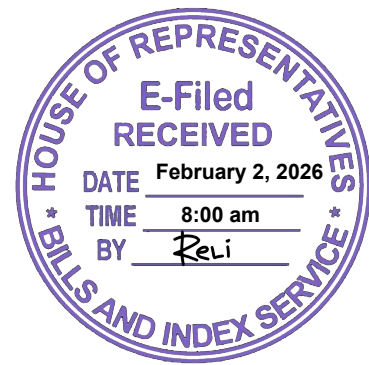


TWENTIETH CONGRESS)
REPUBLIC OF THE PHILIPPINES)
First Regular Session)



HOUSE OF REPRESENTATIVES

*Introduced by Representative Rufus B. Rodriguez and
Representative Maximo B. Rodriguez, Jr.*

House Bill No. 7512

EXPLANATORY NOTE

The Philippine National Police plays a very important part in securing the safety of every Filipino. As such, we should ensure the continuity of the membership of the PNP and make it attractive for future generations to become members of the PNP.

We should take into consideration the best interest of the PNPA cadets to ensure more enrollees and hopefully lead to better quality PNPA graduates.

This bill seeks to grant the status of government employees to qualified PNPA cadets upon entry to the PNPA. They shall all be entitled to the salaries and other benefits appertaining to the position.

In view of the foregoing, immediate approval of this measure is earnestly requested.


RUFUS B. RODRIGUEZ


MAXIMO B. RODRIGUEZ, JR.

TWENTIETH CONGRESS)
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AN ACT

CONFERRING THE CADETS OF THE PHILIPPINE NATIONAL POLICE ACADEMY THE STATUS OF A GOVERNMENT EMPLOYEE AND GRANTING THEM WITH CIVIL SERVICE ELIGIBILITY, AND BENEFITS AND PRIVILEGES, AND 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 "PNPA Cadet Act".

SEC. 2. Declaration of Policy. - It is the policy of the State to promote the general welfare and safeguard the basic rights of every cadet in the Philippine National Police Academy by providing them the status of a government employee and granting them civil service eligibility for permanent appointment in the government service and benefits it order to raise the morale and welfare of the future police officers of the Philippine National Police which will hopefully translate to better performance of their duties and responsibilities and to continually foster the individual efficiency and organizational effectiveness of the Philippine National Police.

SEC 3. Definition of Terms. - As used in this Act, the following terms shall mean:

- a) Disability refers to any loss or impairment of the normal functions of the physical or mental faculties of a uniformed PNP member which reduces or eliminates his capability to continue with his present employment;
- b) Medical officer refers to the NAPOLCOM Medical Officer, PNP medical officer, medical officer from government hospital or private hospital accredited by the PNP;
- c) National Police Commission (NAPOLCOM) refers to an attached agency of the Department of Interior and Local Government responsible for the administration and control of the Philippine National Police;
- d) Philippine National Police Academy (PNPA) refers to an academy established on August 26, 1977 by virtue of Section 19, PD 1184 manned by the Philippine National Police which is tasked to provide 4-year tertiary education course with a degree of Bachelor of Science in Public Safety to police candidates called cadets who are automatically appointed to the rank of Police Lieutenant upon graduation;
- e) Sickness refers to an illness accepted as an occupational disease, or any illness caused or aggravated by employment/training, subject to proof that the risk of contracting the same is increased by working conditions; and
- f) Total Permanent Physical Disability refers to any impairment of the mind or body which renders the disabled uniformed PNP member incapable of performing substantially the duties of a police officer and which is expected to be long, continued and of indefinite duration:

Provided, That irreparable loss of the power of speech, or sense of hearing or loss of one or both hands or feet, or loss of one eye or both eyes, or loss of limbs or brain injury resulting in incurable imbecility or insanity shall be considered total permanent physical disability. In all cases, the disability shall be deemed permanent if it has persisted for a period exceeding 6 months, without fix healing period and renders the PNP member incapable of performing duties and functions: Provided, further, That in case the disability is found to be permanent beyond doubt upon medical examination of said member, the waiting period of six (6) months shall no longer be applied.

SEC. 4. Status of PNPA Cadets. - The PNPA cadets upon qualification and entry are considered as employees of the National Government and shall draw their salaries therefrom. They shall have a salary of Grade 19 and shall receive benefits and privileges in conformity with other existing laws.

SEC. 5. Appointment of PNPA Cadets. - The PNPA cadets shall be granted with civil service eligibility and be given temporary appointment by the Civil Service Commission and renewable every one year until they graduate. In case of suspension or if turned back, the temporary appointment will be renewed upon re-entry of the suspended cadet.

SEC. 6. Total Permanent Physical Disability. - In case of disability or sickness during training, a PNPA cadet avails the benefits similar to regular PNP personnel as described in Section 36 of RA 8551. The cadet is entitled to a separation pay equivalent to one year salary and a lifetime pension which is 80% of the last salary received as duly certified by the National Police Commission, upon finding and certification by the appropriate medical officer, that the extent of the disability or sickness renders such cadet unfit or unable to continue the training.

The one rank higher is not applied and pension shall not incur increase as the cadet is under 20 years in the service.

a) Benefits of Total Permanent Physical Disability (Napolcom Mc 2011-009). -

1. Reimbursement of reasonable expenses for medicines, medical attendance, hospital fees, necessary transportation, and subsistence;
2. Separation pay equivalent to one year salary; and
3. Lifetime pension which is of 80% of the last salary.

b) Grounds for Compensability:

- 1) The cadet must have been injured at the place where the training requires the cadet to be and must have been performing the official functions;
- 2) If the injury is sustained elsewhere, the cadet must have been executing a lawful order from the trainer, or from the superior;
- 3) When a cadet is accidentally injured at a point reasonably proximate to the place of training or while the cadet is going to or coming from the training;
- 4) For the sickness to be compensable, it must be the result of occupational disease aggravated by training. The following are classified as occupational diseases:
 - i. Skin cancer;
 - ii. Cataract leading to blindness;
 - iii. Rabies;
 - iv. Tuberculosis and its complications;
 - v. Poisoning:
 1. Carbon dioxide poisoning;
 2. Carbon monoxide poisoning;
 3. Lead poisoning; and
 4. Food poisoning.
 - vi. Diseases caused by abnormalities in temperature and humidity:
 1. Heart stroke; and
 2. Frostbite/Freezing.

vii. Cerebrovascular accidents- as long as it is not due and/or aggravated by chronic alcoholism or cigarette:

1. CVA embolism;
2. CVA thrombosis;
3. CVA thrombo-embolism; and
4. CVA hemorrhage.

viii) Parasitism- Compensability should be based on the principle of:

1. Greater risk of acquiring the disease in the place of work than in the place of usual residence;
2. Disease was acquired in endemic areas (i.e., areas where said disease is prevalent)

ix) Cardiovascular diseases:

1. Acute myocardial infarction; and
2. Congestive heart failure class IV-E.

x) Pneumonia:

1. Viral pneumonia; and
2. Bacterial pneumonia.

xi) Peptic ulcer diseases- as long as it is not due to alcoholism;

xii) All forms of Psychoses/Schizophrenic disorders; and

xiii) Physical traumas resulting in loss of limb/s or its function, blindness or deafness.

The following are not classified as occupational diseases and subject to proof that the risk of contracting the same is increased by training:

- a) Viral Hepatitis;
- b) Cancer of the liver;
- c) Cancer of the lungs;
- d) Cancer of pancreas;
- e) Cancer of the stomach and intestine; and
- f) Liver cirrhosis and its complications.

c) Who may File for Claim for Disability. - An application for Total Permanent Physical Disability (TPPD) can be filed by the cadet himself or in case of incapacity, his duly authorized representative.

d) Where to File Claim. - An application letter for Total Permanent Physical Disability (TPPD) under oath shall be submitted to the Directorate for Personnel and Records management (DPRM) thru the Pension Retirement and Benefits Administration Service (PRBS) for recording and appropriate action.

SEC. 7. Death Benefits. - A PNPA cadet upon death during training shall avail the benefits similar to regular PNP personnel as described in Sec 76 of RA 6975 and Rule V of NAPOLCOM Memorandum Circular No. 2011-009.

a) Who may File Claim/Application for Death Benefits:

- 1) Surviving parents; and
- 2) Surviving brothers and sisters.

b) Where to File Claim. - An application letter under oath for death benefits shall be filed with the Office of the NAPOLCOM Provincial Officer of the province or city where the PNPA cadet is stationed or in the Regional Office of the Commission having administrative jurisdiction of the deceased PNPA cadet.

c) Supporting Documents to a Claim for Death Benefits:

1. Service record issued or duly authenticated by the PNP Directorate for Personnel and Records Management;
2. Certified copy of latest appointment;
3. Death Certificate issued by the Philippine Statistics Authority;
4. Detailed investigation report of the Director or immediate superior or supervisor, as the circumstances or cause of death;
5. Clearance from money and property accountability;
6. Certificate of No Marriage (CENOMAR) issued by the Philippine Statistics Authority; and
7. Official receipts duly registered with the Bureau of Internal Revenue for reasonable medical and hospitalization expenses, necessary transportation and subsistence incurred on account of service-connected disability, purchase of medicines in excess of Php 50.00 shall be evidenced by doctor's prescription; and
8. Investigation and Adjudication of the Claim Application:
 - i) Within 5 days from receipt of the application, the NAPOLCOM Hearing Officer designated by the NAPOLCOM Regional Director shall set the hearing of the Claim and shall notify the claimant/s, heirs and other persons whose presence in the investigation is necessary.
In no case, the hearing of the claim be conducted beyond 15 days from the date of receipt of the application.
 - ii) Should serious question on the compensability of a claim arise, the NAPOLCOM Regional Director shall direct the Technical Service Division to conduct the necessary inquiry, who shall forthwith submit the corresponding Report. Said Report shall be attached in the records of the claim and considered by the hearing officer the Report of Investigation;
 - iii) Within 15 days from the termination of the investigation, the Hearing Officer or Investigator shall submit the Report of Investigation together with the complete records of the claim to the Regional Director for adjudication;
 - iv) The Regional Director shall adjudicate the claim within 15 days from receipt of the Report of Investigation; and
 - v) The claimant shall be immediately furnished a copy of the adjudication.

d) Benefits. - The following shall be awarded to the beneficiary of the deceased PNPA cadet:

- 1) Gratuity equivalent to the deceased PNPA cadet one-year basic salary;
- 2) Burial expenses equivalent to 3 months basic salary of the deceased;
- 3) Monthly pension equivalent to 80 percent of the deceased's basic salary for a period of five years from the date of death; and
- 4) Reimbursement of reasonable expenses for medicines, medical attendance, hospital fees, necessary transportation, and subsistence.

SEC. 8. Government Service. - A PNPA cadet shall render service after graduation two times the number of years of training which is 4 years. The Cadet should render 8 years government service before the Cadet decides to resign.

SEC. 9. Disposition of Dismissed PNPA Cadet. - A PNPA cadet when dismissed for reasons other than violation of Honor Code can automatically join the PNP: Provided, That, the Cadet is mentally and physically fit. The Cadet doesn't need to comply the requirements to be appointed as Patrolman or Patrolwoman as described in RA 6975 and RA 8551. The Cadet can be appointed automatically to the rank of Police Corporal and is given 10 years to complete the baccalaureate degree in case the Cadet is high school graduate or college undergraduate.

SEC. 10. Implementing Rules and Regulations. - The Philippine National Police shall, within ninety (90) days after the approval of this Act, promulgate the necessary rules and regulations for the effective implementation of this Act and to submit to NAPOLCOM for approval.

SEC. 11. Repealing Clause. - All laws, decrees, orders, rules and regulations or parts thereof inconsistent with the provisions of this Act are hereby amended or modified accordingly.

SEC. 12. Effectivity Clause. - This Act shall take effect fifteen (15) days after its publication in any newspaper of general circulation.

Approved,