

SENATE

S. No. 463

Prepared by the Committee on National Defense and Security and the Committee on Local Government with Senators Maceda, Pimentel Jr., and Saguisag as authors thereof, per Committee Report No. 196

AN ACT
CREATING A DEPARTMENT OF THE INTERIOR, ABOLISHING FOR THE PURPOSE THE DEPARTMENT OF LOCAL GOVERNMENT, THE PHILIPPINE CONSTABULARY AND THE NATIONAL POLICE COMMISSION AND FOR OTHER PURPOSES

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

1 SECTION 1. This Act shall be known as the "Department
2 of the Interior Act of 1989."

3 ARTICLE I

4 DECLARATION OF POLICIES

5 SEC. 2. Consistent with the mandate of the
6 Constitution the following are hereby declared to be the
7 primary objectives of this Act:

- 8 (a) The promotion of local autonomy;
- 9 (b) The efficient delivery of the peoples' basic
10 needs down to the smallest political unit;
- 11 (c) The coordination and cooperation between local
12 executives under the Department of the Interior;
- 13 (d) The effective attainment and enhancement of peace
14 and order and general public safety;
- 15 (e) The nurturing of participation and responsibility
16 of local government executives in resolving the insurgency
17 problem.
- 18 (f) The establishment of a highly efficient and
19 effective civilian national police force; and

1 (g) The integration of all functions on law
2 enforcement, maintenance of peace and order and public
3 safety.

4 ARTICLE II

5 CREATION AND ORGANIZATION OF THE DEPARTMENT

6 SEC. 3. To carry out the purposes and objectives of
7 this Act, there is hereby created a Department of the
8 Interior hereinafter referred to as the Department, which
9 shall be organized structurally and functionally as provided
10 in this Act.

11 SEC. 4. Subject to the limitations provided in the
12 Constitution, the President shall promulgate comprehensive
13 policies on public safety to protect the citizenry against
14 all forms of lawlessness and criminality and other threats
15 to national peace and order.

16 SEC. 5. The Department shall consist of the Office of
17 the Secretary and the different line bureaus such as the
18 People's Arm for Community Development, the Bureau of Local
19 Governments, the Bureau of Coast Guard, the National Police
20 Commission, the Philippine National Police, and the
21 Philippine Public Safety College.

22 The present Department of Local Government is hereby
23 converted into the Bureau of Local Governments, which shall
24 be under the supervision and control of the Department.

25 Appropriate courses or training institutions shall be
26 established and maintained by the Department to support
27 the manning and personnel qualification requirements of
28 the abolished organization.

29 The Secretary and three (3) Undersecretaries of the
30 Department of Interior as well as the Chairman and the four
31 members of the National Police Commission shall be
32 appointed by the President with the consent of the

1 Commission of Appointments.

2 Until Congress provides otherwise, the Bureaus and
3 the Commission referred to above as well as the agencies
4 attached to the present Department of Local Government, the
5 National Police Commission, and the Coast Guard shall
6 continue to perform the duties and functions which they are
7 now exercising, subject, however, to the provisions of this
8 Act.

9 SEC. 6. To accomplish its mandate, the Department shall
10 have the following powers and functions:

11 (a) Formulate and implement, in keeping with national
12 public safety policies, national peace and order, fire
13 safety and other public safety programs and projects, short-
14 range as well as long-range, for the protection of the
15 citizenry against all forms of lawlessness and criminality
16 and to ensure their well-being in cases of public
17 disturbances or calamities;

18 (b) Supervise the implementation of the main supportive
19 programs on law and order and public safety as well as
20 continuing education and policy research in peace keeping
21 activities and other aspects of public safety;

22 (c) Executive supervision over the administration of
23 provinces, municipalities, chartered cities, barangays and
24 other political subdivisions; and

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

27 SEC. 7. The head of the Department of the Interior
28 shall be the Secretary of the Interior hereinafter referred
29 to as the Secretary. No person shall be appointed Secretary
30 of the Interior unless he is at least thirty-five (35) years
31 of age, of good moral character, of sound judgment and
32 probity, with at least five (5) years executive or

1 management experience and preferably a member of the
2 Philippine Bar for at least five (5) years or has held a
3 position requiring a working or general knowledge of the law
4 for at least five (5) years.

5 SEC. 8. The authority and the responsibility for the
6 exercise of the mandate of the Department and for the
7 discharge of its powers and functions shall be vested in the
8 Secretary, who shall have general supervision, direction and
9 control over the Department. The Secretary shall hold office
10 at the pleasure of the President and shall receive the
11 compensation, allowances and other emoluments to which
12 members of the Cabinet are entitled.

13 SEC. 9. For the proper discharge of his authority and
14 responsibility, the Secretary as Department head shall have
15 the following functions and duties:

16 (a) Control, supervise, direct and coordinate in
17 appropriate cases, the overall operations of the Department;

18 (b) Advise the President on the promulgation of rules,
19 regulations and other issuances relative to matters under
20 the jurisdiction of the Department;

21 (c) Prepare and submit periodic reports and such other
22 reports as the President may require;

23 (d) Establish the policies and standards for the
24 operation of the Department pursuant to the President's
25 program of government;

26 (e) Exercise supervision, direction and control over
27 all bureaus and offices under the Department;

28 (f) Promulgate rules and regulations necessary to carry
29 out the Department's mandate, powers and functions;

30 (g) Delegate authority to exercise any substantive or
31 administrative function to the members of the National



1 Police Commission or other officers of rank within the
2 Department; and

3 (h) Perform such other functions as may be provided by
4 law or assigned by the President.

5 SEC. 10. The Department shall organize its staff and,
6 with the approval of the President, may call upon qualified
7 experts in the government service to help in the discharge
8 of its functions and responsibilities.

9 ARTICLE III

10 THE NATIONAL POLICE COMMISSION

11 SEC. 11. The National Police Commission, herein created
12 and hereinafter referred to as the Commission shall be composed
13 of a Chairman and four (4) members. The Chairman and members
14 of the Commission shall serve full time in the Commission.

15 SEC. 12. No person shall be appointed chairman or
16 member of the Commission unless:

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

18 (b) Member of the Philippine Bar or a holder of a
19 bachelor's degree in public and business administration/
20 management, sociology, criminology, law enforcement,
21 national security administration, defense studies, and other
22 related disciplines, or a fire protection service official
23 or expert for at least five (5) years.

24 (c) The Chairman and at least two (2) members shall
25 have had experience in law enforcement work for at least
26 five (5) years.

27 SEC. 13. Of the first appointees, the Chairman shall
28 serve for six (6) years, two (2) Commissioners for four (4)
29 years and the two (2) other Commissioners for two (2) years
30 without reappointment. All subsequent appointments shall be
31 for a period of six (6) years each, without reappointment.

1 SEC. 14. The Chairman and members of the Commission
2 may be removed from office only for cause. All vacancies
3 in the Commission except through expiration of term, shall
4 be filled for the unexpired term only: Provided, That any
5 person who shall be appointed in this case shall be eligible
6 for regular appointment.

7 The Superintendent-General of the Philippine National
8 and the Director of the National Bureau of Investigation shall
9 be *ex-officio* members of the Commission. The *ex-officio* member
10 shall participate in the deliberations of the Commission but
11 shall not have the right to vote. They shall receive no
12 compensation but shall be entitled to reimbursement of
13 actual expenses incurred in the performance of their duties.

14 SEC. 15. The Chairman shall be the Chief Executive
15 Officer of the Commission. In case of absence due to
16 temporary incapacity or disqualification of the Chairman,
17 the member who was appointed earliest shall act as Chairman.
18 In case of death or permanent incapacity or disqualification
19 of the Chairman, the said member shall also act as Chairman
20 until a new Chairman shall have been appointed.

21 SEC. 16. The Chairman shall have the following powers
22 and duties:

23 (a) Supervise, direct, coordinate the overall
24 operations of the Commission;

25 (b) Prepare and submit periodic reports and other
26 special reports of the Commission as may be required from
27 time to time by the President or Congress; and

28 (c) Implement and/or execute the policies, directives,
29 programs and projects formulated and adopted by the
30 Commission.

31 Until Congress shall provide otherwise, the Chairman

1 shall receive an annual salary of One hundred fifty thousand
2 pesos (P150,000.00) and the other members shall receive an
3 annual salary of One hundred twenty thousand pesos
4 (P120,000.00) each.

5 SEC. 17. The Chairman and members of the
6 Commission shall not, during their continuance in office,
7 engage in the practice of any profession, or intervene,
8 directly or indirectly in the management and control of any
9 private enterprise which in any way may be affected by the
10 functions of their office. They shall not be, directly or
11 indirectly, financially interested in any control with the
12 government or any subdivisions or instrumentality thereof.

13 SEC. 18. The Commission shall have the following
14 powers and duties:

15 (a) To advise the President on all matters involving
16 police administration;

17 (b) To examine and audit and to establish the standard
18 for such purposes, on a continuing basis, the performance,
19 activities, and facilities of all police agencies throughout
20 the country;

21 (c) To prepare a police manual prescribing rules and
22 regulations for the efficient organization, administration,
23 and operation, of the police, including their recruitment,
24 selection and promotion;

25 (d) To conduct surveys and compile statistical data
26 for the proper evaluation of the state of efficiency of all
27 police agencies;

28 (e) To study, prepare and recommend to Congress the
29 passage of appropriate legislation defining questions of
30 jurisdiction between the National Bureau of Investigation
31 and police agencies;

1 (f) To approve the appointment of confidential agents,
2 security agents, special agents and informers by the
3 governors or mayors which positions are not permanent in the
4 plantilla as provided for in the annual budget;

5 (g) Note and keep a record of all appointments and
6 promotions of officers and members of police forces and
7 through the Chief Executive Officer, disapprove within ninety
8 (90) days after submission to it, those where the appointees do
9 not possess the corresponding eligibility: Provided, That
10 such appointments shall become immediately effective upon
11 the assumption of duties of the appointees, entitling them
12 to receive all the corresponding salaries and benefits,
13 until notice of the final decision of disapproval if this
14 should take place without prejudice to the liability of the
15 local appointing authority under Section 53 of Presidential
16 Decree No. 807;

17 (h) Supervise the activities of such law enforcement
18 agencies as may be formed or placed under its jurisdiction;

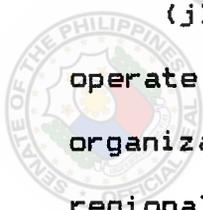
19 (i) Promulgate standards for sound police personnel
20 management administration throughout the country;

21 (j) Organize and develop police training programs and
22 operate police academies and establish policies on the
23 organization and operation of a police training branch and
24 regional police academies for the police training of
25 officers and members of police agencies;

26 (k) Establish a system of uniform crime report;

27 (l) Recommend within sixty (60) days before the com-
28 mencement of each fiscal year, a crime prevention program;

29 (m) Render to the President and to Congress an annual
30 report of its activities and accomplishments during the
31 calendar year, said report to be submitted within thirty



1 (30) days after the end of the calendar year with an
2 appraisal of the conditions obtaining in the organization
3 and administration of police agencies, and of the conditions
4 of peace and order prevailing in the cities, municipalities
5 and provinces throughout the country with recommendation of
6 appropriate remedial legislation;

7 (n) Prescribe minimum standards for arms, equipment,
8 uniform, insignia of ranks, awards and medals of honor for
9 all police agencies after due consultation with the
10 Philippine Heraldry Commission;

11 (o) Give periodic and regular appropriate examinations
12 of officers and members of police agencies with the
13 assistance of the Civil Service Commission;

14 (p) Render final decision on administrative cases
15 against policemen and exercise appellate jurisdiction over
16 decisions on claims for police benefits.

17 (q) Administer the Peace and Order Special Fund under
18 Republic Act Numbered Six Thousand One Hundred and Forty-
19 One;

20 (r) Establish and supervise an integrated communica-
21 tions system for all police agencies;

22 (s) Issue subpoena and subpoena duces tecum in matters
23 pertaining to the discharge of its powers and duties, to
24 designate who among its personnel can issue such process
25 and administer oaths in connection therewith, and to
26 authorize some of its officers to exercise general powers to
27 make arrests, searches, and seizures in accordance with law
28 while actually involved in police investigation;

29 (t) Exercise administrative control and supervision
30 over the local police forces through their *ex-officio*

1 representatives at the local level;

2 (u) Perform other related powers and duties.

3 The actions and decisions of the Commission rendered in
4 the exercise of the adjudicatory functions relative to
5 police discipline and benefits shall be appealable to the
6 President.

7 SEC. 19. The present National Police Commission, and
8 the Philippine Constabulary -Integrated National Police
9 presently organized and constituted shall cease to exist.
10 The Philippine Constabulary which is the nucleus of the
11 integrated Philippine Constabulary-Integrated National
12 Police shall cease to be a major service of the Armed Forces
13 of the Philippines. The Integrated National Police which is
14 the civilian component of the Philippine Constabulary-
15 Integrated National Police shall cease to be the national
16 police force and in lieu thereof a new police force
17 shall be established and constituted by and pursuant to
18 this Act.

19 SEC. 20. The city or municipal mayor shall be the ex-
20 officio representative of the National Police Commission in
21 his respective jurisdiction and he shall have command of all
22 the elements of the local police forces within his
23 jurisdiction. He shall also have both general and
24 operational control, supervision and direction over the
25 local police forces within his jurisdiction, except during
26 the thirty (30) day period immediately preceding and thirty
27 (30) days following any national, local or barangay
28 elections. During said period the local police forces
29 shall be under the supervision, ~~suspension~~ and control of the
30 Commission on Elections.

31 The President may terminate the power of general and

1 operational control, supervision and direction of
2 any local executive over police units assigned or
3 stationed in his jurisdiction on any of the following
4 grounds: abuse of authority, providing material support to
5 criminal elements, or engaging in other acts inimical to
6 national security or which negate the effectiveness of the
7 peace and order campaign. Upon good cause shown, the
8 President may, motu proprio or upon the recommendation of
9 the National Police Commission, restore such power withdrawn
10 from any local executive.

11 The term "operational supervision" shall mean the power
12 to direct, superintend, oversee, and inspect the police
13 units or forces.

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

20 1) Employ refers to the utilization of units or
21 elements of the PNP for purposes of protection of lives and
22 properties, enforcement of laws, maintenance of peace and
23 order, prevention of crimes, arrest of criminal offenders,
24 investigation of the commission of crimes/offenses and
25 bringing the offenders to justice, prevention and control of
26 fires, and ensuring public safety, particularly in the
27 suppression of disorders, riots, lawless violence,
28 rebellious or seditious conspiracy, insurgency, subversion
29 or other criminal activities.

30 2) Deploy shall mean the orderly and organized
31 physical movement of elements or units of the PNP within a

1 province, city or municipality for purposes of employment as
2 herein defined.

3 ARTICLE IV

4 THE PHILIPPINE NATIONAL POLICE

5 SEC. 21. Subject to the limitations provided for in this
6 Act, the Philippine National Police is hereby established,
7 initially consisting of the incumbent members of the police,
8 fire and detention and correctional forces who were integra-
9 ted into the Integrated National Police (INP) pursuant to
10 Presidential Decree No. 765 including officers
11 and enlisted personnel of the Philippine Constabulary
12 (PC); those assigned or detailed with the
13 Narcotics Command or the Criminal Investigation Service
14 (CIS); those of the technical services of the Armed Forces
15 of the Philippines assigned with the PC, the regular operatives
16 of the CIS and of the abolished NAPOLCOM Inspection, Investiga-
17 tion and Intelligence Branch: Provided, That the appropriate
18 Police/NAPOLCOM Civil Service examinations shall be required
19 after the effectivity of this Act for any promotion to any
20 higher rank: Provided, further, That with the exception of
21 PC Generals, any PC/INP officer or enlisted man may within
22 twelve (12) months from the effectivity of this Act retire
23 and shall be paid retirement benefits corresponding to a
24 position two ranks higher than his present grade: Provided,
25 However, That at the time he applies for retirement, he has
26 rendered at least twenty (20) years of service and he still
27 has at least 24 months of service remaining before the
28 compulsory retirement age provided by law for his office.

29 All PC Generals are hereby retired upon the expiration
30 of the transition period prescribed in this Act: Provided,
31 However, That a general of the Philippine Constabulary may
32 be allowed to transfer to another branch of the Armed Forces

1 of the Philippines upon approval by the President.

2 In the event that at least three thousand (3,000)
3 officers and men of the Philippine Constabulary opt to
4 remain with the Armed Forces of the Philippines, they shall
5 be constituted as a separate unit under General
6 Headquarters, AFP to perform military police or similar
7 functions as determined by the Chief of
8 Staff: Provided, however, That any officer or enlisted man who
9 desires to transfer to any of the branches or services of
10 the Armed Forces of the Philippines shall be allowed to do
11 so: Provided, further, That one who has been convicted of
12 any crime pending appeal or has any pending criminal or
13 administrative case shall not be allowed to transfer to the
14 PNP unless he is able to clear himself from such case or
15 cases before the expiration of the transition period
16 hereinafter provided, without prejudice to final judgment by
17 a body of competent jurisdiction.

18 SEC. 22. All members of the police agency shall be
19 peace officers. It shall be their duty to preserve peace
20 and order; prevent the commission of crimes; protect lives,
21 liberty and property; and arrest all violators of laws and
22 ordinances within their jurisdiction. They shall exercise
23 the general powers to make arrest, search and seizure in
24 accordance with the Constitution and pertinent laws. They
25 may detain an arrested person for a period not beyond what
26 is prescribed by law and shall inform the person detained of
27 all his rights under the Constitution.

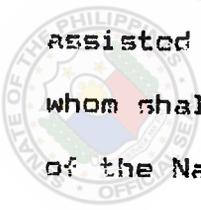
28 In time of peace, the Philippine National Police may,
29 as necessary, seek the support and assistance of the Armed
30 Forces of the Philippines. For this purpose and with the
31 prior approval of the President, lateral coordination shall be

1 made with the Chief of Staff of the Armed Forces of the
2 Philippines and the area commanders of operating units of
3 the armed forces.

4 In view of the vital role of law enforcement in the
5 overall internal security situation, the Philippine National
6 Police shall complement and support the Armed Forces of the
7 Philippines in counter-insurgency operations. The
8 complementary relationship between the military and police
9 forces shall be jointly prescribed by the Secretary of the
10 Interior and the Secretary of National Defense in the
11 document that may thereafter be published and implemented
12 and shall define the special situations when either the
13 police or military forces shall be the lead or control
14 organization.

15 In time of national emergency, all elements of the
16 Philippine National Police, the People's Arm for Community
17 Development, the Bureau of Coast Guard and the Bureau of
18 Local Governments shall, upon direction of the President,
19 assist the Armed Forces of the Philippines in meeting the
20 national emergency.

21 SEC. 23. The head of the Philippine National Police
22 (PNP) shall be known as Superintendent-General who shall be
23 assisted by three (3) Deputy Superintendent-Generals, all of
24 whom shall be appointed by the President upon recommendation
25 of the National Police Commission from among the most senior
26 and qualified officers in the service: *Provided, however,*
27 *That in no case shall any officer who has retired or is*
28 *retirable within six (6) months from the approval of this*
29 *Act may be appointed either as Superintendent or Deputy*
30 *Superintendent-General. As head and commander of the*
31 *Philippine National Police, he shall have command over all*



1 the elements thereof and the power to issue detailed
2 implementing policies and instructions regarding personnel,
3 funds, properties, records, correspondence and such other
4 matters as may be necessary to effectively carry out the
5 functions, powers and duties of the Bureau: Provided,
6 further, That the Superintendent General shall serve a tour
7 of duty not to exceed four (4) years: Provided, furthermore,
8 That, in times of war or other national emergency declared
9 by Congress, the President may extend such tour of duty.

10 The PNP shall have the three (3) major offices as
11 follows: Office for Police Service, Office for Fire Service
12 and Office for Detention and Correctional Service. One
13 Deputy Superintendent-General shall supervise the Office
14 for Police Service, another Deputy Superintendent-General
15 shall take charge of the Office for Fire Service and the
16 third Deputy Superintendent-General shall supervise the
17 Office for Detention and Correctional Service.

18 The PNP shall be composed of Regional Commands,
19 Provincial Commands and District/Stations for integrated
20 police, fire and detention and correctional services.

21 At the regional level, the Philippine National
22 Police shall have thirteen (13) regional commands,
23 including the National Capital Region, without prejudice to
24 the pertinent provisions of the Organic Acts for the Autono-
25 mous Regions of the Cordilleras and Muslim Mindanao relative
26 to the creation of a regional police force in the area of
27 autonomy. Each of these regional commands shall be headed by
28 a Regional Superintendent.

29 At the provincial level, there shall be a Philippine
30 National Police provincial command in every province, each
31 headed by a Provincial Superintendent. In the case of provinces
32 where there is more than one congressional district, police dis-
33 tricts may be established to be headed by a District Commander.

1 At the city or municipal level, there shall be a
2 Philippine National Police station, each headed by a
3 Chief of Police: Provided, That in case of cities where
4 there is more than one congressional district, a
5 district command with subordinate police stations,
6 headed by a District Superintendent, may be organized as
7 necessary.

8 The Superintendent General of the PNP shall, within
9 sixty (60) days from the effectivity of this Act and in
10 accordance with the broad guidelines set forth herein,
11 recommend the organization structure staffing pattern of
12 the PNP to the President, upon approval of the National
13 Police Commission.

14 SEC. 24. There shall be a Special Command called
15 the Field Force under the Philippine National Police
16 which shall function as a reaction unit for civil
17 disturbance control.

18 SEC. 25. No person shall be appointed as officer or
19 member of the PNP unless he/she possesses the following
20 minimum qualifications:

- 21 (a) A citizen of the Philippines;
- 22 (b) Of good habits and moral conduct;
- 23 (c) Of sound mind and body;
- 24 (d) Must have finished at least second year college
25 or the equivalent of 72 units;
- 26 (e) Must not have been dishonorably discharged or
27 separated from the military service or
28 dismissed or separated for cause from the civil
29 government service;
- 30 (f) Must not have been convicted of an offense
31 or crime involving moral turpitude;

- 1 (g) Not less than twenty-one (21) or more than
 2 thirty (30) years of age;
- 3 (h) At least one meter and sixty-two centimeters in
 4 height for male, and one meter and fifty-seven
 5 centimeters for female; and
- 6 (i) Must weigh not more nor less than five kilograms
 7 of the standard weight corresponding to her or
 8 his height, age and sex.

9 SEC. 26. On the average nationwide, the manning
 10 level of the Philippine National Police shall be
 11 approximately in accordance with a police-to-population
 12 ratio of one policeman for every five hundred people. The
 13 actual strength by cities and municipalities shall depend
 14 on the state of peace and order, population density,
 15 government priorities and actual demands of the service
 16 in the particular area: Provided, That the minimum
 17 police-to-population ratio shall not be less than one
 18 policeman for every one thousand people: Provided,
 19 however, That urban areas shall have a higher minimum
 20 police-to-population ratio as may be prescribed by
 21 regulations.

22 SEC. 27. For purpose of efficient administration,
 23 control, uniformity and discipline, the position
 24 classification and the grades of the members of the
 25 Philippine National Police shall be as follows:

	<u>Salary Grade</u>
26	
27	Superintendent General 23
28	Deputy Superintendent General 22
29	Chief Superintendent 22
30	Senior Superintendent 20
31	Superintendent 18

1	Police Major	17
2	Police Captain	15
3	Police Lieutenant	13
4	Police Senior Sergeant	6
5	Police Sergeant	4
6	Police Senior Corporal	3
7	Police Corporal	2
8	Senior Patrolman/Fireman/Jailguard	2
9	Patrolman/Fireman/Jailguard	1

10 SEC. 28. In the exercise of their powers and
 11 functions relative to the maintenance of peace and order
 12 and public safety and in augmentation of the local police
 13 forces in their respective jurisdictions, city and
 14 municipal mayors may organize and finance, subject to the
 15 approval of the Regional Superintendent, auxiliary
 16 police units or police aides which shall be under their
 17 administrative control and operational direction. The
 18 auxiliary police units or police aides shall be under
 19 the command, control and supervision of the Chief of
 20 Police.

21 SEC. 29. The appointment of the officers and
 22 members of the PNP shall be effected in the following
 23 manner:

24 (a) Patrolman to Police Senior Sergeant appointed by
 25 the PNP Regional Superintendent and attested by the
 26 NAPOLCOM Regional Superintendent as recommended by a
 27 committee composed of the city / municipal mayor as
 28 Chairman, the Chief of Police and the Chairman of the
 29 Committee on Police of the *Sangguniang Bayan/Sangguniang*
 30 *Panglunsod* as members; *Provided*, That no person shall be
 31 appointed as Chief of Police, Assistant Chief of Police and

1 Chief of the Secret Service without the approval of the
2 city/municipal mayor from a list of five (5) eligibles
3 recommended by the NAPOLCOM, preferably from the same
4 province or city.

5 (b) Police Lieutenant to Senior Superintendent -
6 appointed by the Superintendent General, PNP, and
7 attested by the Chairman;

8 (c) Chief Superintendent to Superintendent-General
9 - appointed by the President, as recommended by the
10 Secretary, and endorsed by the Chairman.

11 SEC. 30. Members of the PNP shall be employees of
12 the National Government and shall be included in the
13 career service category of the Civil Service.

14 SEC. 31. Subject to the administration and control
15 of the National Police Commission, the command and
16 operational control of the PNP shall be vested in the
17 Superintendent - General, who shall have the power to
18 direct and control tactical as well as strategic
19 movements, deployment, placement, and/or utilization of
20 the PNP or any of its units and personnel, including its
21 equipment, facilities and other resources. Such
22 direction and control of the Superintendent General may
23 be delegated to lower-level officials with respect to the
24 units under their respective commands, in accordance with
25 the rules and regulations prescribed by the Commission.

26 SEC. 32. No person may be appointed chief of a city
27 police agency unless he holds a bachelor's degree from a
28 recognized institution of learning or has served in the
29 Armed Forces of the Philippines or the National Bureau of
30 Investigation or has served in the police department of
31 any city with the rank of captain or its equivalent

21

1 therein for at least three (3) years.

2 No person may be appointed chief of a municipal
3 police agency unless he holds a bachelor's degree from a
4 recognized institution of learning or any person who has
5 served the police agency of a city or municipality or has
6 served as officer in the Armed Forces or the National
7 Bureau of Investigation or the National Police Commission
8 for at least two (2) years with the rank of lieutenant or
9 its equivalent: *Provided*, That a Member of the Bar with
10 at least five (5) years experience in active law practice
11 shall be qualified for appointment as chief of a city or
12 municipal police agency if he meets the general
13 qualifications under Section 25, Article IV of this
14 Act.

15 SEC. 33. Except as herein provided in Section 21, no
16 person shall be permanently appointed in any position in the
17 local police force or agency unless he has qualified in an
18 appropriate or police service examination: *Provided*, That
19 in the absence of police service eligibles, preference for
20 appointment shall be given to a candidate who completed
21 police training abroad or the police training course of the
22 National Bureau of Investigation Academy, or any public or
23 private training school accredited by the Government, or has
24 completed military trainee instructions, or an officer who
25 has been honorably discharged from the Armed Forces of the
26 Philippines: *Provided, further*, That, where no police
27 service eligibles are available, provisional appointments
28 may be made in accordance with existing laws: *Provided*,
29 *finally*, That in case of a patrolman-appointee, he shall
30 possess at least the general qualifications provided for in
31 Section 25, Article IV of this Act.

32 SEC. 34. Except as provided in Section 29 promotion

22

1 shall be made upon consultation with, or advice of, the
2 Chief of the local police agency from among those who shall
3 have passed the corresponding promotional examination given
4 by the National Police Commission: *Provided,* That
5 policemen who have been in the continuous police service
6 for at least twenty (20) years at the time of effectivity of
7 this Act, and who were subsequently promoted despite the
8 lack of educational qualifications prescribed under Section
9 25 (d) of this Act shall be considered as possessing such
10 educational qualifications: *Provided, further,* That
11 policemen with less than twenty (20) years of continuous
12 service as herein provided who were likewise promoted to
13 higher ranks despite the lack of said educational
14 qualifications shall retain such rank until the end of
15 calendar year 1991 during which period they are hereby
16 required to satisfy the prescribed educational requirement:
17 *Provided, finally,* That policemen who have satisfactorily
18 completed any special training course or any combination
19 thereof conducted by the National Police Commission or other
20 police agencies, upon proper certification by the Chairman
21 of the National Police Commission, shall likewise be
22 considered as possessing such educational qualification;
23 otherwise, they shall revert to the corresponding lower
24 ranks which they held prior to the positions they are
25 holding at the time of the effectivity of this Act.

26 Any law or rule to the contrary notwithstanding, a
27 spot promotion may be extended to any member of the
28 police force for acts of conspicuous courage and
29 gallantry at the risk of his life over and beyond the
30 call of duty upon recommendation of a police screening
31 committee in every locality tasked to screen the

1 qualifications of any member of the police force
2 deserving the spot promotion.

3 SEC. 35. All examinations in relation to police
4 service shall be conducted by the National Police
5 Commission. The Chairman of the National Police
6 Commission shall announce from time to time, the date and
7 place of examination, which shall not be less than once
8 in two (2) years, to qualify for all ranks and grades in
9 the police service, which examinations shall be held in
10 accordance with the rules and regulations promulgated in
11 the Police Manual: *Provided, however,* That the bar
12 examinations are declared as a police service examination for
13 purposes of original or promotional appointment to the next
14 rank. The National Police Commission shall likewise prescribe,
15 announce and hold examinations to qualify for technical
16 positions in police laboratories such as questioned
17 documents experts, ballistics experts, and other fields
18 of scientific criminology.

19 SEC. 36. In addition to the powers provided under Section
20 61 hereof, the City and Municipal Mayor may be delegated
21 the power to hire, remove or dismiss any officer or member
22 of the local police force as may be determined by the
23 National Police Commission.

24 SEC. 37. The retirement age for members of the PNP
25 shall be fifty-five (55) years old, or thirty (30) years of
26 service, whichever comes first: *Provided,* That those who
27 have reached fifty-five (55) years of age or 30 years of
28 service at the time of the effectivity of this Act may
29 continue in the service until the end of the transition
30 period herein set forth: *Provided, further,* That any INP
31 officer may continue in the service for three (3) years from

24

1 the approval of this Act or until his sixtieth birthday,
2 whichever comes earlier.

3 SEC. 38. In case of vacancy caused by death,
4 retirement, resignation, suspension or removal in a local
5 police agency, the Mayor shall fill such vacancy as provided
6 for in this Act. In case of suspension and when required by
7 the exigencies of the service, the appointment will only be
8 for the duration of the suspension. Whenever a temporary
9 vacancy occurs in the Office of the Chief of Police, the
10 Deputy Chief of Police shall automatically resume the
11 office.

12 SEC. 39. The rate of salaries of the members of the
13 city or municipal police force shall follow the rate
14 fixed by national law: *Provided*, That the city or
15 municipality concerned may provide additional salary or
16 emolument for them: *Provided, finally*, That the National
17 Government shall subsidize up to one-half of the total
18 minimum salaries the cities and municipalities which
19 cannot afford to shoulder the same.

20 Sec. 40. As professional police officers responsible
21 for the maintenance of peace and order, the members and
22 officers of the PNP are hereby prohibited from fomenting
23 or engaging in strikes, rallies, demonstrations and other
24 similar concerted activities or from performing other acts
25 prejudicial to good order and police discipline.

26 Any PNP member found guilty by final judgment of
27 violating the provisions of the preceding paragraph shall be
28 dismissed from the service without prejudice to whatever
29 criminal or civil liability he may incur in relation to such
30 violation.

31 SEC. 41 Notwithstanding any provision of existing

1 laws, rules and regulations to the contrary, when a
2 member of a local police force or agency or of the
3 National Police Commission is injured in the performance
4 of duty or contracts a sickness or disease arising out of
5 the performance of duty, absence during any period of
6 disability thereby occasioned, he shall be entitled to
7 full pay and payment of medicines, medical attendance,
8 hospital, necessary transportation and subsistence
9 expenses. Absence in cases of injury incurred in the
10 performance of duty shall not be charged against vacation
11 or sick leaves. He shall, in addition, be entitled to a
12 lump sum gratuity of not less than one thousand (1000) or
13 more than two thousand (2000) pesos.

14 In the event the disabled party believes that he is
15 not totally incapacitated, he may appeal to the National
16 Police Commission whose decision shall be final.

17 All disbursements herein contemplated shall be
18 authorized by the Commission upon recommendation of the
19 mayor of the municipality or city government: *Provided,*
20 That disbursements to the employees of the National Police
21 Commission shall be authorized by the Commission.

22 All compensation herein provided shall not be
23 subject to attachment, levy, execution for any tax
24 whatsoever, nor affect benefits received or to be
25 received from the Government Service Insurance System.
26 Claims under this Act shall not prescribe.

27 SEC. 42. The local chiefs of police shall keep the
28 municipal or city mayors informed of the peace and order
29 situation within their respective jurisdictions, and such
30 matters relative to law and order and public safety, they
31 shall cooperate and/or coordinate with the said civil

1 officials for the effective and faithful execution of law
2 enforcement and public safety programs in their
3 respective jurisdictions. The local officials in their
4 respective areas of responsibility shall extend the
5 necessary support, cooperation and assistance to the
6 local police forces in order to enable the latter to
7 perform their principal duties of preserving peace and
8 order and ensuring public safety therein.

9 The Chief of Police shall be the proper custodian of
10 all police equipment and arms not issued to individual
11 policemen and for use and shall be responsible therefor.

12 Individual policemen shall be responsible for
13 equipment, arms, uniforms, and insignia issued to them for
14 use.

15 Sec. 43. Members of the PNP shall be entitled to a
16 longevity pay of ten percent (10%) of their basic monthly
17 salaries for every five (5) years of continuous and
18 satisfactory service compounded every five (5) years,
19 which shall be reckoned from the date of the member's
20 original appointment in the AFP, or appointment in the
21 police, fire, detention and correctional or other allied services
22 prior to integration of the PC and INP: *Provided*, That it
23 shall not exceed fifty percent (50%) of the basic salary. They
24 shall also be entitled to such monthly medical allowance for
25 services rendered as may be prescribed by the Commission.

26 ARTICLE V

27 THE BUREAU OF COAST GUARD

28 SEC. 44. The Bureau of Coast Guard is hereby created
29 to be headed by a Director-General with two (2) Deputy
30 Directors who shall be appointed by the President. The
31 present Coast Guard under the Philippine Navy is

1 hereby abolished and all its police functions together with
2 one-third (1/3) of its personnel, resources and equipment
3 transferred to the Bureau of Coast Guard herein created:
4 *Provided*, That the Philippine Navy Flag Officer in command
5 (FOIC) shall have the power to approve the officers and men
6 who will be allowed to transfer to the Bureau.

ARTICLE VI

THE PEOPLE'S ARM FOR COMMUNITY DEVELOPMENT (PACD)

9 SEC. 45. The People's Arm for Community Development
10 is hereby created to be headed by a National
11 Administrator and assisted by two (2) Deputy
12 Administrators to be appointed by the President.

13 As National Administrator, he shall have the power
14 to appoint the officers of the Bureau subject to the
15 approval of the Secretary. He shall likewise have the
16 power to issue detailed implementing policies and
17 instructions regarding personnel, funds, properties,
18 records, correspondence and such other matters as may be
19 necessary to effectively carry out the functions, powers
20 and duties of the PACD.

21 SEC. 46. The People's Arm for Community Development
22 shall undertake the following functions, duties and
23 responsibilities:

24 (a) Plan and implement a community development
25 program for barangays, municipalities, cities and
26 provinces;

27 (b) Organize and strengthen community development councils
28 at the provincial, city, municipal and barangay levels
29 and coordinate and integrate the activities of the
30 departments and offices of the government relative to
31 community development in order to increase their

1 effectiveness and avoid duplication and overlapping of
2 activities;

3 c) Encourage and stimulate participation of non-
4 governmental organizations and institutions engaged in
5 community development;

6 d) Establish a grants-in-aid and/or loans-in-aid
7 program to stimulate greater participation of citizens in
8 community development;

9 e) Recommend to the President or to Congress
10 through the Secretary proposed legislation that will
11 contribute to economic and social benefits of the people;

12 f) Formulate policies and regulations relative to
13 the proper utilization and development of funds of local
14 governments; and

15 g) Such other functions as may be ordered by the
16 President or the Secretary.

17 SEC. 47. The National Administrator shall prescribe
18 the organizational structure and manning of the People's
19 Arm for Community Development in accordance with the
20 broad guidelines set forth herein, subject to the
21 approval of the Secretary.

22 At the national level, the Administrator shall be
23 assisted by two (2) Deputy Administrators. The national
24 office shall have such staffs, operating units and
25 personnel as may be necessary for the proper discharge of
26 its functions.

27 At the regional level, there shall be thirteen (13)
28 regional offices, each headed by a regional development
29 coordinator. Metropolitan Manila shall comprise a
30 separate region to be known as the National Capital Region.

31 At the provincial level, there shall be a provincial

1 office in every province, each headed by a provincial
2 development coordinator.

3 At the city or municipal level, there shall be a
4 city or municipal office, as the case may be, each headed
5 by a city or municipal development coordinator.

6 At the barangay level, there shall be a barangay
7 worker for every barangay: *Provided, further,* That three
8 contiguous barangays may be placed under one barangay
9 worker.

10 ARTICLE VII

11 THE BUREAU OF LOCAL GOVERNMENTS

12 SEC. 48. The Bureau of Local Governments is hereby
13 created to be headed by a Director-General with two (2)
14 Deputy Directors who shall be appointed by the President.
15 The present Department of Local Government is hereby
16 abolished and its officers and personnel shall be absorbed
17 by the Bureau subject to the manning requirements of the
18 Bureau. The budgetary allocation of the present Department
19 of Local Government shall accordingly be absorbed by the
20 Bureau of Local Governments except those for the Office of
21 the Secretary.

22 The Director-General shall have the power to appoint
23 the officers of the Bureau subject to the approval of the
24 Secretary. He shall have the power to issue detailed
25 implementing policies and instructions regarding personnel,
26 funds, properties, records, correspondence and such other
27 matters as may be necessary to effectively carry out the
28 functions, powers and duties of the Bureau.

29 SEC. 49. The Bureau of Local Governments shall be the
30 assisting and coordinating agency of the local government
31 units and shall undertake the following functions, duties

1 and responsibilities:

2 a) Formulate training programs for local officials to
3 upgrade their capabilities and make them effective in the
4 performance of their job;

5 b) Formulate policies to improve and strengthen the
6 administration of the Barangay Justice Program;

7 c) Encourage the participation of local government
8 units in the sister city program;

9 d) Conduct a periodic personnel audit in coordination
10 with the Civil Service Commission to update and improve the
11 staffing of local government units;

12 e) Conduct research, studies in local government
13 especially in the areas of financial and personnel
14 management and recommend measures to improve local
15 government administration; and

16 f) Assist local government units in codifying ordinances
17 and other legislative acts.

18 However, the Bureau shall have executive supervision
19 over all provinces, municipalities, chartered cities,
20 barangays and other political subdivisions on matters
21 pertaining to civilian authorities and local government's
22 participation and responsibilities in the solution of the
23 insurgency problem.

24 SEC. 50. The Director-General of the Bureau shall
25 prescribe the organizational structure and manning of the
26 Bureau with the broad guidelines set forth herein, subject
27 to the approval of the Secretary of the Department:
28 *Provided*, That the personnel, properties and assets of the
29 abolished Department of Local Government, including its
30 budgetary allocations shall be absorbed by the Bureau.

31 At the national level, the Director-General shall be

1 assisted by two Deputy Directors. The national office shall
2 have such staffs, operating units and personnel as may be
3 necessary for the proper discharge of its functions.

4 At the regional level, there shall be thirteen (13)
5 regional offices, each headed by a Regional Director. Metro-
6 politan Manila shall comprise a separate region to be known
7 as the National Capital Region.

8 At the barangay level, there shall be a barangay worker
9 for every barangay.

10 ARTICLE VIII

11 THE PHILIPPINE PUBLIC SAFETY COLLEGE

12 SEC. 51. The Philippine National Police Academy
13 established pursuant to Section 13 of Presidential Decree
14 No. 1184, hereinafter to be known as the Philippine Public
15 Safety College (PPSC), which shall be the premier
16 educational institution of the Department, shall continue
17 its mission as service facility for the training and
18 continuing education of the officers and uniformed members
19 of the Philippine National Police, the People's Arm for
20 Community Development, and the Bureau of Local Governments.

21 The curricula of the College shall include subcourses
22 on human rights. The head of the College shall have the
23 title of President.

24 SEC. 52. All personnel of the Philippine Public Safety
25 College shall be national government employees and included
26 in the career service category of the Civil Service:
27 *Provided*, That the uniformed or regular members of the
28 Philippine Public Safety College shall be exempt from the
29 operation of all wage classification laws and regulations
30 and the provisions of Presidential Decree No. 887.

31 SEC. 53. No person shall be appointed as officer,

1 uniformed member or personnel of the bureau under the
2 Department unless he or she possesses the minimum
3 qualifications provided in Section 25, Article IV of this
4 Act.

5 SEC. 54. Officers and enlisted personnel of the
6 Philippine Constabulary including officers belonging to the
7 technical services of the Armed Forces of the Philippines
8 assigned thereto on the effective date of this Act shall be
9 conferred by the Secretary appropriate eligibilities
10 commensurate to their present grades, positions, and/or
11 relevant training and experience. The officers and
12 uniformed members of the Philippine National Police and
13 Philippine Public Safety College shall in the same manner be
14 conferred appropriate eligibilities.

15 SEC. 55. In general, all original appointments of
16 officers in the Philippine National Police and the
17 Philippine Public Safety College shall be in the grade of
18 lieutenant: *Provided*, That applicants who are doctors of
19 medicine, engineers, members of the bar and
20 priests/ministers shall be initially appointed to the grade
21 of Captain in their particular technical service. Graduates
22 of the Philippine Public Safety College shall be initially
23 appointed to the grade of Lieutenant.

24 SEC. 56. The non-officer and non-uniformed members of
25 the Philippine Public Safety College shall be appointed by
26 the regional director concerned. Non-uniformed personnel of
27 the Department shall be appointed in accordance with the
28 civil service law, rules and regulations.

29 ARTICLE IX

30 COMMON PROVISIONS

31 SEC. 57. Except for colonels and general officers, all

1 appointments and promotions of the officers and uniformed
2 members of the bureaus of the Department shall be forwarded
3 for attestation by the Secretary/Chairman, who shall approve
4 or disapprove the same within ninety (90) days from receipt
5 thereof: *Provided, however,* That an appointment shall
6 become effective immediately upon the assumption of duties
7 of the appointee, who shall be entitled to the corresponding
8 salaries and benefits pertaining thereto until notice of
9 disapproval thereof is received by him.

10 SEC. 58. The salaries and allowances of the
11 officials, officers, uniformed members and
12 other personnel of the Department shall be exempt from the
13 operation of all wage and position classification laws and
14 regulations. It is understood that with respect to the
15 officers and enlisted personnel of the Philippine
16 Constabulary including the officers belonging to the
17 technical services of the Armed Forces of the Philippines
18 assigned thereto, who are transferred to the Department,
19 they shall not suffer any diminution in rank or reduction in
20 basic and longevity pay, incentive pays, and basic
21 allowances being received by them before such transfer.

22 Likewise, officials and employees of the National
23 Police Commission, as well as non-uniformed personnel of the
24 transferred agencies, who are absorbed by the Department
25 shall not suffer any reduction in their basic salaries and
26 allowances being received by them before such absorption.
27 The Secretary shall provide for the upgrading and
28 standardization of the salaries and allowances of the
29 personnel of the Department, subject to the approval of the
30 President.

31 SEC. 59. To develop professionalism in the service and

1 maintain a high level of performance, the Department shall
2 provide for a progressive individual training program
3 starting with the basic course which shall be required of
4 all new appointees under original appointment; specialized
5 courses to equip them with special skills for line and staff
6 assignments; advanced supervisory courses for middle
7 managers' supervisory responsibilities; executive or
8 management courses for high-level positions; and such other
9 courses to enhance personnel skills, competence, efficiency
10 and effectiveness in the performance of duties.

11 ARTICLE X

12 DISCIPLINARY MACHINERY

13 SEC. 60. The following officers shall have the summary
14 disciplinary powers over officers and uniformed members
15 belonging to their respective commands with respect to minor
16 offenses committed by them:

17 (a) Municipal or city station commanders, district
18 commanders/ superintendents, provincial superintendents or
19 heads of units/officers holding equivalent commands may
20 impose, in addition to admonition or reprimand, restriction
21 to specified limits; withholding of privileges; forfeiture
22 of not more than ten days' salary; suspension not exceeding
23 ten (10) days; or any combination of the foregoing, provided
24 that the total period shall not exceed twenty (20) days.

25 (b) Regional heads may impose suspension not exceeding
26 fifteen (15) days or forfeiture of not more than fifteen
27 days' salary, or a combination of the punishments mentioned
28 in the preceding subparagraph (a) but not exceeding thirty
29 (30) days.

30 (c) The bureau heads of the Department may impose
31 suspension not exceeding thirty (30) days or forfeiture of

1 not more than thirty day's salary, or a combination of the
2 punishments mentioned in subparagraph (a) hereof, but not
3 exceeding forty-five (45) days.

4 SEC. 61. City and municipal mayors, after due notice
5 and hearing, may impose disciplinary punishments upon
6 members of the Philippine National Police assigned to their
7 respective jurisdictions for minor offenses committed by
8 them, such as simple misconduct or negligence,
9 insubordination, frequent absences or tardiness,
10 drunkenness, and gambling. The punishment may, in addition
11 to reprimand or admonition, include restriction to specified
12 limits, withholding of privileges, forfeiture of not more
13 than thirty day's salary, suspension not exceeding thirty
14 days, or any combination thereof, provided that the total
15 period shall not exceed thirty (30) days.

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

21 SEC. 62. Officials of the Department who are appointed
22 by the President as well as officers thereof from the rank
23 of lieutenant to Senior Superintendent shall have the power
24 to administer oath on matters which are connected with the
25 performance of their official duties.

26 SEC. 63. Any official or officer of the Department who
27 is tasked to investigate or adjudicate a case shall have the
28 power to issue summons and subpoena to direct and/or compel
29 the attendance of party litigants involved in the case and
30 their witnesses, as well as to issue *subpoena duces tecum*.

31 The Superintendent General, Regional Director,

1 Provincial and District Superintendent/Commanders shall have
2 the power to place any officer or uniformed member belonging
3 to their respective bureaus in confinement for not more than
4 fifteen (15) days or in restriction within specified
5 limits, for not more than thirty (30) days for inexcusable
6 failure or unjustified refusal to appear either as party
7 litigant or as witness in any investigation or hearing of a
8 case where his presence is required.

9 ARTICLE XI

10 TRANSITORY PROVISIONS

11 SEC. 64. A special Committee is hereby created and
12 shall be composed of the incumbent Secretary of the present
13 Department of Local Government as Chairman, a
14 representative of the Department of National Defense, a
15 Commissioner from the present NAPOLCOM, and representatives
16 of the concerned agencies and of the Department of Budget
17 and Management, as members, and which shall plan and oversee
18 the implementation of the transfer, merger and/or absorption
19 into the Department of the agencies involved as mandated in
20 this Act.

21 To avoid work disruption, confusion and dislocation,
22 the implementation of this Act shall be undertaken in four
23 phases, to wit:

24 *Phase I* - Exercise of option by the uniformed
25 personnel of the Philippine Constabulary, the Philippine
26 Coast Guard and the Narcotics Command; preparation of new
27 staffing pattern and detailed implementing plans; and
28 personnel information, orientation and training, to be
29 completed within ninety (90) days from the date of the
30 effectivity of this Act.

31 *Phase II* - Reorganization of the Department proper, in

1 accordance with the new staffing pattern and establishment
2 of the budget/funding system of the Department, to be completed
3 within twelve (12) months from the date of the effectivity
4 of this Act. The Department and the Commission shall be
5 fully organized and operational within this period.

6 *Phase III - Rationalization of ranks and*
7 *reorganization of the transferred elements in accordance*
8 *with the new staffing pattern, and the rationalization of*
9 *compensation and retirement system and transfer of assets,*
10 *to be completed within eighteen (18) months from the*
11 *effectivity of the Act.*

12 *Phase IV - Inclusion of all officers and personnel of*
13 *the Department of the Interior within the civil service and*
14 *the wage and classification laws.*

15 For the duration of the transition period of eighteen
16 (18) months, the Department of National Defense, through the
17 Armed Forces of the Philippines shall continue to exercise
18 full administrative and operational control over the
19 transferred AFP and Integrated National Police units.

20 SEC. 65. The compensation and the retirement systems
21 provided for in existing laws, rules and regulations for
22 the members of the transferred and absorbed agencies shall
23 continue to apply with respect to them until such time that
24 new compensation and retirement systems shall have been
25 established by law.

26 SEC. 66. All non-uniformed personnel of the
27 transferred and absorbed agencies who are occupying
28 permanent plantilla positions shall be absorbed by the
29 Department. Pending adoption of the new position structures
30 and staffing patterns of the Department, they shall, in a
31 hold-over capacity, continue to perform their respective

1 duties and responsibilities and receive the corresponding
2 salaries and benefits. For those not holding permanent
3 items and who are not absorbed by the Department, they shall
4 be deemed separated from the service and shall receive
5 retirement benefits to which they may be entitled.
6 Otherwise, they shall receive the equivalent of one month
7 basic salary for every year of service in the government or
8 fraction thereof, computed on the basis of the highest
9 salary received and an additional sum equivalent to three
10 (3) months of current basic salary.

11 SEC. 67. All properties, equipment, and finances of
12 the transferred and absorbed agencies, including their
13 respective financial accountabilities, are hereby
14 transferred to the Department, except those properties and
15 equipment that may no longer be needed by the Department.
16 The retention of such properties and equipment by the Armed
17 Forces of the Philippines shall be subject to mutual
18 agreement between the Department of National Defense and the
19 Department.

20 For purposes of organizing and constituting the
21 Department, and for carrying out the provisions of this Act,
22 the sum of Ten million pesos (P10,000,000.00) or so much
23 thereof as may be necessary is authorized to be appropriated
24 out of the funds in the National Treasury not otherwise
25 appropriated. Thereafter, such amounts as are necessary to
26 carry out the provisions of this Act shall be included in
27 the General Appropriations Act.

28 SEC. 68. The Secretary shall issue rules and
29 regulations necessary to ensure the efficient and effective
30 implementation of the provisions of this Act.

1
2
3
4
5
6
7
8
9
10
11
12
13

ARTICLE XII
FINAL PROVISIONS

SEC. 69. Any portion or provision of this Act that may be declared unconstitutional shall not have the effect of nullifying other portions or provisions thereof as long as such remaining portions or provisions can still subsist and be given effect in their entirety.

SEC. 70. All laws, ordinances, provisions of city charters, and rules and regulations and other issuances or parts thereof, which are inconsistent with this Act, are hereby repealed or modified accordingly.

SEC. 71. This Act shall take effect immediately upon approval.

Approved,



Senate Archives (IPAS)