

## HOUSE OF REPRESENTATIVES

H. No. 23614

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JUANGCO, PLAZA (D.), BERNARDEZ, LEGASPI, OJEDA, CONGRESSWOMAN ACOSTA, CONGRESSMEN AMATONG, ANDAYA, ANGELES (R.), ANNI, AQUINO (H.S.), ARTECHE, BADELLES, SR., BELTRAN, JR., CARLOTO, CONCEPCION, JR., CUA, DANGWA, DOMINGUEZ, DUPAYA, DURANO III, DUREZA, CONGRESSWOMAN ECLEO, CONGRESSMEN GUERRERO, HORCA, JR., IMPERIAL, JABAR, LACSON, LOPEZ (A.), LOPEZ-VITO, LORETO, MARQUEZ, JR., RAMIRO, JR., DEL ROSARIO, SANTOS, TANJUATCO, JR., TINGA, TIRADOR, MATALAM, MATTI, MENDIOLA, MIRAN, ONG, JR., OZAMIZ, PINEDA, CONGRESSWOMAN PLAZA (C.), CONGRESSMEN PONCE DE LEON, YAP (R.), AND YULO, PER COMMITTEE REPORT NO. 535

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**AN ACT ESTABLISHING THE PHILIPPINE NATIONAL POLICE UNDER THE ADMINISTRATION AND CONTROL OF THE NATIONAL POLICE COMMISSION**

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

1       **SECTION 1. Title of Act.** — This Act may be cited  
2 as the “Philippine National Police Act of 1989.”

3       **SEC. 2. Declaration of Policy.** — It is hereby declared  
4 to be the policy and purpose of this Act to achieve and  
5 attain a highly efficient and effective police force which  
6 shall be civilian in character and national in scope as well  
7 as to integrate all functions relating to law enforcement,  
8 maintenance of peace and order, and public safety. It is  
9 also the objective of this Act to establish an apolitical system  
10 of coordination and cooperation between local executives  
11 and the Philippine National Police (PNP) in order that

1 peace and order and public safety may be more effectively  
2 attained and enhanced.

3 The police shall be a civilian entity. It shall be or-  
4 ganized, trained and equipped primarily for the performance  
5 of police functions. Its civilian character and national scope  
6 shall be paramount. No element of the police force shall be  
7 military nor shall any position thereof be occupied by active  
8 members of the Armed Forces of the Philippines (AFP).

9 CHAPTER I

10 THE NATIONAL POLICE COMMISSION

11 SEC. 3. *Creation of a National Police Commission.* —

12 A National Police Commission, hereinafter referred to as  
13 the Commission, is hereby created and organized structurally  
14 and functionally, for the purpose of effectively discharging  
15 the functions prescribed in the Constitution. The Commis-  
16 sion shall be a collegial body under the President.

17 The present National Police Commission (NAPOLCOM)  
18 shall be reconstituted into the Commission established  
19 under this Act. Its personnel, properties, equipment, funds,  
20 other assets, and liabilities are hereby transferred to and  
21 absorbed, to the extent necessary and feasible, by the new  
22 Commission and/or PNP.

23 SEC. 4. *Powers and Functions of the Commission.* —

24 The Commission shall administer and control the PNP pur-  
25 suant to Section 6, Article XVI of the Constitution. Subject

1 to the provisions of this Act, the Commission shall supervise,  
2 oversee, direct, regulate and control the Philippine National  
3 Police, through the Chief of the PNP.

4 The Commission shall exercise the following functions:

5 (a) Advise the President on all matters involving  
6 police functions and administration;

7 (b) Foster and develop policies, and promulgate  
8 rules and regulations, standards and procedures to improve  
9 the police, fire and jail services along sound professional  
10 basis;

11 (c) Promulgate rules and regulations for the effective  
12 administration and control of the national police;

13 (d) Conduct surveys and compile statistical data  
14 for the proper evaluation of the state of efficiency and  
15 effectiveness of all police units of the country;

16 (e) Within thirty (30) days from the opening of the  
17 regular session of Congress, render an annual report to the  
18 President and Congress of its activities and accomplish-  
19 ments during every calendar year together with an appraisal  
20 of the conditions in the organization and administration  
21 of all existing state of peace and order in the country;

22 (f) Approve, disapprove or modify plans and programs  
23 on education and training; logistical requirements; communi-  
24 cations; records and information system; crime laboratory;  
25 crime prevention; crime reporting; and investigation and

1 adjudication of administrative matters including death claims,  
2 sickness, injury and disability benefits as well as retirement  
3 benefits submitted to the Chief of the PNP;

4 (g) Affirm, reverse or modify personnel disciplinary  
5 actions involving dismissal from the service or suspension  
6 and/or forfeiture of pay for at least six (6) months imposed  
7 upon members of the Philippine National Police by the  
8 Chief of the PNP; and

9 (h) Perform such other functions necessary to carry  
10 out the provisions of this Act and as the President may  
11 direct.

12 SEC. 5. *Composition of the Commission.* — The Com-  
13 mission shall consist of the Chairman and four (4) Com-  
14 missioners, one of whom shall be a fire service protection  
15 official or expert, and all of whom shall be appointed by the  
16 President with the consent of the Commission on Appoint-  
17 ments. Of the first appointees, the Chairman shall serve  
18 for six (6) years, two (2) Commissioners for four (4) years,  
19 and the two (2) other Commissioners for two (2) years,  
20 without reappointment. All subsequent appointments shall  
21 be for a period of six (6) years each, without reappointment.  
22 Appointment to any vacancy shall only be for the unex-  
23 pired portion of the term of the predecessor: *Provided,*  
24 That any person who shall be appointed in this case shall  
25 be eligible for regular appointment.

1           The Chief of the PNP, the Undersecretary of the Depart-  
2   ment of Justice and the Undersecretary of the Department  
3   of Local Government shall be *ex officio* members and shall  
4   participate in the deliberations of the Commission with the  
5   right to vote. Only the *ex officio* members shall be entitled  
6   to reimbursement of reasonable and authorized expenses  
7   incurred in the performance of their duties.

8           **SEC. 6. Qualifications.** — No person shall be appointed  
9   Chairman or member of the Commission unless:

10          (a) He is at least thirty-five (35) years of age; and

11          (b) A member of the Philippine Bar or a holder of a  
12   master's degree in public and business administration/  
13   management, sociology, criminology, law enforcement,  
14   national security administration, defense studies, and other  
15   related disciplines, or a fire protection service official or  
16   expert.

17          **SEC. 7. Functions of the Chairman.** — The Chairman  
18   shall have the following functions:

19          (a) Act as the presiding and executive officer of the  
20   Commission proper;

21          (b) Direct all operations of the Commission;

22          (c) Establish procedures for the effective operations  
23   of the Commission;

24          (d) Transmit to the President rules and regulations  
25   and other guidelines adopted by the Commission which

1 require Presidential attention or action, including annual  
2 and other periodic reports;

3 (e) Issue appointments to all employees of the Com-  
4 mission, subject to the attestation by the Civil Service Com-  
5 mission; attest the appointments of PNP officers from the  
6 rank of Inspector to Superintendent; and endorse appoint-  
7 ments of PNP officers from rank of Senior Superintendent  
8 to Deputy Director General.

9 (f) Enforce decisions on administrative disciplinary  
10 cases, involving officers and employees of the PNP and the  
11 Commission;

12 (g) Delegate authority for the performance of function  
13 to the officers or employees of the Commission;

14 (h) Submit for approval by the Commission proper,  
15 the annual and/or supplemental budgets of the Commission;  
16 and

17 (i) Perform such other functions as may be provided  
18 by law or appropriately assigned by the Commission.

19 **SEC. 8. *Organizational Structure of the Commission.* —**  
20 **The Commission shall consist of the following constituent**  
21 **units:**

22 (a) *Commission proper* — This is composed of the  
23 offices of the Chairman and the four (4) regular Commis-  
24 sioners.

25 (b) *Staff services* — The staff services of the Commis-  
26 sion shall have the following functions:

1           (1) The Planning Service shall provide technical service  
2 to the Commission in areas of overall policy formulation,  
3 strategic and operational planning, management systems or  
4 procedures, and the evaluation and monitoring of the Com-  
5 mission's programs, projects and internal operations;

6           (2) The Personnel Management service shall provide  
7 the Commission with services relating to manpower, career  
8 planning and development, personnel transactions and  
9 employee welfare, including the administration of PNP  
10 licensure examinations, and the formulation and imple-  
11 mentation of guidelines and rules and regulations per-  
12 taining to the merit and promotion system for all the mem-  
13 bers of the PNP as well as the administration of disability,  
14 hospitalization, retirement and death benefits as authorized  
15 under existing laws;

16           (3) The Administrative Service shall provide the neces-  
17 sary services relating to records, correspondence, supplies,  
18 property and equipment, security and general services, and  
19 the maintenance, installation, and utilization of facilities;

20           (4) The Financial Management and Comptrollership  
21 Service shall be responsible for providing the Commission  
22 with assistance on budgetary and financial matters and  
23 shall review accounting, budgetary and financial reports  
24 to determine conformity with set standards, examine finan-  
25 cial operations, review its financial plan and expenditures  
26 program, and conduct cost reduction studies;



1 (5) The Installation and Logistics Service shall review  
2 PNP plans and programs and shall formulate policies and  
3 procedures regarding acquisition, inventory, control, distri-  
4 bution, maintenance and disposal of PNP supplies. It shall  
5 oversee the implementation of PNP programs on transpor-  
6 tation facilities and installations and the procurement and  
7 maintenance of supplies and equipment;

8 (6) The Legal Affairs Service shall provide the Com-  
9 mission with efficient and effective service as legal counsel  
10 of the Commission; draft or study contracts affecting the  
11 Commission's personnel and submit appropriate recommen-  
12 dations pertaining thereto, render legal opinions arising  
13 from the administration and operation of the PNP and the  
14 Commission and perform other legal services;

15 (7) The Inspection and Research Service shall conduct  
16 continuous inspection and management audit of personnel,  
17 facilities and operations at all levels of command of the  
18 PNP, and shall conduct thorough research and analysis  
19 of social and economic conditions affecting peace and  
20 order in the country; and

21 (8) The Crime Prevention and Coordination Service  
22 shall undertake criminological researches and studies; for-  
23 mulate a national crime prevention plan; develop a crime  
24 prevention and information program and provide editorial  
25 direction for all criminological research and crime prevention  
26 publication.

1           (c) *Disciplinary Appellate Boards* — The Commission  
2 shall establish a formal administrative disciplinary appellate  
3 machinery for the PNP consisting of the National Appellate  
4 Board and the Regional Appellate Boards.

5           (d) *The National Capital Region and the Regional*  
6 *Offices* — The Commission shall establish an office in each  
7 of the regions of the country.

8           **SEC. 9. *Regional Offices.*** — The Commission is hereby  
9 authorized to establish and operate regional offices to be  
10 headed by Regional Directors and assisted by Assistant  
11 Regional Directors who shall implement the policies and  
12 programs of the Commission in their respective regions.

13           The regional offices shall likewise perform the following  
14 functions subject to the standards that shall be prescribed  
15 by the Commission: adjudication and approval of claims,  
16 attestations and examinations.

17           **SEC. 10. *Qualifications of Regional Directors.*** — No  
18 person shall be appointed Regional Director unless:

19           (a) He is at least thirty (30) years of age;  
20           (b) A holder of a baccalaureate degree and appro-  
21 priate civil service eligibility; and

22           (c) Has experience in any of the fields of law enforce-  
23 ment, criminology, police administration, or a fire protection  
24 official or expert, and such other related fields.

1 community thereby necessitating the employment of  
2 stronger and more adequate operational forces, the President  
3 may, in his capacity as Commander-In-Chief, call upon  
4 the military to assume the primary role and the PNP to play  
5 the supportive role.

6 **SEC. 14. *Organization of the Philippine National***  
7 ***Police.*** — The PNP shall be headed by a Chief who shall  
8 be assisted by two (2) Deputy Chiefs, one for operations  
9 and another for administration.

10 The PNP shall have three (3) service branches as  
11 follows: Police Service, Fire Protection Service, and Jail  
12 Management and Penology Service. An Assistant Chief for  
13 Police Service, an Assistant Chief for Fire Protection  
14 Service and an Assistant Chief for Jail Management and  
15 Penology shall have staff supervision over each of the three  
16 (3) service branches. Appointment of members in the three  
17 (3) service branches shall be governed by specific qualifica-  
18 tions of each branch. Funds allocated for each service branch  
19 shall be managed separately.

20 The PNP shall be composed of a national office, regional  
21 offices, provincial offices, district and municipal stations  
22 for police, fire and jail services.

23 At the national level, the PNP shall maintain its office  
24 in Metro Manila which shall house the directorial staff,  
25 service staff and special support units.

1           At the regional level, the PNP shall have regional offices  
2 including that of the National Capital Region, each headed  
3 by a Regional Director. At the provincial level, there shall  
4 be a PNP office, each headed by a Provincial Superintendent.  
5 In the case of large provinces, police districts may be estab-  
6 lished to be headed by a District Superintendent.

7           At the city or municipal level, there shall be a PNP  
8 station, each headed by a Chief of Police: *Provided*, That  
9 in the case of large cities and municipalities with a popu-  
10 lation of seventy-five thousand (75,000) or more, a district  
11 office with subordinate police, fire and jail stations, headed  
12 by a District Superintendent, may be organized as necessary.

13           **SEC. 15. Powers and Functions of the Chief of the**  
14 ***Philippine National Police.*** — The Chief of the PNP shall  
15 exercise command over all the elements thereof subject  
16 to existing laws and policies and regulations that the Com-  
17 mission may promulgate.

18           **SEC. 16. Manning Level.** — On the average nationwide,  
19 the manning level of the PNP shall be approximately in  
20 accordance with a police-to-population ratio of one (1)  
21 policeman for every five hundred (500) population. The  
22 actual strength by cities and municipalities shall depend  
23 on the state of peace and order, population density and  
24 actual demands of the service in the particular area: *Provided*,  
25 That the minimum police-to-population ratio shall not be

1 less than one (1) policeman for every one thousand (1,000)  
2 population: *Provided, further,* That urban areas shall have  
3 a higher minimum police-to-population ratio as may be  
4 prescribed by regulations: *Provided, finally,* That the term  
5 "police" used in this section shall mean the actual strength  
6 of those assigned in the Police Service branch.

7 **SEC. 17. Grades and Grade Distribution.** — For pur-  
8 poses of efficient administration, supervision, control,  
9 uniformity and discipline, the grades of the members of the  
10 PNP shall be as follows:

11 Director General

12 Deputy Director General

13 Director

14 Chief Superintendent

15 Senior Superintendent

16 Superintendent

17 Chief Inspector

18 Senior Inspector

19 Inspector

20 Senior Sergeant

21 Sergeant

22 Senior Corporal

23 Corporal

24 Senior Patrolman/Fireman/Jailguard

25 Patrolman/Fireman/Jailguard

1           The Chief of the PNP shall prescribe the table of organi-  
2           zation and the grade distribution of the PNP based on its  
3           overall authorized strength, subject to the approval of the  
4           Commission.

5           **SEC. 18. Key Positions.** — The head of the PNP with  
6           the rank of Director General shall           have the position title  
7           of Chief of the PNP. The second in command of the PNP  
8           with the rank of Deputy Director General shall be the  
9           Deputy Chief of the PNP for administration. The third in  
10          command with the rank of Deputy Director General shall  
11          be the Deputy Chief of the PNP for operations. The heads of  
12          the three (3) major service branches, with the rank of  
13          Director shall have the following position titles: Assistant  
14          Chief for Police Service, Assistant Chief for Fire Protection  
15          Service and Assistant Chief for Jail Management and Penology.  
16

17          The heads of the regional offices with the rank of  
18          Chief Superintendent shall assume the position title of  
19          Regional Director; heads of the NCR district commands  
20          with the rank of Chief Superintendent shall have the position  
21          title of District Superintendent; the heads of the provincial  
22          offices with the rank of Senior Superintendent shall be  
23          known as Provincial Superintendent; heads of the district  
24          offices with the rank of Superintendent shall have the posi-  
25          tion title of District Superintendent, and heads of the municipi-

1 pality or city with the rank of Chief Inspector shall be  
2 known as Chief of Police.

3 At the national office, the head of the directorial  
4 staff with the rank of Director shall be known as Chief  
5 of the directorial staff of the PNP; the heads of the various  
6 staff units in the directorial staff shall have the rank of  
7 Chief Superintendent with the position title of Assistant  
8 Chief of the directorial staff of their respective functional  
9 units.

10 SEC. 19. *General Qualifications for Appointment.* —

11 Except for the qualified and eligible members of the erst-  
12 while PC-INP including the members of the technical services  
13 of the AFP assigned or detailed with the PC units, no person  
14 shall be appointed as officer or member of the PNP unless  
15 he possesses the following minimum qualifications:

- 16 (1) He must be a citizen of the Philippines;
- 17 (2) He must be a person of good moral conduct;
- 18 (3) He must be of sound mind and body;
- 19 (4) He must have at least completed high school for  
20 appointment to the lowest rank: *Provided*, That those to  
21 be appointed in metropolitan stations of the PNP must  
22 have finished at least second year college;
- 23 (5) He must be eligible in accordance with the stan-  
24 dards set by the Commission;
- 25 (6) He must not have been dishonorably discharged

1 from military employment nor dismissed for cause from  
2 any civilian position in the Government;

3 (7) He must not have been convicted by final judg-  
4 ment of an offense or crime involving moral turpitude;

5 (8) He must be at least one meter and sixty-two  
6 centimeters in height for male and one meter and fifty-  
7 seven centimeters for female; and

8 (9) For a new applicant, he must not be less than  
9 twenty-one (21) nor more than thirty (30) years of age.

10 **SEC. 20. Appointment of PNP Officers and Members. —**

11 The appointment of the officers and members of the PNP  
12 shall be effected in the following manner:

13 (a) *Patrolman/Jailguard/Fireman to Senior Sergeant*  
14 — appointed by the PNP Regional Director as recommended  
15 by the city/municipal mayor in his capacity as the Chairman  
16 of the Peace and Order Council and attested by the Regional  
17 Director of the Commission;

18 (b) *Inspector to Superintendent* — appointed by the  
19 Chief of the PNP, as recommended by their immediate  
20 superiors and municipal/city mayor in their capacity as  
21 Chairman of their respective Peace and Order Council at-  
22 tested by the Commission;

23 (c) *Senior Superintendent to Deputy Director-General*  
24 — appointed by the President upon recommendation by the  
25 Chief of the PNP, and proper endorsement by the Chairman  
26 of the Commission.



1           The appointment of Senior Superintendent to Deputy  
2 Director General shall be with the consent of the Com-  
3 mission on Appointments.

4           Subject to the confirmation by the Commission on  
5 Appointments, the President shall appoint the Director  
6 General from among the senior officers down to the rank  
7 of Chief Superintendent in the service: *Provided*, That  
8 the Chief of the PNP shall serve a tour of duty not to ex-  
9 ceed four (4) years: *Provided, further*, That, in times of war  
10 or other national emergency declared by Congress, the  
11 President may extend such tour of duty.

12           The appointments of civilian but non-police personnel  
13 of the PNP as well as employees of the Commission shall  
14 be subject to Civil Service rules and regulations.

15           **SEC. 21. *Lateral Entry of Officers Into the Philippine***  
16 ***National Police.*** — In general, all original appointment  
17 of officers in the PNP shall commence in the grade of Inspec-  
18 tor to include all those with highly technical qualification  
19 applying for the PNP technical services such as nurses,  
20 penologists, engineers, and graduates of forensic sciences,  
21 doctors of medicine, dentistry, optometry, lawyers, and  
22 chaplains shall be appointed in the grade of Senior Inspec-  
23 tor in their particular technical service. Graduates of the  
24 Philippine National Police Academy (PNPA) and licensed  
25 criminologists shall be appointed in the initial grade of  
26 Inspector.

1           **SEC. 22. Status of the Philippine National Police. —**

2   Members of the PNP shall be considered employees of the  
3   National Government and shall draw their salaries there-  
4   from: *Provided, however,* That PNP members assigned  
5   in Metro Manila, chartered cities and first class municipali-  
6   ties shall be paid an additional monthly allowance equiva-  
7   lent to not less than ten percent (10%) of their monthly  
8   basic salary depending upon the financial capability of  
9   the local government unit.

10           As professional police officers responsible for the  
11   maintenance of peace and order, the members and officers  
12   of the PNP are hereby prohibited from fomenting or en-  
13   gaging in strikes, rallies, demonstrations and other similar  
14   concerted activities or from performing other acts prejudicial  
15   to good order and police discipline.

16           Any PNP member found guilty by final judgment of  
17   violating the provisions of the preceding paragraph shall  
18   be dismissed from the service without prejudice to whatever  
19   criminal or civil liability he may incur in relation to such  
20   violation.

21   **MAJOR BRANCHES**

22   **A. POLICE SERVICE**

23           **SEC. 23. Composition. —** The Police Service shall  
24   be composed of all PNP officers and men performing law  
25   enforcement functions as differentiated from Fire Protec-  
26   tion Service and Jail Management and Penology Service.

1        **SEC. 24. *Powers and Functions of the Police Service.***

2        — The branch for Police Service shall exercise the following  
3 powers and duties:

4            (a) Enforce all laws and ordinances relative to the  
5 protection of lives and properties;

6            (b) Maintain peace and order and take all necessary  
7 steps to ensure public safety;

8            (c) Investigate and prevent crimes, effect the arrest  
9 of criminal offenders, bring offenders to justice and assist  
10 in their prosecution so that the ends of justice may be  
11 served; and

12            (d) Perform such other duties and exercise all other  
13 functions as may be provided by law and assigned to it  
14 by the Chief of the PNP in order to carry out the powers  
15 and duties of the Service.

16        **SEC. 25. *Head.*** — The head of the Police Service  
17 with the rank of Director shall be appointed as the Assistant  
18 Chief of Police Service and shall be responsible for the  
19 overall technical staff supervision over all elements of the  
20 branch. He shall have the power to issue detailed imple-  
21 menting policies and instructions regarding crime preven-  
22 tion measures, maintenance of peace and order, personnel,  
23 funds, properties, records management, correspondence  
24 and such other matters as may be necessary to effectively  
25 carry out the duties and functions of the Service.

1           **SEC. 26. *Nationwide Support Units.*** — The branch  
2 for Police Service shall be supported by nationwide support  
3 units which shall be composed of the Maritime Police Unit,  
4 Criminal Investigation Unit, Special Action Force, Narcotics  
5 Unit, Aviation Security Unit, Central Crime Laboratory,  
6 Civil Security Unit and Logistics Unit.

7           **SEC. 27. *Maritime Police Unit.*** — Headed by a Director  
8 with the rank of Chief Superintendent, the Maritime Police  
9 Unit shall perform all police functions over Philippine ter-  
10 ritorial waters.

11           **SEC. 28. *Criminal Investigation Unit.*** — The Criminal  
12 Investigation Unit shall be headed by a Director with the  
13 rank of Chief Superintendent and shall undertake the moni-  
14 toring, investigation and prosecution of all crimes involving  
15 economic sabotage, piracy, hijacking and other crimes of  
16 such magnitude and extent as to indicate their commission  
17 by highly-placed or professional criminal syndicates and  
18 organizations.

19           This unit shall likewise investigate all major cases  
20 involving violation of the Revised Penal Code and operate  
21 against organized crime groups in support to law enforce-  
22 ment and maintenance of peace and order.

23           **SEC. 29. *Special Action Force.*** — Headed by a Director  
24 with the rank of Chief Superintendent, the Special Action  
25 Force shall function as a mobile strike force or reaction

1 unit to augment municipal/city police forces for civil dis-  
2 turbance control, counter-insurgency and other special  
3 operations.

4 The Special Action Force shall be organized over and  
5 above the strength of the regular PNP forces: *Provided,*  
6 *however,* That the strength shall not exceed ten percent  
7 (10%) of the authorized number of regular PNP forces.

8 SEC. 30. *Narcotics Unit.* — Headed by a Director  
9 with the rank of Chief Superintendent, the Narcotics Unit  
10 shall enforce all laws relative to the protection of the citizens  
11 against dangerous and other prohibited drugs.

12 SEC. 31. *Aviation Security Unit.* — Headed by a  
13 Director with the rank of Chief Superintendent, the Aviation  
14 Security Unit shall secure all the country's airports against  
15 offensive and terroristic acts that threaten civil aviation,  
16 exercise operational control and supervision over all agencies  
17 involved in airport security operation and enforce all laws  
18 and regulations relative to air protection and safety.

19 SEC. 32. *Crime Laboratory.* — (a) *Central Crime*  
20 *Laboratory* — Headed by a Director with the rank of Chief  
21 Superintendent, the Central Crime Laboratory shall be  
22 responsible in providing scientific and technical investigative  
23 aid and support to the PNP and other government investiga-  
24 tive agencies which may avail of its services.

25 It shall likewise provide crime laboratory examination,

1 evaluation and identification of physical evidences involved  
2 in crimes with primary emphasis on their medical, chemical,  
3 biological and physical nature.

4 (b) *Regional and City Crime Laboratories* — There  
5 shall be established regional and city crime laboratories  
6 in all cities and regions of the country.

7 SEC. 33. *Civil Security Unit.* — Headed by a Director  
8 with the rank of Chief Superintendent, the Civil Security  
9 Unit shall provide administrative services and general super-  
10 vision over the organization, business operation and activities  
11 of all organized private detectives, watchmen, security  
12 guard agencies and company guard forces and all govern-  
13 ment guards throughout the country.

14 This unit shall likewise supervise the licensing/registra-  
15 tion of firearms and explosives.

16 The approval of application of licenses to operate  
17 private security agencies as well as the issuance of licenses  
18 to security guards and the licensing of firearms and ex-  
19 plosives shall be decentralized to the PNP regional offices.

20 SEC. 34. *Logistics Unit.* — Headed by a Director with  
21 the rank of Chief Superintendent, the Logistics Unit shall be  
22 responsible in the procurement, distribution and manage-  
23 ment of all the logistical requirements of the PNP including  
24 firearms and ammunition.

**B. FIRE PROTECTION SERVICE**

1  
2       **SEC. 35. *Composition.*** — The National Fire Protection  
3 Service shall be composed of all officers and uniformed  
4 members of the fire service of the Integrated National Police  
5 as constituted under Presidential Decree No. 765 and all  
6 other qualified persons as described in this Act.

7       **SEC. 36. *Powers and Duties of the National Fire***  
8 ***Protection Service.*** — The National Fire Protection Service  
9 shall have the following powers and duties:

10       (a) Implement and enforce the Fire Code of the  
11 Philippines, the Philippine Electrical Code, and such other  
12 laws and city/municipal ordinances on fire protection and  
13 safety, including the operation of ambulance and rescue  
14 services;

15       (b) Act as principal assistant of the Chief of the PNP  
16 and adviser of the Commission on all matters pertaining  
17 to fire protection and safety;

18       (c) Formulate and execute fire safety programs,  
19 investigate all causes of fires and, if criminally caused, re-  
20 commend criminal prosecution to the proper prosecutor; and

21       (d) Perform such other powers and functions as may  
22 be provided by law or as directed by the Chief of the PNP.

23       **SEC. 37. *Head of the National Fire Protection Service.***  
24 — The head of the National Fire Protection Service with  
25 the rank of Chief Superintendent shall be appointed as

1 the Assistant Chief for Fire Protection Service, and shall  
2 be responsible for the overall technical staff supervision  
3 over all elements of the Service. He shall likewise be res-  
4 ponsible in the supervision of the volunteer fire brigades.  
5 He shall have the power to issue detailed implementing  
6 policies and instructions regarding fire protection mea-  
7 sures, personnel, funds, properties, records management,  
8 correspondence and such other matters as may be necessary  
9 to effectively carry out the powers and duties of the Service.

10 SEC. 38. *Field Operating Units.* — At the regional  
11 and lower levels, fire protection shall be within the scope  
12 of responsibility of the PNP Regional Director through the  
13 Regional Fire Marshall.

14 SEC. 39. *Establishment of Fire Station.* — There  
15 shall be established a fire station with adequate personnel,  
16 firefighting facilities and equipment in every provincial  
17 capital, city and municipality subject to the standards,  
18 rules and regulations as may be promulgated by the Com-  
19 mission. The local government unit shall, however, provide  
20 the necessary land or site of the station.

21 SEC. 40. *Qualification Standards.* — The qualification  
22 standards of the members of the Fire Protection Service  
23 shall be prescribed by the Commission based on the re-  
24 quirements of the Service.

25 C. JAIL MANAGEMENT AND PENOLOGY SERVICE

26 SEC. 41. *Composition.* — The branch for Jail Manage-



1 ment and Penology Service shall be composed of all officers  
2 and uniformed members of the Jail Management and Penology  
3 Service as constituted under Presidential Decree No.  
4 765 and all other qualified persons as described in this  
5 Act. This branch shall be responsible for the detention  
6 and rehabilitation of arrested criminal offenders.

7 **SEC. 42. Powers and Duties of the Jail Management**  
8 **and Penology Service.** — The Jail Management and Penology  
9 Service shall exercise the following powers and duties:

10 (a) Implement and administer all laws, policies,  
11 rules and regulations and city/municipal ordinances on the  
12 detention and rehabilitation of prisoners;

13 (b) Act as principal assistant to the Chief of the  
14 PNP and adviser to the Commission on all matters pertaining  
15 to detention and rehabilitation of prisoners;

16 (c) Perform such other functions and duties as may  
17 be provided by law or as may be directed by the Chief of  
18 the PNP to effectively carry out the powers and duties  
19 of the Service.

20 **SEC. 43. Head of the Jail Management and Penology**  
21 **Service.** — The head of the Jail Management and Penology  
22 Service with the rank of Chief Superintendent shall be ap-  
23 pointed as the Assistant Chief for Jail Management and  
24 Penology and shall have technical staff supervision over  
25 all elements of the Service. He shall have the power to issue

1 detailed implementing policies and instructions regarding  
2 detention and rehabilitation, personnel, funds, properties,  
3 records management, correspondence and such other matters  
4 as may be necessary to effectively carry out the powers and  
5 duties of the Service.

6       **SEC. 44. *Field Operating Units.*** — At the regional  
7 and lower levels, jail management and penology shall be  
8 within the responsibility of the PNP Regional Director  
9 through the Jail Warden.

10       **SEC. 45. *Establishment of Municipal/City Jail.*** —  
11 There shall be established and maintained in every city  
12 and municipality a secured, clean, adequately equipped  
13 and sanitary jail for the custody and safekeeping of city  
14 and municipal prisoners, any fugitive from justice, or person  
15 detained awaiting investigation or trial and/or transfer to  
16 the provincial jail or national penitentiary, and/or violent  
17 mentally ill person who endangers himself or the safety of  
18 others, duly certified as such by the proper medical or health  
19 officer, pending his transfer to a mental institution.

20       The Municipal/City Jail Service shall preferably be  
21 headed by a qualified and highly competent psychologist,  
22 psychiatrist or sociologist and shall assist in the immediate  
23 rehabilitation of individuals on detention. In the treatment  
24 and rehabilitation of detention prisoners, great care must  
25 be had so that the human rights of these prisoners are res-

1 pected and protected and that their health and physical  
2 conditions are properly and promptly attended to.

### 3 CHAPTER III

#### 4 PROFESSIONALISM, WELFARE AND BENEFITS

5 SEC. 46. *Education and Training.* — Education and  
6 training is an inherent command responsibility which shall  
7 be emphasized and adequately supported by resources.  
8 Only those who are highly qualified by virtue of academic  
9 preparations and proven professional competence shall  
10 be assigned as instructors to PNP colleges, schools and  
11 training units. The highest academic and training standards  
12 shall be set for all education and training institutions of the  
13 PNP.

14 SEC. 47. *Performance Rating System.* — There shall  
15 be established a performance evaluation system which  
16 shall be administered in accordance with the rules, regula-  
17 tions and standards, and a code of conduct promulgated  
18 by the Commission for members of the PNP. Such perfor-  
19 mance evaluation system shall be administered in such a  
20 way as to continually foster the improvement of individual  
21 efficiency and behavioral discipline as well as the promotion  
22 of organizational effectiveness and respect for the consti-  
23 tutional and human rights of citizens, democratic princi-  
24 ples and ideals and the supremacy of civilian authority over  
25 the military.

1           The rating period as contemplated herein shall be  
2 based on standards prescribed by the Commission and  
3 shall consider the results of an annual physical and psy-  
4 chological and/or neuropsychiatric examinations conducted  
5 on the PNP officer or member concerned.

6           **SEC. 48. Promotions.** — (a) A member of the PNP  
7 shall not be eligible for promotion to a higher position  
8 or rank unless he has successfully passed the corresponding  
9 promotional examination given by the Commission, the  
10 bar or the corresponding board examination for technical  
11 services and other professions, or has satisfactorily completed  
12 an appropriate and accredited course in the PNPA or equiva-  
13 lent training institutions. In addition, no member of the  
14 PNP shall be eligible for promotion unless he has been  
15 cleared of complaints preferred against him, if any, by the  
16 city or municipal Peace and Order Council.

17           (b) Special promotion may be extended to any mem-  
18 ber of the PNP for acts of conspicuous courage and gallan-  
19 try at the risk of his life above and beyond the call of duty,  
20 or for having been recommended as outstanding peace  
21 officer by the Peace and Order Council or selected as such  
22 in a nationwide search conducted by the PNP or any ac-  
23 credited civic organization.

24           **SEC. 49. Incentive and Awards.** — There shall be  
25 established an incentive and awards system which shall

1 be administered by a board under such rules, regulations  
2 and standards as may be promulgated by the Commission:  
3 *Provided*, That equivalent awards shall be given by the  
4 PNP for every award duly given by reputable civic orga-  
5 nizations in a nationwide selection for outstanding achieve-  
6 ment and/or performance to any member.

7 **SEC. 50. *Health and Welfare.*** — It shall be the concern  
8 of the PNP to provide leadership and assistance in developing  
9 health and welfare programs for its members.

10 The Chief of the PNP shall take all proper steps to-  
11 wards the creation of an atmosphere conducive to a good  
12 supervisor-subordinate relationship and the improvement  
13 of personnel morale.

14 **SEC. 51. *Longevity Pay and Medical Allowance.*** —  
15 Members of the PNP shall be entitled to a longevity pay  
16 of ten percent (10%) of their basic monthly salaries for  
17 every five (5) years of continuous and satisfactory service  
18 compounded every five (5) years, which shall be reckoned  
19 from the date of the member's original appointment in the  
20 AFP, or appointment in the police, fire, jail or other allied  
21 services prior to integration of the PC and INP: *Provided*,  
22 That it shall not exceed fifty percent (50%) of the basic  
23 salary. They shall also be entitled to such monthly medical  
24 allowance for service rendered as may be prescribed by  
25 the Commission.

1           **SEC. 52. *Complaints and Grievances.*** — Members of  
2 the PNP shall have the right to present complaints and  
3 grievances to their superiors or commanders and have them  
4 heard and adjudicated as expeditiously as possible in the  
5 best interest of the service with due regard to due process  
6 in every case. Such complaints or grievances shall be re-  
7 solved at the lowest possible level in the unit of command  
8 and the respondent shall have the right to appeal from an  
9 adverse decision to higher authorities.

10           **SEC. 53. *Compulsory Retirement.*** — Compulsory  
11 retirement shall be upon completion of thirty-two (32)  
12 years of satisfactory active service for police uniformed  
13 personnel who have not advanced higher than the perma-  
14 nent rank of Superintendent for officers and the perma-  
15 nent rank of Sergeant for nonofficers: *Provided*, That of-  
16 ficers promoted to the permanent rank of Senior Super-  
17 intendent within the thirty-two (32) years of active service  
18 shall enjoy two (2) additional years of further service and  
19 two (2) additional years of active service for each succeeding  
20 promotion to the next higher permanent grade earned within  
21 the authorized period: *Provided, further*, That nonofficers  
22 who have attained the rank of Senior Sergeant within the  
23 thirty-two (32) years of active service shall be allowed to  
24 serve until his compulsory retirement: *Provided, furthermore*,  
25 That no officer and nonofficer shall serve beyond his sixtieth

1 birthday or fifty-sixth birthday, respectively: *Provided,*  
2 *finally,* That the PC or other military personnel who opted  
3 to join the PNP and are retireable under Presidential Decree  
4 No. 1683, as amended, during the first, second, third and  
5 fourth calendar year of the effectivity of this Act shall be  
6 allowed to serve an additional period of 1, 2, 3, and 4 years,  
7 respectively, but not to extend beyond their sixtieth birth-  
8 day for officers and fifty-sixth birthday for nonofficers.  
9 There shall be no extension of service.

10 **SEC. 54. *Optional Retirement.*** — Upon accumulation  
11 of at least twenty (20) years of satisfactory active service,  
12 an officer and nonofficer, at his own request and with  
13 the approval of the Commission may be retired from the  
14 service.

15 **SEC. 55. *Permanent Physical Disability.*** — An officer  
16 or nonofficer who, having accumulated at least twenty (20)  
17 years of active service, incurs total permanent physical  
18 disability in line of duty shall be compulsorily retired.

19 **SEC. 56. *Retirement in the Next Higher Grade.*** —  
20 Uniformed police personnel covered under this Act shall,  
21 for the purpose of retirement pay, be retired in the grade  
22 next higher to the permanent grade last held: *Provided,*  
23 That they have served for at least one (1) year of active  
24 service in the permanent grade last held.

25 **SEC. 57. *Retirement Benefit.*** — Monthly retirement

1 pay shall be fifty percent (50%) of base pay and longevity  
2 pay of the retired grade in the case of twenty (20) years  
3 of active service increasing by two and one-half percent  
4 (2.5%) for every year of active service rendered beyond  
5 twenty (20) years to a maximum of ninety percent (90%)  
6 for thirty-six (36) years of active service and over.

7       **SEC. 58. Active Service.** — For purposes of this Act,  
8 active service of the police personnel shall refer to active  
9 service rendered as an officer and nonofficer, cadet, pro-  
10 bationary officer, trainee or draftee in the PNP or in the  
11 municipal police, fire or other allied services prior to the  
12 integration or in the INP or in the AFP and services ren-  
13 dered as a civilian official or employee in the Philippine  
14 Government prior to the date of separation or retirement  
15 from the PNP: *Provided*, That for purposes of retirement,  
16 he shall have rendered at least ten (10) years of active service  
17 as officer or nonofficer in the AFP, and/or in the INP and/  
18 or the PNP: *Provided, further*, That services rendered as  
19 cadet, probationary officer, trainee or draftee in the AFP  
20 or as cadet or trainee in the INP and PNP shall be credited  
21 for purposes of longevity pay and, *Provided, finally*, That  
22 for cadet service, the maximum number of service to be  
23 credited shall not exceed the duration of the pre-com-  
24 missionship course specified in the curriculum.

25       **SEC. 59. Death and Disability Benefits.** — A PNP



1 member and/or his heirs shall be entitled to all benefits  
2 relative to the death or permanent incapacity of a PNP  
3 member as provided for under existing laws and/or other  
4 laws relative thereto.

5 **SEC. 60. *Exemption from Attachment and Taxes.*** —  
6 All benefits granted by this Act shall not be subject to  
7 attachment, levy, execution or any tax of whatever nature,  
8 including benefits received or to be received from the Gov-  
9 ernment Service Insurance System.

10 **SEC. 61. *Members of the Philippine National Police***  
11 ***Missing in Action.*** — Any officer or uniformed member  
12 of the PNP who, while in the performance of duty or by  
13 reason of his being an officer or member of the PNP, is  
14 officially confirmed missing in action, kidnapped or cap-  
15 tured by lawless elements, shall, while so absent be entitled  
16 to receive or to have credited to his account the same pay  
17 and allowances to which such officer or uniformed member  
18 was entitled at the time of the incident: *Provided*, That  
19 such officer or uniformed member shall not have been  
20 instead absent from duty without authority: *Provided*,  
21 *further*, That the compulsory retirement of a person missing  
22 in action shall be processed to allow the members of the next  
23 of kin to enjoy the retirement benefits: *Provided, finally*,  
24 That should the Chief of the PNP, upon the recommen-  
25 dation of the proper authority and/or immediate super-

1 visor, subsequently determine that the officer or uniformed  
2 member concerned has been absent from duty without  
3 authority, such member or his heirs shall reimburse the  
4 PNP all such amounts and allowances received by him in  
5 accordance with this section.

6 *SEC. 62. Payment of Portion of Salary and Allowances*  
7 *to Heirs of Members.* — In case any officer or uniformed  
8 member of the PNP has been officially confirmed as missing  
9 in action under any of the circumstances provided in the  
10 preceding section, the Chief of the PNP shall direct payment  
11 of the absent officer's or uniformed member's salary and  
12 allowances and other emoluments pertinent thereto to be  
13 paid to his/her heirs for their support for a period of eighteen  
14 (18) months from the date of commencement of absence.

15 *SEC. 63. Finding of Death and the Termination of*  
16 *Payment of Salary and Allowances.* — Upon the termination  
17 of the eighteen-month period as specified in the preceding  
18 section, the missing officer or member of the PNP shall be  
19 automatically terminated. In the event said officer or mem-  
20 ber of the PNP shall thereafter be found to have been living  
21 and is not entitled to the benefits paid under Sections 61,  
22 62 and 63 of this Act, said benefits shall be reimbursed  
23 to the State within six (6) months from his reappearance.  
24 However, if his continued disappearance was fraudulent

1 or made in bad faith, he shall also, together with his co-  
2 conspirator, be prosecuted according to law.

3 CHAPTER IV

4 DISCIPLINARY MACHINERY

5 SEC. 64. (a) *Disciplinary Powers of Supervisors and*  
6 *Equivalent Officers.* — The duly designated supervisors  
7 and equivalent officers of the PNP shall, in dealing with all  
8 offenses as hereinafter defined under Section 72 found to  
9 have been committed by any regular member of their respec-  
10 tive commands, after due notice and hearing where such  
11 member was given the opportunity to defend himself, exer-  
12 cise disciplinary powers as follows:

13 (1) Chiefs of Police or equivalent supervisors may  
14 summarily impose the administrative punishment of ad-  
15 monition or reprimand; restriction to specified limits; with-  
16 holding of privileges; forfeiture of salary for not more than  
17 ten (10) days; suspension for a period not exceeding ten  
18 (10) days; or any combination of the foregoing: *Provided,*  
19 That the total period shall not exceed ten (10) days;

20 (2) Provincial Superintendents or equivalent super-  
21 visors may impose administrative punishment of admonition  
22 or reprimand; restriction to specified limits; withholding  
23 of privileges, forfeiture of salary for not more than twenty  
24 (20) days; or any combination of the foregoing: *Provided,*

1 That the total period shall not exceed twenty (20) days;

2 (3) Police Regional Directors or equivalent supervisors  
3 may summarily impose the administrative punishment  
4 of admonition or reprimand; restriction to specified limits;  
5 withholding of privileges; forfeiture of salary for not more  
6 than thirty (30) days; or a combination of the foregoing:  
7 *Provided*, That the total period shall not exceed thirty (30)  
8 days or dismissal from the service; and

9 (4) The Chief of the PNP shall have the power to  
10 impose upon any member the disciplinary punishment of  
11 dismissal from the service; suspension or forfeiture of salary;  
12 or any combination thereof for not more than sixty (60)  
13 days.

14 (b) *Finality of Disciplinary Action.* — The disciplinary  
15 action imposed upon a member of the PNP shall be final  
16 and executory: *Provided*, That a disciplinary action imposed  
17 by a supervisor lower than the Chief of the PNP or equiva-  
18 lent agency head may be appealed within ten (10) days  
19 from receipt thereof to the next higher supervisor who shall  
20 decide the case within ten (10) days from receipt of the  
21 notice of appeal: *Provided, further*, That the disciplinary  
22 action imposed by the Chief of the PNP may be appealed  
23 to the Commission within ten (10) days from receipt there-  
24 of and the Commission or its Regional Appellate Board,

1 as the case may be, shall decide the same within thirty (30)  
2 days from receipt of the notice of appeal.

3 **SEC. 65. People's Law Enforcement Board (PLEB). —**

4 (a) *Functions* — There shall be created in every city and  
5 municipality a People's Law Enforcement Board (PLEB)  
6 which shall hear and decide all complaints against officers  
7 and members of the PNP for all cases referred to it by the  
8 city or municipal Peace and Order Council.

9 (b) *Composition* — The PLEB shall consist of the  
10 following:

11 (1) Chairman of the Peace and Order Committee  
12 of the *Sangguniang Panlungsod/Bayan*;

13 (2) President of the Association of Barangay Captains;  
14 and

15 (3) Four (4) other members who shall be chosen  
16 from among the representatives of nongovernment organiza-  
17 tions sitting as such in the city/municipal Peace and Order  
18 Council.

19 The Chairman of the PLEB shall be chosen from among  
20 its members.

21 (c) *Compensation in the Performance of their Duty* —

22 The PLEB members shall be entitled to *per diems* as deter-  
23 mined by the city or municipal Peace and Order Council  
24 to be paid by the city or municipal government.

1 (d) *Procedure* — (1) The PLEB, by a vote of at least  
2 two (2) of its three (3) sectoral members, shall determine  
3 whether or not the respondent officer or member of the  
4 PNP is guilty of the charge upon which the complaint is  
5 based. In case of tie, the Chairman shall decide.

6 (2) Each case shall be decided within thirty (30) days  
7 from the time the case has been referred to the PLEB by the  
8 Peace and Order Council.

9 (3) The procedures in the PLEB shall be conducted  
10 in accordance with due process, but without strict regard  
11 to technical rules of evidence.

12 (4) The Commission shall issue the necessary imple-  
13 menting guidelines and procedures to be adopted by the  
14 PLEB.

15 (e) *Decisions* — The decision of the PLEB shall  
16 become final and executory unless an appeal is filed within  
17 ten (10) days from receipt of the copy of the decision.

18 All decisions involving demotion in rank and dismissal  
19 from the service shall be subject to automatic review by the  
20 Commission.

21 **SEC. 66. *Disciplinary Appellate Board.*** — The Commis-  
22 sion shall establish a formal administrative disciplinary  
23 appellate machinery for the PNP, consisting of the National  
24 Appellate Board and the Regional Appellate Boards.

1           The National Appellate Board to be composed of three  
2 (3) members of the Commission, shall consider appeals  
3 from disciplinary actions imposed by the Chief of the  
4 PNP.

5           The Regional Appellate Boards, to be composed of a  
6 senior officer of the Regional Commission as Chairman  
7 and one (1) representative each from the PNP, and the  
8 Regional Peace and Order Council as members, shall con-  
9 sider appeals from disciplinary actions imposed by the  
10 Regional Directors, lower level superiors/officers and  
11 the PLEBs: *Provided*, That, in case where the penalty im-  
12 posed is removal or dismissal from the service or suspension  
13 without pay for a period exceeding ninety (90) days, the  
14 respondent may appeal the decision to the Civil Service  
15 Commission within fifteen (15) days from receipt hereof.

16           **SEC. 67. *Jurisdiction in Criminal Cases.*** — Any pro-  
17 vision of law to the contrary notwithstanding, criminal  
18 cases involving PNP members shall be within the exclusive  
19 jurisdiction of the civil courts.

20           **SEC. 68. *Preventive Suspension Pending Criminal***  
21 ***Case.*** — Upon the filing of a complaint or information  
22 sufficient in form and substance against a member of the  
23 PNP, the court shall immediately suspend the accused from  
24 office which suspension shall not exceed a period of ninety  
25 (90) days.

1           SEC. 69. *Entitlement to Reinstatement and Salary.* —

2     A member of the PNP who may have been suspended from  
3     office in accordance with the preceding paragraphs or who  
4     shall have been terminated or separated from office shall,  
5     upon acquittal from the charges against him, be entitled to  
6     prompt payment of salary, allowances and other benefits  
7     withheld from him by reason of such suspension and to  
8     reinstatement *ipso facto* without prejudice to the compul-  
9     sory retirement age.

10           SEC. 70. *Legal Assistance.* — The Secretary of the  
11     Department of Justice, the Chairman of the Commission  
12     or the Chief of the PNP may authorize lawyers of their  
13     respective agencies to provide legal assistance to any member  
14     of the PNP who is facing before the fiscal's office, the court  
15     or any administrative body a charge or charges arising from  
16     any incident which is related to the performance of his  
17     official duty: *Provided*, That government lawyers so autho-  
18     rized shall have the power to administer oaths: *Provided*,  
19     *further*, That in any case the member facing the charge  
20     shall be entitled to engage a private legal counsel of his  
21     choice: *Provided*, *finally*, That the Secretary of Justice,  
22     the Chairman of the Commission and the Chief of the PNP  
23     shall jointly promulgate rules and regulations to implement  
24     the provisions of this section.



1           SEC. 71. *Power to Administer Oaths.* — Officials of  
 2           the Commission who are appointed by the President as  
 3           well as officers of the PNP from the rank of Inspector to  
 4           Senior Superintendent shall have the power to adminis-  
 5           ter oaths on matters which are connected with the perfor-  
 6           mance of their official duties.

7   CHAPTER V

8   PARTICIPATION OF LOCAL EXECUTIVES IN THE  
 9   ADMINISTRATION OF THE PNP

10           SEC. 72. *Powers of Local Government Officials Over*  
 11           *the PNP Units or Forces.* — (a) The city and municipal  
 12           mayors shall exercise operational supervision over the PNP  
 13           units in their respective jurisdiction.

14           The term “operational supervision” shall mean the  
 15           power to direct, superintend, oversee, and inspect the police  
 16           units or forces.

17           It shall include the power to employ and deploy units  
 18           or elements of the PNP through or in coordination with  
 19           the station commander, to ensure public safety and effective  
 20           maintenance of peace and order within the locality. For this  
 21           purpose, the term “employ” and “deploy” shall mean as  
 22           follows:

23           (1) *Employ* refers to the utilization of units or ele-  
 24           ments of the PNP for purposes of protection of lives and

1 properties, enforcement of laws, maintenance of peace and  
2 order, prevention of crimes, arrest of criminal offenders,  
3 investigation of the commission of crimes/offenses and  
4 bringing the offenders to justice, prevention and control  
5 of fires, and ensuring public safety, particularly in the sup-  
6 pression of disorders, riots, lawless violence, rebellious  
7 or seditious conspiracy, insurgency, subversion or other  
8 criminal activities.

9 (2) *Deploy* shall mean the orderly and organized  
10 physical movement of elements or units of the PNP within  
11 a province, city or municipality for purposes of employment  
12 as herein defined.

13 (b) The municipal/city mayor shall, in coordination  
14 with the local Peace and Order Council of which he is the  
15 Chairman pursuant to Executive Order No. 309, as amended,  
16 develop and establish an integrated area/community public  
17 safety plan embracing priorities of action and program  
18 thrusts for implementation by the local PNP stations.

19 It shall likewise be the duty of the city or municipal  
20 mayor to sponsor periodic seminars for members of the  
21 PNP assigned or detailed in his city or municipality in order  
22 to update them regarding local ordinances and legislations.

23 (c) In the areas of discipline, city and municipal  
24 mayors shall have the power to impose, after due notice

1 and summary hearings, disciplinary penalties for minor  
2 offenses committed by members of the PNP assigned to  
3 their respective jurisdictions through admonition or rep-  
4 rimand; restriction to specified limits; withholding of privi-  
5 leges; forfeiture of salary for not more than thirty (30)  
6 days; suspension for not more than thirty (30) days; or  
7 any combination of the foregoing: *Provided*, That a deci-  
8 sion of the mayor imposing a penalty of forfeiture of pay  
9 or suspension for sixteen (16) but not more than thirty  
10 (30) days shall be appealable to the Regional Appellate Board  
11 of the Commission within ten (10) days from receipt by  
12 respondent of a copy of the decision on such disciplinary  
13 action, whose decision on the appeal shall be final and  
14 executory.

15 A minor offense shall refer to an act or omission not  
16 involving moral turpitude, but affecting the internal dis-  
17 cipline of the PNP.

18 (d) In addition to the aforementioned powers, city  
19 and municipal mayors shall have the following authority  
20 over the PNP units in their respective jurisdiction:

21 (1) Authority to recommend reassignment or detail  
22 of PNP members outside of their respective cities or towns  
23 or residence;

24 (2) Authority to recommend from the list of eligibles  
25 previously screened by the Peace and Order Council the

1 appointment of new members of the PNP to be assigned  
2 in their respective city or municipality without which no  
3 such appointment shall be attested; and

4 (3) Authority to recommend the transfer and reas-  
5 signment of any police element from their territorial juris-  
6 dictions.

7 **SEC. 73. *Termination of Operational Supervision***  
8 ***and Direction.*** — The Regional Director of the Commission  
9 may, upon the recommendation of the provincial Peace and  
10 Order Council, in the case of cities/municipalities or the  
11 regional Peace and Order Council in the case of highly  
12 urbanized cities, terminate the power of operational super-  
13 vision of the local executives over the PNP units in their  
14 jurisdiction on the following grounds duly proven: frequent  
15 unauthorized absences, abuse of authority, providing aid  
16 to insurgents or criminal elements, and other acts that are  
17 detrimental to national security or the effectiveness of the  
18 overall peace and order campaign: *Provided, however,* That  
19 the Regional Director of the Commission, upon the recom-  
20 mendation of the provincial or regional Peace and Order  
21 Council as the case may be, restore the same power pre-  
22 viously withdrawn from the mayor.

23 **CHAPTER VI**

24 **TRANSITION PERIOD**

25 **SEC. 74. *Special Committee.*** — A Special Commit-

1 tee is hereby created, composed of the Chairman of the  
2 Commission as Chairman and a representative of the De-  
3 partment of Budget and Management as Cochairman, a  
4 representative of the Civil Service Commission, the Chief  
5 of Staff of the AFP, one (1) representative each from the  
6 PC, the INP and the Department of Local Government  
7 as members, which shall plan and oversee the expeditious  
8 implementation of the transfer, merger and/or absorption  
9 into the PNP of the personnel, property, appropriations  
10 and installations of involved agencies.

11 **SEC. 75. Assumption by PNP of Police Functions.**

12 — The PNP shall absorb the functions of the PC, the INP  
13 and the Narcotics Command upon the effectivity of this  
14 Act.

15 All functions of the PAFSECOM and the police func-  
16 tions of the Coast Guard shall be taken over by the PNP  
17 when it acquires the capability to perform such functions  
18 after the transition period of eighteen (18) months.

19 To avoid the adverse effects of disruption and disloca-  
20 tion in current peace and order, public safety and counter-  
21 insurgency programs, due to sudden shifting of control  
22 and reduction of strength, and in order to allow reasonable  
23 time for the Armed Forces to readjust and to recruit re-  
24 placements of personnel that it will lose to the PNP, the im-

1 plementation of this Act shall be systematically undertaken  
2 in three (3) phases.

3 SEC. 76. *Phases of Implementation.* — The implemen-  
4 tation of this Act shall be undertaken in three (3) phases,  
5 to wit:

6 *Phase I* — Exercise of option by the uniformed members  
7 of the Philippine Constabulary, the PC elements assigned  
8 or detailed with the Narcotics Command, CIS, and the  
9 personnel of the technical services of the AFP assigned  
10 with the PC to include the regular CIS investigating agents  
11 and the operatives and agents of the NAPOLCOM Inspec-  
12 tion, Investigation and Intelligence Branch, to be comple-  
13 ted within six (6) months from the date of the effectivity  
14 of this Act. At the end of this phase, all personnel from the  
15 INP, PC, AFP Technical Services and NAPOLCOM Ins-  
16 pection, Investigation and Intelligence Branch shall have  
17 been covered by Official Orders assigning them to the PNP  
18 by their respective units.

19 *Phase II* — Approval of the Table of Organization and  
20 Equipment of the PNP, preparation and filling up of its  
21 staffing pattern, transfer of assets to the PNP and reorganiza-  
22 tion of the Commission, to be completed within twelve  
23 (12) months from the effectivity date hereof. At the end  
24 of this phase, all personnel to be absorbed by the PNP  
25 shall have been issued appointment papers in PNP, and the

1 reorganized Commission and the PNP shall be fully opera-  
2 tional. The PC officers and enlisted personnel who have not  
3 opted to join the PNP shall be reassigned to the Army, Navy  
4 or Air Force or shall be allowed to retire under existing  
5 AFP regulations.

6 *Phase III* — Adjustment of ranks and establishment  
7 of one (1) linear roster of officers and another for non-  
8 officers; rationalization of compensation and retirement  
9 systems taking into consideration the existing compensa-  
10 tion schemes and retirement and separation benefit systems  
11 of the different components of the PNP to ensure that no  
12 member of the PNP shall suffer any diminution in basic  
13 longevity and incentive pays, allowances and retirement  
14 benefits due them before the creation of the PNP, to be  
15 completed within eighteen (18) months from the effecti-  
16 vity of this Act. To accomplish the tasks of Phase III, the  
17 Commission shall create a Board of Officers composed of  
18 the following: NAPOLCOM Commissioner as Chairman  
19 and one (1) representative each from the PC, INP, Civil  
20 Service Commission, Department of Budget and Manage-  
21 ment, and Department of Justice as members.

22 Upon the effectivity of this Act, the Commission  
23 shall exercise administrative supervision as well as opera-  
24 tional control over the transferred, merged and/or absorbed  
25 AFP and INP units.

1           SEC. 77. *Transitory Provisions.* — To effectively carry  
2 out the objectives and purposes of this Act, the following  
3 transitory provisions are hereby prescribed:

4           (a) The transfer, merger and/or absorption of any  
5 government office/unit shall include the functions, appro-  
6 priations, funds, records, equipment, facilities, choses in  
7 action, rights, other assets, and liabilities, if any, of the  
8 transferred office/unit as well as the personnel thereof, as  
9 may be necessary, who shall, in a hold-over capacity, con-  
10 tinue to perform their respective duties and responsibilities  
11 and receive their corresponding salaries and benefits. Those  
12 personnel of the transferred, merged and/or absorbed office/  
13 unit whose positions are not included in the new position  
14 structure and staffing pattern approved by the Commission  
15 or who are not reappointed shall be given preference to  
16 join the PNP or shall be allowed to retire under existing  
17 laws, rules and regulations. Otherwise, they shall be deemed  
18 separated and paid gratuity equivalent to one (1) month  
19 basic salary for every year of service or fraction thereof.

20           (b) Upon approval of this Act, the officers and em-  
21 ployees of the Commission and the absorbed/merged offices/  
22 units shall, in a hold-over capacity, continue to perform  
23 their respective duties and responsibilities and receive their  
24 corresponding salaries and benefits unless in the meantime  
25 they are separated in accordance with existing laws.



1           The Commission shall approve and prescribe its new  
 2 staffing pattern and prescribe the authorized positions  
 3 created thereunder. The same shall be filled with regular  
 4 appointment by the Chairman of the Commission or the  
 5 President, as the case may be. Those incumbents whose  
 6 positions are not included therein or who are not reappointed  
 7 or who are not appointed in the PNP shall be deemed sepa-  
 8 rated from the service. Those separated from the service  
 9 shall have the benefits provided for separated personnel  
 10 in the immediately preceding provisions hereof.

11           (c) The Chief of the PNP shall, within six (6) months  
 12 from the effectivity of this Act, recommend the organization  
 13 structure and staffing pattern of the PNP to the Commission  
 14 for approval by the President.

## 15           CHAPTER VII

### 16           COMMON PROVISIONS

17           **SEC. 78. *Funding.*** — The appropriations of the abolish-  
 18 ed, transferred or reconstituted offices for the current fiscal  
 19 year shall be transferred to the Commission and the PNP  
 20 to carry out the provisions of this Act. Thereafter, such-  
 21 amounts as are needed shall be included in the annual  
 22 General Appropriations Act.

23           **SEC. 79. *Implementing Authority.*** — The Commission  
 24 shall issue rules, regulations and directives necessary to  
 25 ensure the efficient, expeditious and effective implemen-  
 26 tation of the provisions of this Act.

1           SEC. 80. *Separability.* — Any portion or provision  
2 of this Act that may be declared unconstitutional shall  
3 not have the effect of nullifying other portions or provisions  
4 thereof so long as such remaining portions or provisions  
5 can still subsist and be given effect in their entirety.

6           SEC. 81. *Repealing Clause.* — All laws, decrees, or-  
7 dinances, provisions of city charters, and rules and regula-  
8 tions and other issuances or parts thereof which are in-  
9 consistent with this Act are hereby repealed or modified  
10 accordingly.

11           SEC. 82. *Effectivity.* — This Act shall take effect upon  
12 its approval.

Approved,

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