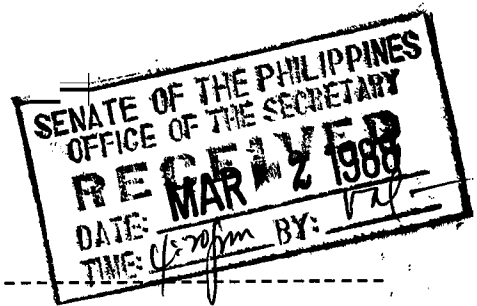


SENATE

S. NO. *324*



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Introduced by Hon. Maceda  
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EXPLANATORY NOTE

The problem of bigness has been perennial problem confronting effective management. This is true in matters both private and public. The government is not an exception thereto. It is in this light that a Department of Interior is sought to be created, the purposes of which is for the attainment of an efficient mode of administration geared toward maintaining public peace and order, delivery of the basic needs of the people down to the smallest political unit, and the implementation of civilian authorities' and local governments' participation in the solution of the worsening insurgency problem.

It has been noted that the present implementing offices related to the objectives abovementioned are scattered among different coordinating units in the government. Thus, they operate on diverse guidelines notwithstanding the allied nature of their functions. Hence, this bill provides for the streamlining of these offices and their classification under one coordinating body which is referred to as the Department of Interior and Public Safety.

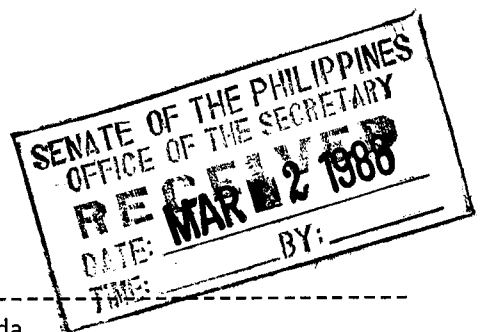
The Department will be composed of five (5) operating bureaus, namely: (a) the Philippine National Police (PNP), which shall be composed of the present officers and uniformed members of the Integrated National Police (INP), except those in the fire service of the INP, and qualified officers and enlisted personnel of the Philippine Constabulary which is sought to be abolished in order to establish a national police force which is national in scope and civilian in character to be administered and controlled by a national police commission, as mandated in Section 6, Article XVI of the 1987 Constitution; (b) the National Fire Protection Service (NFPS), which shall be composed of the officers and uniformed members of the fire service of the INP; (c) the Peoples Arm for Community Development (PACD), designed primarily for community development and the implementation of barangay projects; (d) the Bureau of Local Government to be created in place of the Department of Local Government, which shall be assisting and coordinating agency of the local governments to improve the technical know-how and skills of local elective officials concerning planning, budgeting and project implementation, with the Bureau assuming an important role in the solution of insurgency problems; and (e) the Philippine Public Safety College, to be created in the place of the National Police Academy.

With the above objective as abovestated and in consideration of the need for a more effective machinery in local affairs, approval of this bill is earnestly urged.

  
ERNESTO M. MACEDA  
Senator

S E N A T E

S. NO. *324*



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Introduced by Hon. Maceda  
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AN ACT  
CREATING A DEPARTMENT OF INTERIOR AND PUBLIC SAFETY WITH SUPPORTING AGEN-  
CIES LIKE THE PHILIPPINE NATIONAL POLICE, NATIONAL FIRE PROTECTION SERVICE,  
PEOPLES ARM FOR COMMUNITY DEVELOPMENT, BUREAU OF LOCAL GOVERNMENTS AND  
PHILIPPINE PUBLIC SAFETY COLLEGE; ABOLISHING FOR THE PURPOSE THE DEPARTMENT  
OF LOCAL GOVERNMENT AND COMMUNITY DEVELOPMENT, THE PHILIPPINE CONSTABULARY  
AND THE NATIONAL POLICE COMMISSION AND FOR OTHER PURPOSES

Be it enacted by the Senate and the House of Representatives of the Philip-  
pines in Congress assembled:

1 SECTION 1. Title of Act. - This Act shall be known as the "Depart-  
2 ment of Interior and Public Safety Act of 1988."

3 SEC. 2. Declaration of Policies. - It is hereby declared to be the  
4 policy and purpose of this Act to achieve and attain a highly efficient  
5 and effective police force which shall be civilian in character and  
6 national in scope as well as to integrate all functions relating to law-  
7 enforcement, maintenance of peace and order, and public safety. It is also  
8 the objectives of this Act to establish a system of delivering the basic  
9 needs of the people down to the smallest political unit, coordination and  
10 cooperation between local executives and the Department of Interior in order  
11 that peace and order and public safety may be more effectively attained  
12 and enhanced, and to underscore the participation and responsibility of  
13 the local executives in solving the insurgency problem.

14 SEC. 3. Creation of Department of Interior. - To carry out the  
15 purposes and objectives of this Act, there is hereby created a Department  
16 of Interior and Public Safety hereinafter referred to as Department, which  
17 shall be organized structurally and functionally as provided in this Act.

18 SEC. 4. Mandate, Powers and Functions. - Pursuant to the pro-  
19 visions of the Constitution, the President of the Philippines shall  
20 promulgate overall policies on public safety to protect the citizenry  
21 against all forms of lawlessness and criminality and other threats

1 to national peace and order as may be identified by the President.  
2 Unless otherwise determined by the President, the Department  
3 shall be responsible for: (a) the formulation of the appropriate  
4 supportive policies, plans and programs in the field of public  
5 safety and law and order; (b) the general supervision, direction  
6 and control of the bureaus and offices of the Department; and  
7 (c) executive supervision over the administration of provinces,  
8 municipalities, chartered cities, barangays and other local poli-  
9 tical subdivisions.

10 SEC. 5. Organization of the Department. - The Department  
11 shall consist of the Department Proper composed of the immediate  
12 Office of the Secretary, the National Police Commission and the  
13 following bureaus: the Philippine National Police, the National  
14 Fire Protection Service, the People's Arm for Community Development,  
15 the Bureau of Local Governments and the Philippine Public Safety  
16 College, and such other bureaus and offices as may be provided  
17 by law.

18 SEC. 6 Powers and Functions of Department. - To accomplish  
19 its mandate, the Department shall have the following powers and  
20 functions:

21 (a) Formulate and implement, in keeping with national  
22 public safety policies, national peace and order, fire safety  
23 and other public safety programs and projects, short-range as  
24 well as long-range, for the protection of the citizenry against  
25 all forms of lawlessness and criminality and to ensure their  
26 well being in cases of public disturbances and calamities;

27 (b) Supervise the implementation of the main  
28 supportive programs on law and order and public safety  
29 as well as continuing education and policy research in peace

1 keeping activities and other aspects of public safety;

2 (c) Executive supervision over the administration  
3 of provinces, municipalities, chartered cities, barangays  
4 and other political subdivisions; and

5 (d) Perform such other functions as may be provided  
6 by law or assigned by the President.

7 SEC. 7. Authority and Responsibility of the Secretary. -

8 The authority and responsibility for the exercise of the  
9 mandate of the Department and for the discharge of its powers  
10 and functions shall be vested in the Secretary of Interior,  
11 hereinafter referred to as Secretary, who shall have general  
12 supervision, direction and control over the Department and who shall  
13 be appointed by the President subject to the confirmation of the  
14 Commission on Appointments. The Secretary shall be assisted by  
15 four undersecretaries of the Department.

16 Unless otherwise determined by the President, in times of  
17 national emergency ascertained according to constitutional  
18 and legal processes, the President shall assume direct overall  
19 control, direction and supervision over all elements of the  
20 Department.

21 SEC. 8. Functions of the Secretary. - For the proper  
22 discharge of his authority and responsibility, the Secretary  
23 as Department head shall have the following functions and duties:

24 (a) Advise the President on the promulgation of  
25 rules, regulations and other issuances relative to matters under  
26 the jurisdiction of the Department;

27 (b) Establish the policies and standards for the  
28 operation of the Department pursuant to the President's program

1 of government;

2 (c) Act as Chairman of the National Police Commission  
3 and exercise supervision, direction and control over all bureaus  
4 and offices under the Department;

5 (d) Promulgate rules and regulations necessary to carry  
6 out the Department's mandate, powers and functions;

7 (e) Delegate authority to exercise any substantive or  
8 administrative function to the members of the National Police Com-  
9 mission or other officers of rank within the Department; and

10 (f) Perform such other functions as may be provided by  
11 law or assigned by the President.

12 SEC. 9. Office of the Secretary. - The Office of the Sec-  
13 retary shall consist of the Secretary, his immediate staff, and such  
14 other executive staffs necessary to carry out his powers and func-  
15 tions.

16 SEC.10. The National Police Commission. - The National Police  
17 Commission, herein created and hereinafter referred to as Commission,  
18 shall be composed of a Chairman and four members. The Secretary of  
19 the Department shall concurrently be the Chairman of the Commission  
20 and the four undersecretaries as members.

21 No person shall be appointed as member of the Commission unless  
22 he is a member of the Philippine Bar, or a holder of a bachelor's  
23 degree in police administration or criminology, or a holder of ba-  
24 chelor's degree in any other discipline relevant to national secu-  
25 rity, law enforcement or public safety and had work experience in  
26 any of these fields for at least ten years.

27 The Commission shall exercise general executive supervision,  
28 administration and control over the officers and uniformed members

1 of the bureaus of the Department as herein established. It shall  
2 issue the necessary guidelines, rules and regulations and such po-  
3 licies as will ensure the effective exercise by the Philippine Na-  
4 tional Police, the National Fire Protection Service and the Phi-  
5 lippine Public Safety College of their powers and functions.

6 The present National Police Commission and the Philippine  
7 Constabulary are hereby abolished and their functions, personnel,  
8 properties, equipments, finances, and financial liabilities are  
9 hereby transferred to and absorbed by the Department.

10 SEC. 11. The Philippine National Police (PNP).- The Phi-  
11 lippine National Police shall be composed of the present officers  
12 and uniformed members of the Integrated National Police constituted  
13 under Presidential Decree No. 765 and the officers and enlisted  
14 personnel of the Philippine Constabulary, who opt to join the De-  
15 partment, including the personnel of the technical services of the  
16 Armed Forces of the Philippines assigned with the Philippine Cons-  
17 tabulary on the effective date of this Act who likewise opt to join  
18 the Department.

19 SEC. 12. Powers, Functions and Jurisdiction of the PNP. -  
20 The Philippine National Police shall be responsible for public  
21 safety, protection of lives and properties, enforcement of laws  
22 and local government ordinances, and maintenance of peace and order  
23 within the territorial limits of the Philippines, to include pro-  
24 vision for jail facilities and rehabilitation of prisoners. As  
25 such, they shall have the power to prevent crimes, and in accor-  
26 dance with law, effect the arrest of criminal offenders and vio-  
27 lators of law. They shall investigate all crimes and offenses,

1 bring the offenders to justice, and take all necessary  
2 steps to insure public safety.

2 In time of peace, the Philippine National Police may,  
3 as necessary, seek the support and assistance of the  
4 Armed Forces of the Philippines. For this purpose, lateral  
5 coordination shall be made with the Chief of Staff of  
6 the Armed Forces of the Philippines and the area commanders  
7 of operating units of the Armed Forces.

8 In view of the vital role of law enforcement in the  
9 overall internal security situation, the Philippine  
10 National Police shall complement and support the Armed  
11 Forces of the Philippines in counter-insurgency operations.  
12 The operational and complementary relationship between  
13 the military and police forces shall be jointly prescribed  
14 by the Chairman and the Secretary of National Defense.

15 In time of national emergency, all elements of the  
16 Philippine National Police, National Fire Protection  
17 Service, and the Peoples Arm for Community Development and  
18 the Bureau of Local Government shall, upon the direction  
19 of the President, assist the Armed Forces of the Philippines  
20 in meeting the national emergency.

21 SEC. 13. Head of the PNP. - The head of the Philippine  
22 National Police shall be known as Director General who  
23 shall be appointed by the President from among the general  
24 officers of the Philippine National Police who is best

1 qualified to occupy the position. As head and overall  
2 commander of the Philippine National Police, he shall have  
3 command over all the elements thereof and the power to  
4 issue detailed implementing policies and instructions re-  
5 garding personnel, funds, properties, records, correspondence  
6 and such other matters as may be necessary to effectively  
7 carry out the functions, powers and duties of the bureau.

8 SEC. 14. Organizational Structure of the PNP. -

9 The Director General shall prescribe the organizational  
10 structure and manning of the Philippine National Police in  
11 accordance with the broad guidelines set forth herein,  
12 subject to the approval of the National Police Commission.

13 At the national level, the Director General shall be  
14 assisted by two Deputy Directors-General. The national  
15 office shall have such staffs, operating units and personnel  
16 as may be necessary for the proper discharge of its  
17 functions.

18 At the regional level, there shall be twelve regional  
19 offices, each headed by a Regional Director. Metropolitan  
20 Manila shall comprise a separate region to be known as  
21 National Capital Region.

22 At the provincial level, there shall be a provincial  
23 office in every province, each headed by a Provincial  
24 Superintendent. In the case of large provinces, two or  
25 more districts offices may be organized as necessary,



1 each of which shall be headed by a District Superintendent.

2 At the city or municipal level, there shall be a  
3 police station in every city or municipality each headed  
4 by a Station Commander: Provided, that in the case of  
5 large cities, a district command with subordinate police  
6 stations, each headed by a District Superintendent, may  
7 be organized as necessary.

8 SEC. 15. Manning Levels. - On the average nation-  
9 wide, the manning level of the Philippine National Police  
10 shall be approximately in accordance with a police-to-  
11 population ratio of one policeman for every five hundred  
12 population. The actual strength by cities and municipalities  
13 shall depend on the state of peace and order, population  
14 density, government priorities and actual demands of the  
15 service in the particular area: Provided, that the minimum  
16 police-to-population ratio shall not be less than one  
17 policeman for every one thousand population: Provided, however,  
18 that urban areas shall have a higher minimum police-to-  
19 population ratio as may be prescribed by regulations.

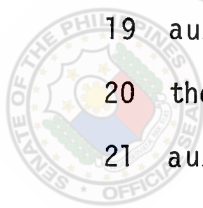
20 SEC. 16. Grades and Grade Distribution. - For purposes  
21 of efficient administration, control, uniformity and discipline,  
22 the grades of the members of the Philippine National Police  
23 shall be as follows:

24 General  
25 Major General

1	Brigadier General
2	Colonel
3	Lieutenant Colonel
4	Major
5	Captain
6	Lieutenant
7	Master Sergeant
8	Sergeant
9	Senior Corporal
10	Corporal
11	Senior Patrolman
12	Patrolman

13           SEC. 17. Authority of City and Municipal Mayors to  
14           Organize Auxiliary Police Units or Police Aides. - In the  
15 exercise of their powers and functions relative to the  
16 maintenance of peace and order and public safety and in  
17 augmentation of the local police forces in their respective  
18 jurisdictions, City and Municipal Mayors may organize  
19 and finance, subject to the approval of the Regional Director,  
20 auxiliary police units or police aides which shall be under  
21 their administrative control and operational direction. The  
22 auxiliary police units or police aides shall be under the  
23 command, control and supervision of the station commander.

23           SEC. 18. The National Fire Protection Service. -  
24 The National Fire Protection Service shall be composed of  
25 all officers and uniformed members of the Fire Service  
26 of the Integrated National Police constituted under



Senate Archives (LRAS)

1 Presidential Decree No. 765 and shall have the following  
2 powers and duties:

3 (a) Implement and administer the Fire Code  
4 of the Philippines and such other laws and City/Municipal  
5 ordinance on fire protection and safety;

6 (b) Act as principal assistant of the Secretary  
7 and Adviser of the Commission on all matters pertaining to  
8 fire protection and safety;

9 (c) Formulate and execute fire safety programs;  
10 and

11 (d) Perform such other powers and duties as may be pro-  
12 vided by law or directed by the Secretary.

13 SEC. 19. Head of the National Fire Protection Service.- The  
14 Head of the National Fire Protection Service shall have the title  
15 of Fire Marshall General and shall have command and control over  
16 all elements of the National Fire Protection Service. He shall  
17 have the power to issue detailed implementing policies and ins-  
18 tructions regarding fire protection measures, personnel, funds,  
19 properties, records management correspondence and such other  
20 matters as may be necessary to effectively carry out the powers  
21 and duties of the Bureau.

22 SEC. 20. The Peoples Arm for Community Development.(PACD).-

23 The Peoples Arm for Community Development is hereby created to be  
24 headed by a National Administrator and assisted by two (2) Deputy  
25 Administrators. The National Administrator and his two Deputies  
26 shall be appointed by the President subject to the confirmation  
27 by the Commission on Appointments.

28 As National Administrator, he shall have the power to appoint

1 the officers of the Bureau subject to the approval of the Secre-  
2 tary of the Department. He shall likewise, have the power to  
3 issue detailed implementing policies and instructions regarding  
4 personnel, funds, properties, records, correspondence and such  
5 other matters as may be necessary to effectively carry out the  
6 functions, powers and duties of the PACD.

7 SEC. 21. Powers, Functions and Jurisdiction of the PACD. -

8 The Peoples Arm for Community Development shall undertake the fol-  
9 lowing functions, duties and responsibilities:

- 10 1) Plan and implement a community development  
11 program for barangays, municipalities, provinces and cities;
- 12 2) Organize and strengthen community development  
13 councils at the provincial, municipal and barangay levels and  
14 coordinate and integrate the activities of the departments and  
15 offices of the government relative to community development in  
16 order to increase their effectiveness and avoid duplication and  
17 overlapping of activities;
- 18 3) Encourage and stimulate participation of non-govern-  
19 ment organizations and institutions engaged in community deve-  
20 lopments;
- 21 4) Establish a grants-in-aid and/or loans-in-aid program  
22 to stimulate greater participation of citizens in community deve-  
23 lopment;
- 24 5) Recommend to the President or Congress through the  
25 Secretary legislation of laws that will contribute to economic  
26 and social benefits to the people;
- 27 6) Formulate policies and regulations relative to the  
28 proper utilization and developemtn of funds of local governments;  
29 and!

1           7) Such other functions as may be ordered by the President  
2           or the Secretary.

3           SEC. 22. Organizational Structure of the PACD.- The National  
4           Administrator shall prescribe the organizational structure and  
5           manning of the Peoples Arm for Community Development in accordance  
6           with the broad guidelines set forth herein, subject to the approval  
7           of the Secretary of Interior.

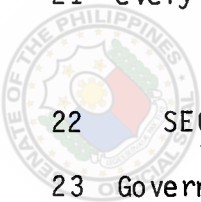
8           At the national level, the Administrator shall be assisted by  
9           two (2) Deputy Administrator. The national office shall have such  
10          staffs, operating units and personnel as may be necessary for the  
11          proper discharge of its functions.

12          At the regional level, there shall be twelve regional offices,  
13          each headed by a Regional Coordinator. Metropolitan Manila shall  
14          comprise a separate region to be known as National Capital Region.

15          At the provincial level, there shall be a provincial office in  
16          every province, each headed by a Provincial Coordinator.

17          At the city or municipal level, there shall be a city or muni-  
18          cipal office, as the case may be, each headed by a city or muni-  
19          cipal coordinator.

20          At the barangay level, there shall be a Barangay Worker for  
21          every barangay.



22          SEC. 23. The Bureau of Local Governments.- The Bureau of Local  
23          Governments is hereby created headed by a Director General with two  
24          (2) Deputy Directors who shall be appointed by the President sub-  
25          ject to the confirmation of the Commission on Appointments. The  
26          present Department of Local Governments is hereby abolished and its  
27          officers and personnel shall be absorbed by the Bureau subject to the  
28          manning requirements of the Bureau. The budgetary allocation of  
29          the present Department of Local Government shall accordingly be

1 absorbed by the Department of Interior.

2 The Director General shall have the powers to appoint the offi-  
3 cers of the Bureau subject to the approval of the Secretary. He  
4 shall have the powers to issue detailed implementing policies and  
5 instructions regarding personnel, funds, properties, records, cor-  
6 respondence and such other matters as may be necessary to effective-  
7 ly carry out the functions, powers and duties of the Bureau.

8 SEC. 24. Powers, Functions and Jurisdictions of the Bureau of  
9 Local Governments.- The Bureau of Local Governments shall be assis-  
10 ting and coordinating agency of the local government and shall under-  
11 take the following functions, duties and responsibilities:

12 (a) Formulate training programs for local officials to  
13 up grade their capabilities and make them effective in the per-  
14 formance of their job;

15 (b) Formulate policies to improve and strengthen the ad-  
16 ministration of the Barangay Justice Program;

17 (c) Encourage the participation of local government units  
18 in the sister city program;

19 (d) Conduct a periodic personnel audit in coordination  
20 with the Civil Service Commission to up date and improve the  
21 staffing of local government units;

22 (e) Conduct research studies in local government espe-  
23 cially in the area of financial and personnel management and  
24 recommended measures to improve local government administration;  
25 and

26 (f) Assist local government units in codifying ordinan-  
27 ces and other legislative acts.

28 However, the Bureau shall have executive supervision over all  
29 provinces, municipalities, chartered cities, barangays and other

1 political subdivisions on matter pertaining to civilian authori-  
2 ties and local governments' participations and responsibilities  
3 in the solution of the insurgency problem.

4 SEC. 25. Organizational Structure of the Bureau of Local Go-  
5 vernments.- The Director General of the Bureau shall prescribe the  
6 organizational structure and manning of the Bureau with the broad  
7 guidelines set forth herein, subject to the approval of the Secre-  
8 tary of the Department; Provided, that the personnel, properties  
9 and assets of the abolished Department of Local Governments, inclu-  
10 ding its budgetary allocations shall be absorbed by the Bureau.

11 At the national level, the Director General shall be assisted  
12 by two Deputy Directors. The national office shall have such staffs,  
13 operating units and personnel as may be necessary for the proper  
14 discharge of its functions.

15 At the regional level, there shall be twelve regional offices,  
16 each headed by a Regional Director. Metro Manila shall comprise a  
17 separate region to be known as National Capital Region.

18 At the provincial level, there shall be a provincial office in  
19 every province, each headed by a Provincial Officer.

20 At the city or municipal level, there shall be a city or muni-  
21 cipal office, as the case may be, each headed by a city or muni-  
22 cipal officer.

23 At the barangay level, there shall be a barangay worker for  
24 every barangay.


25 SEC. 26. The Philippine Public Safety College. - The Phi-  
26 lippine National Police Academy established pursuant to Section 19  
27 of Presidential Decree No. 1184, hereinafter to be known as the  
28 Philippine Public Safety College (PPSC), which shall be the pre-  
29 mier educational institution of the Department, shall continue its  
30 mission as a service facility for the training and continuing edu-

1 cation of the officers and uniformed members of the Philippine  
2 National Police, National Fire Protection Service, the Peoples  
3 Arm for Community Development, and the Bureau of Local Govern-  
4 ments.

5 The curricula of the College shall include sub-courses on hu-  
6 man rights. The head of the College shall have the title of the  
7 President.

8 SEC. 27. Department Personnel.- All personnel of the Depart-  
9 ment shall be national government employees and included in the  
10 career service category of the Civil Service: Provided, that the  
11 uniformed or regular members of the Philippine National Police,  
12 National Fire Protection Service, and the Philippine Public Safe-  
13 ty College shall be exempt from the operation of all wage classi-  
14 fication laws and regulations and the provisions of Presidential  
15 Decree No. 807.

16 SEC. 28. General Qualification Standards for Appointment.-  
17 No person shall be appointed as Officer, uniform member or per-  
18 sonnel of the bureau under the Department unless he/she posses-  
19 ses the following minimum qualifications:

- 
- 20 (a) A citizen of the Philippines;
- 21 (b) Of good habits and moral conduct;
- 22 (c) Of sound mind and body;
- 23 (d) At least a high school graduate for  
appointment to the lowest rank:  
Provided, that those to be appointed  
in metropolitan stations of the  
Philippine National Police and the  
National Fire Protection Service must  
have finished at least second year  
college.
- 24 (e) Must not have been dishonorably discharged  
or separated from the military service or



- 1 dismissed or separated for cause from the  
civil government service;
- 2 (f) Must not have been convicted of an offense  
or crime involving moral turpitude;
- 3 (g) Not less than twenty-one or more than  
thirty years of age;
- 4 (h) At least one meter and sixty-two centimeters  
in height for male, and one meter and fifty-  
seven centimeters for female; and
- 5 (i) Must weigh not more or less than five  
kilograms of the standard weight corres-  
ponding to her/his height, age and sex.

6 SEC. 29. Appointment of Uniformed Members of the PNP and  
7 NFPS. - Except as herein provided under this Act, no appoint-  
8 ment of a uniformed or regular member of the Philippine National  
9 Police and the National Fire Protection Service to be assigned  
10 in any city or municipality shall be attested by the National  
11 Police Commission except upon the recommendation of the city  
12 or municipal mayor concerned. The appointee shall, as a general  
13 rule, be a resident of the city or municipality where he will be  
14 assigned or stationed.

15 SEC. 30. Conferment of Appropriate Civil Service Eligibi-  
16 lities. - Officers and enlisted personnel of the Philippine Cons-  
17 tabulary including officers belonging to the technical services  
18 of the Armed Forces of the Philippines assigned thereto on the  
19 effective date of this Act, shall be conferred by the Secretary  
20 appropriate eligibilities commensurate to their present grades,  
21 positions, and/or relevant training and experience. The officers  
22 and uniformed members of the Philippine National Police, Natio-  
23 nal Fire Protection Service, and Philippine Public Safety Col-  
24 lege shall in the same manner be conferred appropriate eligibi-  
25 lities.

26 SEC. 31. Lateral Entry. - In general, all original appoint-

1 ments of officers in the Philippine National Police, Na-  
2 tional Fire Protection Service, and the Philippine Public  
3 Safety College shall be in the grade of Lieutenant: Provided,  
4 that applicants who are doctors of medicine, engineers, law-  
5 yers and priests/ministers shall be initially appointed in  
6 the grade of Captain in their particular technical service.  
7 Graduates of the Philippine Public Safety College shall be  
8 initially appointed in the grade of Lieutenant.

9 SEC. 32. Appointing Authorities on PNP, NFPS and PPSC.-

10 (a) The officers and uniformed member of the Philippine Na-  
11 tional Police, National Fire Protection Service, and the Phi-  
12 lippine Public Safety College shall be appointed by:

13 (1) The President, upon the recommendation of the  
14 National Police Commission, for colonels and general officers;

15 (2) The Bureau head concerned from the grade of Lieu-  
16 tenant to Lieutenant Colonel; and

17 (3) The Regional Director concerned, for non-officer  
18 uniformed members.

19 (b) For the civilian non-uniformed personnel of the Department,  
20 they shall be appointed in accordance with Civil Service law and  
21 rules.

22 SEC. 33. Attestation of Appointments. - Except for colo-

23 nels and general officers, all appointments and promotions of

24 the officers and uniformed members of the bureaus of the Depart-

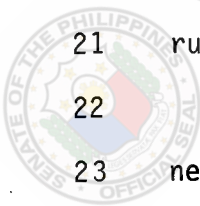
25 ment shall be forwarded for attestation by the Secretary/Chair-

26 man, who shall approve or disapprove the same within ninety days

27 from receipt thereof: Provided, however, that an appointment

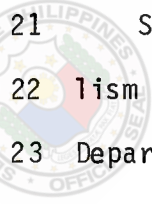
28 shall become effective immediately upon the assumption of duties

29 of the appointee, who shall be entitled to all the corresponding



1 salaries and benefits pertaining thereto until notice of disapro-  
2 val thereof is received by him.

3 SEC. 34. Salaries and Allowances.- The salaries and allowan-  
4 ces of the officials, officers, uniformed members and other person-  
5 nel of the Department shall be exempt from the operation of all  
6 wage and position classification laws and regulations. It is un-  
7 derstood that with respect to the officers and enlisted personnel  
8 of the Philippine Constabulary including the officers belonging  
9 to the technical services of the Armed Forces of the Philippines  
10 assigned thereto, who are transferred to the Department, they shall  
11 not suffer any diminution in rank or reduction in basic and longe-  
12 vity pay, incentive pays, and basic allowances being received by  
13 them before such transfer. Likewise, officials and employees of  
14 the National Police Commission, as well as non-uniformed personnel  
15 of the transferred agencies, who are absorbed by the Department  
16 shall not suffer any reduction in their basic salaries and allo-  
17 wances being received by them before such absorption. The Secre-  
18 tary shall provide for the upgrading and standardization of the  
19 salaries and allowances of the personnel of the Department, sub-  
20 ject to the approval of the President.



21 SEC. 35. Training and Education.- To develop professiona-  
22 lism in the service and maintain a high level of performance, the  
23 Department shall provide for a progressive individual training  
24 program starting with the basic course which shall be required of  
25 all new appointees under original appointment; specialized courses  
26 to equip them with special skills for line and staff assignments;  
27 advanced supervisory courses for middle managers' supervisory res-  
28 ponsibilities; executive or management courses for high-level  
29 positions; and such other courses to enhance personnel skill, com-

1 petence, efficiency and effectiveness in the performance of  
2 duties.

3 SEC. 36. Summary Disciplinary Powers. - The following offi-  
4 cers shall have the summary disciplinary powers over officers  
5 and uniformed members belonging to their respective commands  
6 with respect to minor offenses committed by them:

7 (a) Municipal or city station commanders, district comman-  
8 ders/ superintendents, provincial superintendents or heads of  
9 units/officers holding equivalent commands may impose, in  
10 addition to admonition or reprimand, restriction to specified  
11 limits; withholding of privileges; forfeiture of not more than  
12 ten days' salary; suspension not exceeding ten days; or any  
13 combination of the foregoing, provided that the total period  
14 shall not exceed twenty days.

15 (b) Regional heads may impose suspension not exceeding  
16 fifteen days or forfeiture of not more than fifteen days'  
17 salary, or a combination of the punishments mentioned in the  
18 preceding sub-paragraph (a) but not exceeding thirty days.

19 (c) The bureau heads of the Department may impose  
20 suspension not exceeding thirty days or forfeiture of not  
21 more than thirty days' salary, or a combination of the punish-  
22 ments mentioned in sub-paragraph (a) hereof, but not exceeding  
23 forty-five days.

24 SEC. 37 Powers of Local Executives. - (a) City  
25 and Municipal Mayors shall have operational supervision  
26 and direction over all units of the Philippine National  
27 Police and the National Fire Protection Service stationed  
28 or assigned in their respective jurisdictions. The term  
29 "operational supervision and direction" shall be as defined

1 in Presidential Decree No. 1162.

2 (b) City and Municipal Mayors, after due notice  
3 and hearing, may impose disciplinary punishments upon members  
4 of the Philippine National Police and National Fire Protection  
5 Service assigned to their respective jurisdictions for minor  
6 offenses committed by them, such as simple misconduct or  
7 negligence, insubordination, frequent absences or tardiness,  
8 drunkenness, and gambling. The punishment may, in addition  
9 to reprimand or admonition, include restriction to specified  
10 limits, withholding of privileges, forfeiture of not more than  
11 30 days' salary, suspension not exceeding thirty days, or any  
12 combination thereof, provided that the total period shall not  
13 exceed thirty days.

14 A decision of the Mayor imposing a penalty of forfeiture  
15 of pay or suspension shall be appealable to the Secretary  
16 whose decision thereon shall be final: Provided, however, that  
17 the appeal shall not stay the execution of the decision appealed  
18 from.

19 SEC. 38. Termination of Operational Supervision

20 and Direction of Local Executives. - The President may  
21 terminate the power of operational supervision and direction  
22 of any local executive over Philippine National Police or  
23 National Fire Protection Service units assigned or stationed  
24 in his jurisdiction on any of the following grounds: abuse  
25 of authority, providing aid and comfort to insurgents or crim-  
26 inal elements, or other acts inimical to national security  
27 or which negate the effectiveness of the overall peace and  
28 order campaign. Upon good cause show, the President may,  
29 motu proprio, or upon the recommendation of the National Police

1 Commission, restore such power withdrawn from any local  
2 executive.

3 SEC. 39 Power to Administer Oath. - Officials of  
4 the Department who are appointed by the President as well  
5 as officers thereof from the rank of Lieutenant to Lieute-  
6 nant Colonel shall have the power to administer oath on mat-  
7 ters which are connected with the performance of their official  
8 duties.

9 SEC. 40. Power to Issue Summons, Subpoena and Subpoena  
10 Duces Tecum. - Any official or officer of the Department who  
11 is tasked to investigate or adjudicate a case shall have the  
12 power to issue summons and subpoenas to direct and/or compel  
13 the attendance of party litigants involved in the case and  
14 their witnesses, as well as to issue subpoena duces tecum.

15 The Director General, Regional Director, Provincial and  
16 District Superintendents/Commanders and equivalent officers  
17 in National Fire Protection Service, shall have the power to  
18 place any officer or uniformed member belonging to their res-  
19 pective bureaus in confinement for not more than fifteen days  
20 or in restriction within specified limits for not more than  
21 thirty days for inexcusable failure or unjustified refusal  
22 to appear either as party litigant or as witness in any inves-  
23 tigation or hearing of a case where his presence is required.

24 SEC. 41. Option of Officers and Enlisted Personnel of  
25 Transferred Agencies. - The officers and enlisted personnel  
26 of the Philippine Constabulary including those belonging to  
27 the technical services of the Armed Forces of the Philippines  
28 assigned thereto, shall have the option to remain with the  
29 Armed Forces of the Philippines by signifying such intention

1 in writing within six months from the date of effectivity of  
2 this Act; Provided, however, that the officers and enlisted  
3 personnel of the Philippine Constabulary who opt to join the  
4 Philippine National Police must not be more than thirty (30)  
5 years of age.

6 SEC. 42. Special Committee. - (a) A Special Committee  
7 is hereby created which shall be composed of the incumbent  
8 Secretary of the present Department of Local Governments as  
9 Chairman, a representative of the Department of National  
10 Defense, and representatives of the concerned agencies and  
11 of the Department of Budget and Management, as members, and  
12 which shall plan and oversee the implementation of the trans-  
13 fer, merger and/or absorption into the Department of the agen-  
14 cies involved as mandated in this Act.

15 (b) To avoid work disruption, confusion and dislocation,  
16 the implementation of this Act shall be undertaken in four  
17 phases, to wit:

18 Phase I - Exercise of option by the Philippine Consta-  
19 bulary uniformed personnel; preparation of new staffing pattern  
20 and detailed implementing plans; and personnel information,  
21 orientation and training, to be completed within six months  
22 from date of effectivity of this Act.

23 Phase II - Reorganization of the Department proper, in  
24 accordance with new staffing pattern and establishment of the  
25 budget/funding system of the Department, to be completed within  
26 twelve months from the date of effectivity of this Act. The  
27 Department and the Commission shall be fully organized and  
28 operational within this period.

29 Phase III - Rationalization of ranks and reorganization

1 of the transferred elements in accordance with the new staffing  
2 pattern, and the rationalization of compensation and retirement  
3 system and transfer of assets, to be completed within eighteen  
4 months from effectivity of the Act.

5 (c) For the duration of the transition period of eighteen  
6 months, the Department of National Defense, through the Armed  
7 Forces of the Philippines, shall continue to exercise full admi-  
8 nistrative and operational control over the transferred AFP and  
9 Integrated National Police units.

10 SEC. 43. Compensation and Retirement. - The compensation and  
11 the retirement systems as provided for in existing laws, rules and  
12 regulations for the members of the transferred and absorbed agen-  
13 cies shall continue to apply with respect to them until such time  
14 that new compensation and retirement systems shall have been es-  
15 tablished by law.

16 SEC. 44. Non-Uniformed Employees of Transferred and Absorbed  
17 Agencies. - All non-uniformed personnel of the transferred and  
18 absorbed agencies who are occupying permanent plantilla positions  
20 shall be absorbed by the Department. Pending adoption of the new  
21 position structures and staffing patterns of the Department, they  
22 shall, in a hold-over capacity, continue to perform their respec-  
23 tive duties and responsibilities and receive the corresponding  
24 salaries and benefits. For those not holding permanent items and  
25 who are not absorbed by the Department, they shall be deemed se-  
26 parated from the service and shall receive retirement benefits to  
27 which they may be entitled; otherwise, they shall receive the  
28 equivalent of one month basic salary for every year of service in  
29 the government or fraction thereof, computed on the basis of the



1 highest salary received and an additional sum equivalent to  
2 three months of current basic salary.

3 SEC. 45. Transfer of Properties, Equipment, Finances, and  
4 Financial Liabilities. - All properties, equipment and finances  
5 of the transferred and absorbed agencies, including their res-  
6 pective financial accountabilities, are hereby transferred to  
7 the Department, except those properties and equipment that may  
8 no longer be needed by the Department. The retention of such  
9 properties and equipment by the Armed Forces of the Philippines  
10 shall be subject to mutual agreement between the Department of  
11 National Defense and the Department.

12 SEC. 46. Funding. - Funds needed to carry out the provi-  
13 sions of this Act shall be taken from funds available/alloted  
14 to the abolished/transferred agencies/military units or, in the  
15 absence or insufficiency thereof, from any available lump-sum  
16 appropriations.

17 SEC. 47. Implementing Authority of the Secretary. - The  
18 Secretary shall issue rules and regulations necessary to ensure  
19 the efficient and effective implementation of the provisions of  
20 this Act.

21 SEC. 48. Separability. - Any portion or provision of this  
22 Act that may be declared unconstitutional shall not have the  
23 effect of nullifying other portions or provisions thereof as  
24 long as such remaining portions or provisions can still subsist  
25 and be given effect in their entirety.

1        SEC. 49. Repealing Clause. - All laws, ordinances, provi-  
2        sions of city charters, and rules and regulations and other issuan-  
3        ces or parts thereof, which are inconsistent with this Act, are  
4        hereby repealed or modified accordingly.

5        SEC. 50. Effectivity. - This Act shall take effect immediately.

Approved.



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