Senate of the Philippines
27 shall, in consultation with the Civil Service Commission, DBM and GSIS, jointly
28 promulgate the necessary implementing rules and regulations for the effective
29 implementation of this Act.

30 Sec. 37. *Repealing Clause.* – All laws, decrees, orders, rules and regulations or
31 parts thereof inconsistent with any of the provisions of this Act are hereby repealed,
32 amended or modified accordingly.

1 Sec. 38. *Separability Clause.* - If, for any reason, any provision of this Act or any
2 part thereof shall be held unconstitutional and invalid, the other parts or provisions of
3 this Act, which are not affected thereby, shall remain in full force and effect.

4 Sec. 39. *Effectivity Clause.* – This Act shall take effect fifteen (15) days after its
5 complete publication in the *Official Gazette* or in at least two (2) newspapers of general
6 circulation.

 Approved,