

COMMITTEE REPORT NO. 196

Submitted jointly by the Committee on National Defense and Security and the Committee on Local Governments on \_\_\_\_\_, 1988.

Re: Senate Bill No. 463, jointly prepared by the Committees **MAY 5 1988**

Recommending its approval, in substitution of S. No. 323, S. No. 324 and S. No. 330.

Sponsors: Senators Maceda, Pimentel, Jr. and Saguisag

MR. PRESIDENT:

The Committee on National Defense & Security and the Committee on Local Governments to which were referred Senate Bill No. 323, introduced by Senator Pimentel, Jr., entitled:

"AN ACT CREATING THE NATIONAL POLICE COMMISSION AND FOR OTHER PURPOSES"

Senate Bill No. 324, introduced by Senator Maceda, entitled:

"AN ACT CREATING A DEPARTMENT OF INTERIOR AND PUBLIC SAFETY WITH SUPPORTING AGENCIES SUCH AS 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"

and Senate Bill No. 330, introduced by Senator Pimentel, Jr., entitled:

"AN ACT CREATING THE DEPARTMENT OF THE INTERIOR, PLACING CERTAIN BUREAUS UNDER ITS SUPERVISION AND CONTROL AND FOR OTHER PURPOSES"

have considered the same and have the honor to report them back to the Senate with the recommendations that the substitute bill prepared jointly by the Committees, S. No. 463, entitled:

"AN ACT CREATING A DEPARTMENT OF THE INTERIOR WITH SUPPORTING AGENCIES SUCH AS THE PHILIPPINE NATIONAL POLICE, PEOPLES ARM FOR COMMUNITY DEVELOPMENT, BUREAU OF LOCAL GOVERNMENTS, PHILIPPINE PUBLIC SAFETY COLLEGE AND A NEW NATIONAL POLICE COMMISSION, ABOLISHING FOR THE PURPOSE THE DEPARTMENT OF LOCAL GOVERNMENTS AND COMMUNITY DEVELOPMENT, THE PHILIPPINE CONSTABULARY AND THE NATIONAL POLICE COMMISSION AND FOR OTHER PURPOSES"

be approved in substitution of S. No. 323, S. No. 324 and S. No. 330, with Senators Maceda, Pimentel, Jr. and Saguisag as co-authors thereof.

*Aquilino Q. Pimentel, Jr.*

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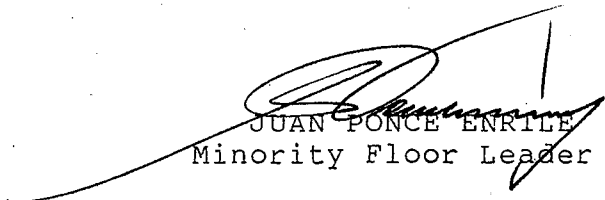
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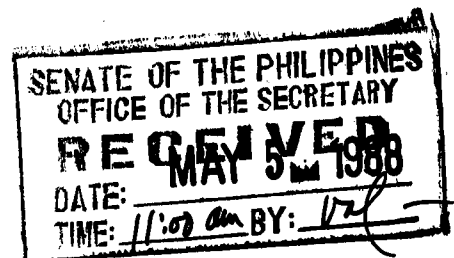
  
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S E N A T E

S. NO. 463

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Prepared by the Committee on National Defense & Security  
with Senators Maceda, Pimentel, Jr. and Saguisag as co-  
authors thereof, per Committee Report No. 196  
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AN ACT

CREATING A DEPARTMENT OF THE INTERIOR WITH SUPPORTING AGENCIES  
SUCH AS THE PHILIPPINE NATIONAL POLICE, PEOPLES ARM FOR COM-  
MUNITY DEVELOPMENT, BUREAU OF LOCAL GOVERNMENTS, PHILIPPINE  
PUBLIC SAFETY COLLEGE AND A NEW NATIONAL POLICE COMMISSION,  
ABOLISHING FOR THE PURPOSE THE DEPARTMENT OF LOCAL GOVERN-  
MENTS, 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 1988."

3 ARTICLE I

4 DECLARATION OF POLICIES

5 SEC. 2. It is the objective of this Act to establish  
6 a system consistent with the Constitutional Mandate of local  
7 autonomy and development of delivering the basic needs of  
8 the people down to the smallest political unit, coordination  
9 and cooperation between local executives and the Department  
10 of Interior in order that peace and order and public safety  
11 may be more effectively attained and enhanced, and to under-  
12 score the participation and responsibility of the local  
13 executives in solving the insurgency problem.

14 It is hereby declared to be the policy and purpose  
15 of this Act to achieve and attain a highly efficient and  
16 effective police force which shall be civilian in character  
17 and national in scope as well as to integrate all functions  
18 relating to law enforcement, maintenance of peace and order,  
19 and public safety.

ARTICLE II

CREATION AND ORGANIZATION OF THE DEPARTMENT

1           SEC. 3.     To carry out the purposes and objectives  
2 of this Act, there is hereby created a Department of Interior  
3 hereinafter referred to as Department, which shall be  
4 organized structurally and functionally as provided in this  
5 Act.

6           SEC. 4.     Pursuant to the provisions of the Constitution,  
7 the President of the Philippines shall promulgate overall  
8 policies on public safety to protect the citizenry against  
9 all forms of lawlessness and criminality and other threats  
10 to national peace and order as may be identified by the  
11 President. Unless otherwise determined by the President,  
12 the Department shall be responsible for: (a) the formula-  
13 tion of the appropriate supportive policies, plans and pro-  
14 grams in the field of public safety and law and order; (b) the  
15 general supervision, direction and control of the bureaus  
16 and offices of the Department; and (c) executive supervision  
17 over the administration of provinces, municipalities, char-  
18 tered cities, barangays and other local political subdivi-  
19 sions.

20           SEC. 5.     The Department shall consist of the Depart-  
21 ment Proper composed of the immediate Office of the Secretary,  
22 the National Police Commission and the different offices of  
23 the Philippine National Police, the Peoples Arm for Commu-  
24 nity Development, the Bureau of Local Governments, the Bureau  
25 of Coast Guard and the Philippine Public Safety College.

26           The present Department of Local Governments is hereby  
27 converted into the Bureau of Local Governments, which

8

1 shall be under the supervision of the Department;

2 The functions of the Narcotics Command are hereby  
3 transferred to the Philippine National Police as herein  
4 established and all personnel of said military organiza-  
5 tion who may qualify for the Philippine National Police  
6 as provided in this Act shall be given the same option under  
7 the same conditions as the Philippine Constabulary to join  
8 the Philippine National Police. Appropriate courses or  
9 training institutions shall be established and maintained by  
10 the Department to support the manning and personnel qualification  
11 requirements of the abolished organization.

12 The Bureaus mentioned above shall be headed by bureau directors  
13 who shall be appointed by the President of the Philippines. The Secretary  
14 and the three Undersecretaries of the Department of Interior as well as  
15 the Chairman and the four members of the National Police Commission shall  
16 be appointed by the President of the Philippines with the consent of the  
17 Commission on Appointments.

18 Until Congress provides otherwise, the Bureaus and the Commission  
19 referred to above as well as the agencies attached to the present Depart-  
20 ment of Local Governments, the National Police Commission, and the  
21 Coast Guard shall continue to perform the duties and functions which  
22 they are now exercising, subject, however, to the provisions of this Act.

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

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

31 (b) Supervise the implementation of the main supportive  
32 programs on law and order and public safety as well as

1 continuing education and policy research in peace keeping  
2 activities and other aspects of public safety;

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

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

8 SEC. 7. The head of the Department of Interior shall  
9 be the Secretary of the Interior hereinafter referred to as  
10 the Secretary. No person shall be appointed Secretary of  
11 the Interior unless he is a Member of the Philippine Bar,  
12 of good moral character, of sound judgment and probity,  
13 and with at least 10 years executive or management experience.

14 SEC. 8. The authority and the responsibility for  
15 the exercise of the mandate of the Department and for the  
16 discharge of its powers and functions shall be vested in  
17 the Secretary, who shall have general supervision, direction  
18 and control over the Department. The Secretary shall hold  
19 office at the pleasure of the President and shall receive  
20 the compensation, allowances and other emoluments to  
21 which members of the Cabinet are entitled.

22 SEC. 9. For the proper discharge of his authority  
23 and responsibility, the Secretary as Department head  
24 shall have the following functions and duties:

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

1 (b) Advise the President on the promulgation of  
2 rules, regulations and other issuances relative to matters  
3 under the jurisdiction of the Department;

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

6 (d) Establish the policies and standards for the  
7 operation of the Department pursuant to the President's  
8 program of government;

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

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

13 (g) Delegate authority to exercise any substantive  
14 or administrative function to the members of the National  
15 Police Commission or other officers of rank within the  
16 Department; and

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

19 SEC. 10. The Department shall organize its staff  
20 and, with the approval of the President, may call upon  
21 qualified experts in the government service to help in  
22 the discharge of its functions and responsibilities.

23 SEC. 11. For purposes of organizing and constitu-  
24 ting the Department, and for carrying out the provisions of  
25 this Act, the sum of Ten (10) million pesos or much thereof as may



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1 be necessary is hereby appropriated out of the funds in the  
2 National Treasury not otherwise appropriated. Thereafter,  
3 such amounts as are necessary to carry out the provisions  
4 of this Act shall be included in the General Appropriations  
5 Act.

6 The unexpended balances of the appropriations and  
7 all properties, equipment and facilities of any kind pro-  
8 vided by law for the existing Department of Local Governments,  
9 the National Police Commission, the Philippine Coast Guard  
10 and the Narcotics Command shall be transferred without cost  
11 to the Bureau of Local Governments, the new National Police  
12 Commission and the Philippine National Police, respectively,  
13 as they are constituted and organized under this Act.

14 ARTICLE III

15 THE NATIONAL POLICE COMMISSION

16 SEC. 12. The National Police Commission, herein  
17 created and hereafter referred to as Commission shall be  
18 composed of a Chairman and four members. The Chairman and  
19 members of the Commission shall serve full time in the  
20 Commission.

21 No person shall be appointed chairman or member of the  
22 Commission unless he is a member of the Philippine Bar or  
23 a holder at least of a bachelor's degree in police adminis-  
24 tration or criminology. The chairman and at least two (2)  
25 members shall have had experience in law enforcement work  
26 for at least five (5) years.

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1           SEC. 13. The Chairman and members of the Commission  
2 shall serve for a term of seven (7) years.

3           SEC. 14. The Chairman and members of the Commission shall be  
4 removed from office only for cause. All vacancies in the Commission  
5 except through expiration of term, shall be filled for the unexpired term  
6 only.

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

13          SEC. 15. The Chairman shall be the Chief Executive Officer of the  
14 Commission. In case of absence due to temporary incapacity or disqua-  
15 lification of the Chairman, the member who was appointed earlier shall  
16 act as Chairman in an acting capacity. In case of death or permanent  
17 incapacity or disqualification of the chairman, the said member shall  
18 also act as chairman until a new chairman shall have been appointed.

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

20           (a) Supervise, direct, coordinate the overall operations of the  
21 Commission;

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

25           (c) Implement and/or execute the policies, directives,  
26 programs and projects formulated and adopted by the Commission.

1           Until Congress shall provide otherwise, the Chairman  
2 shall receive an annual salary of One hundred fifty thousand  
3 (₱150,000.00) pesos and the other members shall receive an  
4 annual salary of One hundred twenty thousand (₱120,000.00) pesos  
5 each.

6           SEC. 17. The Chairman and members of the Police Com-  
7 mission shall not, during their continuance in office, en-  
8 gage in the practice of any profession, or intervene, directly  
9 or indirectly in the management and control of any private  
10 enterprise which in any way may be affected by the functions  
11 of their office. They shall not be, directly or indirectly,  
12 financially interested in any contract with the government  
13 or any subdivision or instrumentality thereof.

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

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

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

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

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

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

1 and police agencies;

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

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

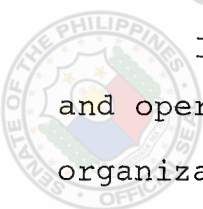
18 h) Supervise the activities of such law enforcement  
19 agencies as may be formed or placed under its jurisdiction;

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

22 j) Organize and develop police training programs  
23 and operate police academies and establish policies on the  
24 organization and operation of a Police Training Branch and  
25 Regional Police Academies for the police training of officers  
26 and members of police agencies;

27 k) Establish a system of Uniform Crime Report;

28 l) Recommend within sixty (60) days before the commence-



1 ment of each fiscal year, a crime prevention program;

2 m) Render an annual report to the President and to  
3 Congress of its activities and accomplishments during the  
4 calendar year, said report to be submitted within thirty (30)  
5 days after the end of the calendar year with an appraisal of  
6 the conditions obtaining in the organization and administra-  
7 tion of police agencies, and of the conditions of peace and  
8 order prevailing in the cities, municipalities and provinces  
9 throughout the country with recommendation of appropriate re-  
10 medial legislation;

11 n) Prescribe minimum standard arms equipment, police  
12 uniform, insignia or ranks, awards and medals of honor for  
13 all police agencies after due consultation with the Philippine  
14 Heraldry Commission;

15 o) Give periodic and regular appropriate examinations of officers  
16 and members of police agencies with the assistance of the  
17 Civil Service Commission;

18 p) Render final decision on administrative cases  
19 against policemen and exercise appellate jurisdiction over  
20 decisions on claims for police benefits rendered by the Police  
21 Board of Investigators under this Act;

22 q) Administer the Peace and Order Special Fund under  
23 Republic Act Numbered Six thousand one hundred and forty-one;

24 r) Establish and supervise an integrated communications  
25 system for all police agencies;

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

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- 1 t) Exercise administrative control and supervision over the local  
2 police forces through their ex-officio representatives at the local level;  
3 u) Perform other related powers and duties.

4 The actions and decisions of the Commission rendered in the exer-  
5 cise of the adjudicatory functions relative to police discipline and  
6 benefits shall be appealable only to the Court of Appeals.

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

17 Officers and enlisted men of the Philippine Constabulary of the rank  
18 of Lieutenant-Colonel or lower shall be given ninety (90) days from the  
19 effectivity of this Act to transfer to the Philippine National Police to  
20 be hereinafter constituted by and pursuant to this Act; or Provided, they  
21 meet the qualifications provided by existing laws including those  
22 provided in this Act: Provided, further, That the officers and men of  
23 the Philippine Constabulary who join any of the major services of the Armed  
24 Forces of the Philippines or the Philippine National Police shall be en-  
25 titled to retain their rank or shall acquire the equivalent rank in the  
26 new outfit which they are joining.

1           SEC. 20. The city or municipal mayor shall be the  
2 ex-officio representatives of the National Police Commis-  
3 sion in ~~their~~ respective jurisdictions and ~~they~~ shall have  
4 command of all the elements of the local police forces within  
5 his jurisdiction. He or she shall also have both general  
6 and operational control, supervision and direction over the  
7 local police forces within his jurisdiction.

8           SEC. 21.. All the records, properties, and equipment  
9 of the integrated Philippine Constabulary-Integrated  
10 National Police, including the unexpended balance of appro-  
11 priations thereof, provided under existing laws are hereby  
12 transferred to the now created National Police Commission  
13 for disbursement and use by the local police forces herein-  
14 after established and constituted.

15   ARTICLE IV

16   THE PHILIPPINE NATIONAL POLICE

17           SEC. 22. The Philippine National Police shall be  
18 composed of the present officers and uniformed members of  
19 the Integrated National Police and the Officers and enlisted  
20 personnel of the Philippine Constabulary, having the rank of  
21 lieutenant colonel or lower, who opt to exercise the right granted to  
22 granted to them under Article III, Sec. 8 of this Act.  
23 In each city or municipality, there shall be a Chief of  
24 Police and such number of policemen as the municipal  
25 board or council shall determine in accordance with Sec. 18  
26 hereof. The council shall fix the compensation of the  
27 officers and members of the local police agency in accordance with Sec. 43

1 hereof.

2 Each municipality or city concerned shall, at its own  
3 expense, provide all necessary police equipment, including  
4 arms, uniforms, and insignia in conformity with specifications  
5 of the Commission.

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

9 Individual policemen shall be responsible for equipment,  
10 arms, uniforms, and insignia issued to them for use.

11 SEC. 23. All members of the police agency shall be peace  
12 officers. It shall be their duty to preserve peace and order;  
13 prevent the commission of crimes; protect lives, liberty and  
14 property; and arrest all violators of laws and ordinances  
15 within their jurisdiction. They shall exercise the general  
16 powers to make arrest, search and seizures in accordance with  
17 law. They shall detain an arrested person only within the  
18 period prescribed by law.

19 In time of peace, the Philippine National Police may,  
20 as necessary, seek the support and assistance of the Armed  
21 Forces of the Philippines. For this purpose, lateral coor-  
22 dination shall be made with the Chief of Staff of the Armed  
23 Forces of the Philippines and the area commanders of opera-  
24 ting units of the Armed Forces.

25 In view of the vital role of law enforcement in the  
26 overall internal security situation, the Philippine National  
27 Police shall complement and support the Armed Forces of the  
28 Philippines in counter-insurgency operations. The complementary  
29 relationship between the military and police forces shall be  
30 jointly prescribed by the Secretary of the Interior and the



1 Secretary of National Defense in the document that may there-  
2 after be published and implemented and shall define the special si-  
3 tuations when either the police or military forces shall  
4 be the lead or control organization.

5 In time of national emergency, all elements of the Phi-  
6 lippine National Police and the Peoples Arm for Community  
7 Development and the Bureau of Local Governments shall, upon the  
8 direction of the President, assist the Armed Forces of the  
9 Philippines in meeting the national emergency.

10 SEC. 24. The head of the Philippine National Police (PNP)  
11 shall be known as Superintendent General who shall be assisted  
12 by three (3) Deputy Superintendent Generals, all of whom shall  
13 be appointed by the President upon recommendation of the Na-  
14 tional Police Commission from among the most senior and quali-  
15 fied officers in the service. As head and commander of the  
16 Philippine National Police, he shall have command over all  
17 the elements thereof and the power to issue detailed imple-  
18 menting policies and instructions regarding personnel, funds,  
19 properties, records, correspondence and such other matters as  
20 may be necessary to effectively carry out the functions, powers  
21 and duties of the bureau.

22 The PNP shall have three (3) major offices as follows: Office for  
23 Police Service, Office for Fire Service and Office for Jail Service. One  
24 Deputy Superintendent shall supervise the Office for Police Service, another  
25 Deputy Director shall take charge of the Office for Fire Service and the  
26 third Deputy Director shall supervise the Office for Jail Service.

27 The PNP shall be composed of Regional Commands, Provincial Commands  
28 and District/Stations for integrated police, fire and jail services.

29 At the regional level, the Philippine National Police shall have  
30 seven (7) regional commands, one (1) in the National Capital Region, one  
31 (1) in Southern Luzon, one (1) in Northern Luzon, two (2) in the  
32 Visayas Region and two (2) in the Mindanao

1 Region. Each of these regional commands shall be headed by  
2 a Regional Superintendent.

3 At the provincial level, there shall be a Philippine  
4 National Police provincial command in every province, each  
5 headed by a Provincial Superintendent. In the case of pro-  
6 vinces where there is more than one congressional district,  
7 police districts may be established to be headed by a District  
8 Commander.

9 At the city or municipal level, there shall be a Philip-  
10 pine National Police station, each headed by a Chief of Police;  
11 Provided, That in case of cities where there is more than one  
12 congressional district, a district command with subordinate  
13 police stations, headed by a District Superintendent, may be  
14 organized as necessary.

15 The Superintendent General of the PNP shall, within  
16 sixty (60) days from the effectivity of this Act and in accord-  
17 ance with the broad guidelines set forth herein, recommend the  
18 organization structure staffing pattern of the PNP to the  
19 President, upon approval of the National Police Commission.

20 SEC. 25. There shall be a Special Command called the  
21 Field Force under the Philippine National Police which shall  
22 function as a reaction unit for civil disturbance control.

23 SEC. 26. Upon approval of this Act, appointments to a  
24 local police agency shall be made by the mayor from the list  
25 of eligibles certified by the National Police Commission:  
26 Provided, That in the cities where the city council partici-  
27 pates in the appointment of members of the Police Force, the  
28 said power shall be maintained in accordance with their res-  
29 pective charters: Provided, further, That all such appointments shall be on  
30 probationary basis for a period of six (6) months with an evaluation and re-  
31 commendation report for retention or dismissal by the chief of police prior to the

1 expiration thereof: Provided, furthermore, That the power to appoint the  
2 Chief of Police, Assistant Chief of Police or Chief of the Secret  
3 Service of the Police Department shall be vested in the mayor,  
4 as the ex-officio representative of the National Police Com-  
5 mission of the city or municipality concerned.

6 Provided, moreover, That in the event of disagreement  
7 between the mayor and the municipal board or city council in  
8 those chartered cities where the municipal board of city coun-  
9 cil participates in the appointment of the officer as members  
10 of the police force, and such disagreements shall continue  
11 for a period of ninety (90) days, the same shall be referred  
12 to the National Police Commission whose decision shall be  
13 final: Provided, finally, That the municipal/city mayor and  
14 provincial governor shall in no case appoint special police-  
15 men or special agents or confidential agents within sixty (60)  
16 days before and after every election.

17 SEC. 27. No person shall be appointed as officer or  
18 member of the PNP unless he/she possesses the following minimum  
19 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  
24 appointment to the lowest rank; Provided,  
25 That those to be appointed in metropolitan  
26 stations of the Philippine National Police  
27 must have finished at least second year  
28 college;
- 29 e) Must not have been dishonorably discharged  
30 or separated from the military service or  
31 dismissed or separated for cause from the  
32 civil government service;
- 33 f) Must not have been convicted of an offense



- 1 or crime involving moral turpitude;
- 2 g) Not less than twenty-one or more than
- 3 thirty years of age;
- 4 h) At least one meter and sixty two centimeters
- 5 in height for male, and one meter and fifty-
- 6 seven centimeters for female; and
- 7 i) Must weight not more or less than five kilo-
- 8 grams of the standard weight corresponding to
- 9 her or his height, age and sex.

10 SEC. 28. On the average nationwide, the manning level of the Phi-

11 lippine National Police shall be approximately in accordance with a police-

12 to-population ratio of one policeman for every five hundred people. The

13 actual strength by cities and municipalities shall depend on the state of

14 peace and order, population density, government priorities and actual

15 demands of the service in the particular area: Provided, That the minimum

16 police-to-population ratio shall not be less than one policeman for every


17 one thousand people: Provided, however, That urban areas shall have a higher

18 minimum police-to-population ratio as may be prescribed by regulations.

19 SEC. 29. For purposes of efficient administration, control, uni-

20 formity and discipline, the grades of the members of the Philippine

21 National Police shall be as follows:

- 
- 22 Superintendent General
- 23 Deputy Superintendent General
- 24 Chief Superintendent
- 25 Senior Superintendent
- 26 Superintendent
- 27 Police Captain
- 28 Police Lieutenant
- 29 Police Senior Sergeant
- 30 Police Sergeant
- 31 Police Senior Corporal
- 32 Police Corporal
- 33 Senior Patrolman
- 34 Patrolman

35 SEC. 30. In the exercise of their powers and functions

100

1 relative to the maintenance of peace and order and public  
2 safety and in augmentation of the local police forces in their  
3 respective jurisdictions, city and municipal mayors may orga-  
4 nize and finance, subject to the approval of the Regional Superin-  
5 tendent, auxiliary police units or police aides which shall  
6 be under their administrative control and operational direction.  
7 The auxiliary police units or police aides shall be under the  
8 command, control and supervision of the Chief of Police.

9 SEC. 31. The appointment of the officers and members  
10 of the PNP shall be effected in the following manner:

- 11 (a) Patrolman to Police Senior Sergeant appointed by the PNP  
12 Regional Superintendent and attested by the NAPOLCCM Regional Superin-  
13 tendent as recommended by the city/municipal mayor concerned;  
14 (b) Police Lieutenant to Senior Superintendent - appointed by  
15 the Superintendent General, PNP, and attested by the Chairman; (c)  
16 Superintendent General - appointed by the President, as recommended  
17 by the Secretary, and endorsed by the Chairman.

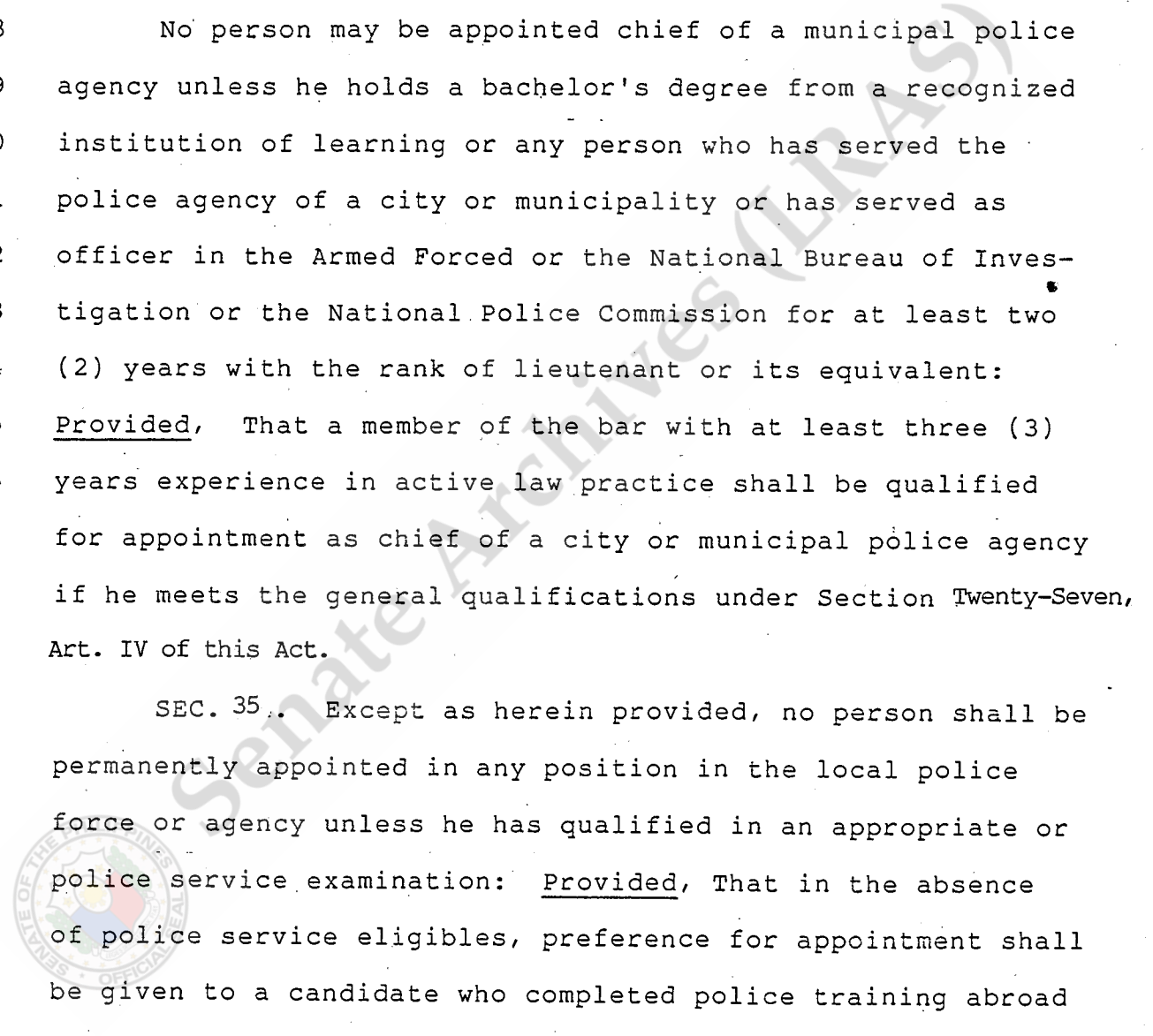
18 SEC. 32. Members of the PNP shall be employees of the  
19 National Government and shall be included in the career service  
20 category of the Civil Service.

21 SEC. 33. Subject to the administration and control of  
22 the National Police Commission, the command and operational  
23 control of the PNP shall be vested in the Superintendent  
24 General, who shall have the power to direct and control tac-  
25 tical as well as strategic movements, deployment, placement,  
26 and/or utilization of the PNP or any of its units and per-  
27 sonnel, including its equipment, facilities and other resources.  
28 Such direction and control of the Superintendent General  
29 may be delegated to lower-level officials with respect to  
30 the units under their respective commands, in accordance with  
31 the rules and regulations prescribed by the Commission.

1           SEC. 34. No person may be appointed chief of a city  
2 police agency unless he holds a bachelor's degree from a  
3 recognized institution of learning or has served in the  
4 Armed Forces of the Philippines or the National Bureau of  
5 Investigation or the National Police Commission or has served  
6 in the police department of any city with the rank of captain  
7 or its equivalent therein for at least three (3) years.

8           No person may be appointed chief of a municipal police  
9 agency unless he holds a bachelor's degree from a recognized  
10 institution of learning or any person who has served the  
11 police agency of a city or municipality or has served as  
12 officer in the Armed Forces or the National Bureau of Inves-  
13 tigation or the National Police Commission for at least two  
14 (2) years with the rank of lieutenant or its equivalent:  
15 Provided, That a member of the bar with at least three (3)  
16 years experience in active law practice shall be qualified  
17 for appointment as chief of a city or municipal police agency  
18 if he meets the general qualifications under Section Twenty-Seven,  
19 Art. IV of this Act.

20           SEC. 35. Except as herein provided, no person shall be  
21 permanently appointed in any position in the local police  
22 force or agency unless he has qualified in an appropriate or  
23 police service examination: Provided, That in the absence  
24 of police service eligibles, preference for appointment shall  
25 be given to a candidate who completed police training abroad  
26 or the police training course of the National Bureau of  
27 Investigation Academy, or any public or private training  
28 school accredited by the government, or has completed military  
29 trainee instructions, or an officer or enlisted man who has  
30 been honorably discharged from the Armed Forces of the Phi-  
31 lippines: Provided, moreover, That, where no police service



1 eligibles are available, provisional appointments may be made  
2 in accordance with existing laws: Provided, finally, That  
3 in case of a patrolman-appointee he shall possess at least  
4 the general qualifications provided for in Section ~~Twenty-Seven~~,  
5 Art. IV of this Act.

6 SEC. 36 . Promotion shall be made by the mayor concerned  
7 upon consultation with, or advice of, the chief of the local  
8 police agency from among those who shall have passed the  
9 corresponding promotional examination given by the National  
10 Police Commission: Provided, That policemen who have been  
11 in the continuous police service for at least twenty (20)  
12 years at the time of effectivity of this Act, and who were  
13 subsequently promoted despite the lack of educational qua-  
14 lifications prescribed under Section 27 (d) of this Act

15 shall be considered as possessing such educational  
16 qualifications: Provided, further, That policemen with  
17 less than twenty (20) years of continuous service as herein  
18 provided who were likewise promoted to higher ranks despite  
19 the lack of said educational qualifications shall retain  
20 such rank until the end of calendar year 1989 during which  
21 period they are hereby required to satisfy the prescribed  
22 educational requirement: Provided, finally, That policemen  
23 who have satisfactorily completed any special training course  
24 or any combination thereof conducted by the National Police  
25 Commission or other police agencies, upon proper certifica-  
26 tion by the Chairman of the National Police Commission,  
27 shall likewise be considered as possessing such educational  
28 qualification; otherwise, they shall revert to the corres-  
29 ponding lower ranks which they held prior to the positions they are  
30 holding at the time of the effectivity of this Act.

31 Any law or rule to the contrary notwithstanding, a spot

1 promotion may be extended to any member of the police force by the mayor  
2 for acts of conspicuous courage and gallantry at the risk of  
3 his life over and beyond the call of duty upon recommendation  
4 of a Police Screening Committee in every locality tasked to  
5 screen the qualifications of any member of the police force  
6 deserving the spot promotion.

7 The Commission itself may recommend to the mayor the  
8 extension of spot promotion to deserving members of the police  
9 force.

10 SEC. 37. All examinations in relation to police service  
11 shall be conducted by the National Police Commission. The  
12 Chairman of the National Police Commission shall announce  
13 from time to time, the date and place of examination, which  
14 shall not be less than once in two (2) years, to qualify for  
15 all ranks and grades in the police service, which examinations  
16 shall be held in accordance with the rules and regulations  
17 promulgated in the Police Manual: Provided, however, That  
18 the bar examinations are declared as police service examina-  
19 tion for purposes of original and promotional appointment.  
20 The National Police Commission shall likewise prescribe,  
21 announce and hold examinations to qualify for technical posi-  
22 tions in police laboratories such as questioned documents  
23 experts, ballistics experts, and other fields of scientific  
24 criminology.

25 SEC. 38. In every local police agency there shall be  
26 a Board of Investigators. Charges against any member of the  
27 city and/or municipal police agency shall be investigated by  
28 a Board of Investigators of three members, composed of the  
29 city or municipal treasurer as chairman, a representative of  
30 the National Police Commission other than the municipal/city  
31 mayor and a councilor chosen by a majority of the city or



1 municipal council concerned, as members. Copy of the  
2 charges shall be furnished the respondent by the chairman  
3 of the Board of Investigators within five (5) days from the  
4 date of filing of said charges, and the respondent shall  
5 answer within five (5) days from receipt thereof. The Board  
6 of Investigators shall conduct its investigation in public  
7 within five (5) days from receipt of respondent's answer to  
8 the charges, or from the expiration of respondent's period to  
9 answer, whichever is earlier and unless for good cause, shown,  
10 the investigation shall be finished within thirty (30) days  
11 thereafter, and the Board shall submit the records of the  
12 investigation, its findings and recommendations to the mayor  
13 within thirty (30) days after the termination of the investi-  
14 gation. The decision of the mayor shall be rendered within  
15 thirty (30) days from the time of receipt of the findings of  
16 the Board. The decision may be appealed to the National Police  
17 Commission whose findings of fact shall be final unless  
18 appealed to the Office of the President within thirty (30) days  
19 upon receipt of the decision.

20 The Board of Investigators shall also conduct investigations and  
21 decide claims relative to benefits as provided under this Act, subject to  
22 appeal to the Police Commission whose decision shall be final.

23 The Board of Investigators shall have the power to issue subpoena and  
24 subpoena duces tecum and to administer oaths in connection with the investi-  
25 gation of police administrative cases and claims for benefits.

26 SEC. 39. Members of the local police shall not be suspended or removed  
27 except upon written complaint filed under oath with the Board of Investi-  
28 gators herein provided for misconduct or incompetency, dishonesty, disloyalty  
29 to the Government, serious irregularities in the performance of their duties,  
30 and violation of law.

31 SEC. 40. City and municipal mayors after due notice and hearing  
32 and whose decision shall be final, shall have the power

1 to impose disciplinary penalties for minor offenses committed  
2 by members of the local police forces through admonition or  
3 reprimand or restriction to specified limits withholding of  
4 privileges: Provided, That forfeiture of salary for not  
5 more than ninety (90) days; suspension for not more than  
6 ninety (90) days; or any combination thereof may be imposed  
7 solely by the city or municipal mayor concerned.

8 A minor offense shall refer to an act or omission not  
9 involving moral turpitude, but affecting the internal dis-  
10 cipline of the local police forces and shall include but is  
11 not limited to:

- 12 a) Simple misconduct or negligence;
- 13 b) Insurbodination;
- 14 c) Frequent absences or tardiness;
- 15 d) Habitual drunkenness; and
- 16 e) Gambling prohibited by law.

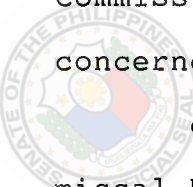
17 In no case shall the following offenses be considered  
18 minor: disloyalty to the Government; grave misconduct; gross  
19 inefficiency or incompetence; oppression; gross insubordina-  
20 tion; serious irregularities or seriour neglect in the per-  
21 formance of duty; notoriously disgraceful or immoral conduct;  
22 falsification; other crimes involving moral turpitude; directly  
23 or indirectly obstructing, defeating or violating the civil  
24 rights and liberties of an individual; and receiving free,  
25 a gift, or other valuable things from any person who gives the  
26 the same in consideration of services or favors received or in  
27 the hope or expectation of receiving a favor or preferential  
28 treatment.

29 SEC. 41. Members of the Police Force or Agency may be  
30 suspended in the following cases:

1 a) when an administrative charge is filed under oath  
2 against any member of the local police agency, the city/  
3 municipal mayor, as the case may be, may suspend the respondent:  
4 Provided, That the charge involves disloyalty to the  
5 Government, dishonesty, oppression, grave misconduct, serious  
6 irregularities, or serious neglect of duty and there are strong  
7 reasons to believe that the respondent is probably guilty  
8 thereof which would warrant his suspension or removal from  
9 the service. The preventive suspension shall not be more than  
10 sixty (60) days, after which the respondent shall be reinstated  
11 to the service without prejudice to the continuation of the  
12 case until its final disposition: Provided, however, That  
13 if the delay in the disposition of the case is due to the  
14 fault, negligence, or petition of the respondent, the period  
15 of the delay shall not be counted in computing the period of  
16 suspension herein provided. The respondent who has been pre-  
17 viously suspended shall, upon exoneration, be entitled to  
18 immediate reinstatement and the payment of his entire salary  
19 he failed to receive during the period of suspension.

20 b) Administrative cases against members of the police  
21 force still pending decision before the National Police  
22 Commission shall be forwarded to the city or municipal mayor  
23 concerned for immediate disposition.

24 c) In administrative cases where the penalty of dis-  
25 missal had already been rendered by the National Police Commission  
26 en banc but has not yet been implemented by reasons of the  
27 filing of a petition for reconsideration or appeal to the  
28 Court of Appeals, the respondents therein shall immediately  
29 be suspended by the National Police Commission until the Court has  
30 promulgated the appropriate resolution or decision on their  
31 cases, unless the appellate court finds justification to lift  
32 the suspension pending resolution or decision on their cases.



1           d) When a member of the police force or agency is accused in court  
2 of any felony or violation of law, the city or municipal mayor concerned shall  
3 immediately suspend the accused from office pending final decision by the  
4 court, which in no case shall exceed ninety (90) days.

5           Whenever such a criminal complaint or information is  
6 filed in court against a member of the police force, the  
7 city or municipal judge or the clerk of court shall imme-  
8 diately inform and furnish a copy of the same to the city  
9 or municipal mayor so that he may immediately suspend the  
10 accused.

11           In case of acquittal, the accused shall be entitled to  
12 immediate reinstatement and the payment of the entire salary  
13 he failed to receive during his suspension: Provided, how-  
14 ever, That trial and disposition of criminal cases against  
15 members of the police forces shall be accorded priority by  
16 the courts.

17           e) All orders and decisions for suspension or dismissal  
18 of members of the police force shall be executed and imple-  
19 mented by the city or municipal mayor concerned.

20           SEC. 42. In case of vacancy caused by death, retire-  
21 ment, resignation, suspension or removal in a local police  
22 agency, the mayor shall fill such vacancy as provided for in  
23 this Act. In case of suspension and when required by the  
24 exigencies of the service, the appointment will only be for  
25 the duration of the suspension. Whenever a temporary vacancy  
26 occurs in the Office of the Chief of Police, the Deputy Chief  
27 of Police shall automatically assume the office.

28           SEC.- 43. Minimum salaries of the members of the city  
29 or municipal police force shall be fixed by the city or muni-  
30 cipality concerned: Provided, however, That in no case shall  
31 the salary levels be lower than those provided for under existing

1 legislation: Provided, finally, That the National Government  
2 shall subsidize up to one-half of the total minimum salaries  
3 the cities and municipalities which cannot afford to shoulder  
4 the same.

5 SEC. 44. Notwithstanding any provision of existing  
6 laws, rules and regulations to the contrary, when a member of  
7 a local police force or agency or of the National Police  
8 Commission is injured in the performance of duty or contracts  
9 a sickness or disease arising out of the performance of duty,  
10 absence during any period of disability thereby occasioned, he  
11 shall be entitled to full pay and payment of medicines, medical  
12 attendance, hospital, necessary transportation and subsistence  
13 expenses. Absence in cases of injury incurred in the perfor-  
14 mance of duty shall not be charged against vacation or sick  
15 leaves. He shall, in addition be entitled to a lump sum gra-  
16 tuity of not less than one thousand or more than two thousand  
17 pesos.

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

21 All disbursements herein contemplated shall be  
22 authorized by the Commission upon recommendation of the  
23 Board of Investigators of the municipality or city go-  
24 vernment: Provided, That disbursements to the employees  
25 of National Police Commission shall be authorized by the  
26 Commission.

27 All compensation herein provided shall not be subject  
28 to attachment, levy, execution for any tax whatsoever, nor  
29 affect benefits received or to be received from the Go-  
30 vernment Service Insurance System. Claims under this Act  
31 shall not prescribe.

1           SEC. 45. The local chiefs of police shall keep  
2 the municipal or city mayors informed of the peace and  
3 order situation within their respective jurisdiction, and  
4 such matters relative to law and order and public safety;  
5 they shall cooperate and/or coordinate with the said civil  
6 officials for the effective and faithful execution of law  
7 enforcement and public safety programs in their respective  
8 jurisdictions. The local officials in their respective  
9 areas of responsibility shall extend the necessary support,  
10 cooperation and assistance to the local police forces in  
11 order to enable the latter to perform their principal duties  
12 of preserving peace and order and ensuring public safety  
13 therein.

14   ARTICLE V

15           THE PEOPLE'S ARM FOR COMMUNITY DEVELOPMENT (PACD)

16           SEC. 46. The Peoples Arm for Community Development  
17 is hereby created to be headed by a National Administrator  
18 and assisted by two (2) Deputy Administrators.

19           As National Administrator, he shall have the power  
20 to appoint the officers of the Bureau subject to the approval  
21 of the Secretary . He shall likewise have  
22 the power to issue detailed implementing policies and ins-  
23 tructions regarding personnel, funds, properties, records,  
24 correspondence and such other matters as may be necessary  
25 to effectively carry out the functions, powers and duties of  
26 the PACD.

27           SEC. 47. The Peoples Arm for Community Development  
28 shall undertake the following functions, duties and res-  
29 ponsibilities:

- 30           A) Plan and implement a community development pro-  
31 gram for barangays, municipalities, provinces and cities;  
32           b) Organize and strengthen community development

1 councils at the provincial, municipal and barangay levels  
2 and coordinate and integrate the activities of the depart-  
3 ments and offices of the government relative to community  
4 development in order to increase their effectiveness and  
5 avoid duplication and overlapping of activities.

6 c) Encourage and stimulate participation of non-  
7 government organization and instructions engaged in commu-  
8 nity developments;

9 d) Establish a grants-in-aid and/or loans-in-aid  
10 program to stimulate greater participation of citizens in  
11 community development;

12 e) Recommend to the President or Congress through  
13 the Secretary proposed legislation that will contribute to  
14 economic and social benefits to the people;

15 f) Formulate policies and regulations relative to  
16 the proper utilization and development of funds of local  
17 governments; and

18 g) Such other functions as may be ordered by the  
19 President or the Secretary.

20 SEC. 48. The National Administrator shall prescribe  
21 the organizational structure and manning of the Peoples Arm  
22 for Community Development in accordance with the broad  
23 guidelines set forth herein, subject to the approval of the  
24 Secretary.

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

29 At the regional level, there shall be twelve regional  
30 offices, each headed by a Regional Development Coordinator.  
31 Metropolitan Manila shall comprise a separate region to be

1 known as National Capital Region.

2 At the provincial level, there shall be a provincial  
3 office in every province, each headed by a Provincial Deve-  
4 lopment Coordinator.

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

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

11 ARTICLE VI

12 THE BUREAU OF LOCAL GOVERNMENTS

13 SEC. 49. The Bureau of Local Governments is hereby created  
14 to be headed by a Director General with two (2) Deputy Directors  
15 who shall be appointed by the President, with the consent  
16 of the Commission on Appointments. The present Department  
17 of Local Governments is hereby abolished and its officers  
18 and personnel shall be absorbed by the Bureau subject to the  
19 manning requirements of the Bureau. The budgetary allocation  
20 of the present Department of Local Governments shall accordingly be absorbed by  
21 the Bureau of Local Governments except those for the Office of the Secretary.

22 The Director General shall have the powers to appoint  
23 the officers of the Bureau subject to the approval of the  
24 Secretary. He shall have the powers to issue detailed im-  
25 plementing 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. 50. The Bureau of Local Governments shall be  
30 the assisting and coordinating agency of the local govern-  
31 ment units and shall undertake the following functions,  
32 duties and responsibilities!



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

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

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

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

11 e) Conduct research studies in local government  
12 especially in the area of financial and personnel management  
13 and recommended measures to improve local governments admi-  
14 nistration; and

15 f) Assist local government units in codifying ordi-  
16 nances and other legislative acts.

17 However, the Bureau shall have executive supervision  
18 over all provinces, municipalities, chartered cities,  
19 barangays and other political subdivisions on matters per-  
20 taining to civilian authorities and local government's parti-  
21 cipations and responsibilities in the solution of the insur-  
22 gency problem.

23 SEC. 51. The Director General of the Bureau shall  
24 prescribe the organizational structure and manning of the  
25 Bureau with the broad guidelines set forth herein, subject to  
26 the approval of the Secretary of the Department: Provided,  
27 That the personnel, properties and assets of the abolished  
28 Department of Local Governments, including its budgetary  
29 allocations shall be absorbed by the Bureau.

30 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 twelve regional  
5 offices, each headed by a Regional Director. Metropolitan  
6 Manila shall comprise a separate region to be known as  
7 National Capital Region.

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

10 ARTICLE VII

11 THE PHILIPPINE PUBLIC SAFETY COLLEGE

12 SEC. 52. The Philippine National Police Academy  
13 established pursuant to Section 19 of Presidential Decree  
14 No. 1184, hereinafter to be known as the Philippine Public  
15 Safety College (PPSC), which shall be the premier educational  
16 institution of the Department, shall continue its mission  
17 as a service facility for the training and continuing edu-  
18 cation of the officers and uniformed members of the Philip-  
19 pine National Police, the Peoples Arm for Community Develop-  
20 ment, and the Bureau of Local Governments.

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

24 SEC. 53. All personnel of the Philippine Public Safety College  
25 shall be national government employees and included in the career  
26 service category of the Civil Service: Provided, That the  
27 uniformed or regular members of the Philippine Public Safety  
28 College shall be exempt from the operation of all wage classi-  
29 fication laws and regulations and the provisions of Presiden-  
30 tial Decree No. 887.

1           SEC. 54. No person shall be appointed as officer,  
2 uniformed member or personnel of the bureau under the  
3 Department unless he or she possesses the minimum qualifi-  
4 cations provided in Sec. 27, Art. IV of this Act.

5           SEC. 55. Except as herein provided under this Act,  
6 no appointment of a uniformed or regular member of the  
7 Philippine National Police to be assigned in any city or  
8 municipality shall be attested by the National Police Com-  
9 mission except upon the recommendation of the city or  
10 municipal mayor concerned. The appointee shall, as a  
11 general rule, be a resident of the city or municipality  
12 where he will be assigned or stationed.

13           SEC. 56. Officers and enlisted personnel of the  
14 Philippine Constabulary including officers belonging to the technical  
15 services of the Armed Forces of the Philippines assigned thereto on the  
16 effective date of this Act, shall be conferred by the Secretary appropriate  
17 eligibilities commensurate to their present grades, positions, and/or relevant  
18 training and experience. The officers and uniformed members of the Philippine  
19 National Police and Philippine Public Safety College shall in the same manner  
20 be conferred appropriate eligibilities.

21           SEC. 57. In general, all original appointments of officers in the  
22 Philippine National Police and the Philippine Public Safety College shall  
23 be in the grade of lieutenant: Provided, That applicants who are doctors  
24 of medicine, engineers, Members of the Bar and priests/ministers shall be  
25 initially appointed in the grade of Captain in their particular technical  
26 service. Graduates of the Philippine Public Safety College shall be  
27 initially appointed in the grade of Lieutenant.

28           SEC. 58. (a) The officers and uniformed member of the Philippine  
29 National Police and the Philippine Public Safety College shall be appointed  
30 by:

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

33           (2) The Bureau head concerned from the grade of Lieutenant to

1 Lieutenant Colonel; and

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

4 (b) For the non-uniformed personnel of the  
5 Department, they shall be appointed in accordance with Civil  
6 Service Law and rules.

7 SEC. 59. Except for colonels and general officers,  
8 all appointments and promotions of the officers and uniformed  
9 members of the bureaus of the Department shall be forwarded  
10 for attestation by the Secretary/Chairman, who shall approve  
11 or disapprove the same within ninety days from receipt thereof:  
12 Provided, however, That an appointment shall become effective immediately  
13 upon the assumption of duties of the appointee, who shall be entitled to  
14 the corresponding salaries and benefits pertaining thereto until notice  
15 of disapproval thereof is received by him.

16 SEC. 60. Salaries and Allowances. The salaries and allowances of  
17 the officials, officers, uniformed members and other personnel of the  
18 Department shall be exempt from the operation of all wage and position  
19 classification laws and regulations. It is understood that with respect to  
20 the officers and enlisted personnel of the Philippine Constabulary including  
21 the officers belonging to the technical services of the Armed Forces of  
22 the Philippines assigned thereto, who are transferred to the Department,  
23 they shall not suffer any diminution in rank or reduction in basic and  
24 longevity pay, incentive pays, and basic allowances being received by them  
25 before such transfer. Likewise, officials and employees of the National  
26 Police Commission, as well as non-uniformed personnel of the transferred  
27 agencies, who are absorbed by the Department shall not suffer any reduction  
28 in their basic salaries and allowances being received by them before such  
29 absorption. The Secretary shall provide for the upgrading and standardization  
30 of the salaries and allowances of the personnel of the Department, subject  
31 to the approval of the President.

32 SEC. 61. 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 starting  
3 with the basic course which shall be required of all new  
4 appointees under original appointment; specialized courses  
5 to equip them with special skills for line and staff assign-  
6 ments; advanced supervisory courses for middle managers'  
7 supervisory responsibilities; executive or management courses  
8 for high-level positions; and such other courses to enhance  
9 personnel skills, competence, efficiency and effectiveness  
10 in the performance of duties.

11 SEC. 62.. The following officers shall have the summary  
12 disciplinary powers over officers and uniformed members belong-  
13 ing to their respective commands with respect to minor offen-  
14 ses committed by them:

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

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

27 (c) The bureau heads of the Department may impose  
28 suspension not exceeding thirty days or forfeiture of not  
29 more than thirty day's salary, or a combination of the  
30 punishments mentioned in sub-paragraph (a) hereof, but not  
31 exceeding forty-five days.

1           SEC. 63.. City and municipal mayors shall have  
2 operational supervision and direction over all units of the  
3 Philippine National Police stationed or assigned in their  
4 respective jurisdictions. The term "operation supervision  
5 and direction" shall be as defined in Presidential Decree  
6 No. 1162.

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

19           A decision of the mayor imposing a penalty of for-  
20 feiture of pay or suspension shall be appealable to the  
21 Secretary whose decision thereon shall be final: Provided,  
22 however, that the appeal shall not stay the execution of  
23 the decision appealed from.

24           SEC. 64. The President may terminate the power of general and  
25 operational control, supervision and direction of any local executive  
26 over Philippine National Police units assigned or stationed  
27 in his jurisdiction on any of the following grounds: abuse  
28 of authority, providing material supports to criminal elements, or other acts  
29 inimical to national security or which negate the effective-  
30 ness of the overall peace and order campaign. Upon good cause shown, the

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1 President may, motu proprio, or upon the recommendation of the National  
2 Police Commission, restore such power withdrawn from any local executive.

3 SEC. 65. Officials of the Department who are appointed by the Pre-  
4 sident as well as officers thereof from the rank of lieutenant to Senior Super-  
5 intendent shall have the power to administer oath on matters which are connec-  
6 ted with the performance of their official duties.

7 SEC. 66. Any official or officer of the Department who is tasked  
8 to investigate or adjudicate a case shall have the power to issue summons  
9 and subpoena to direct and/or compel the attendance of party litigants in-  
10 volved in the case and their witnesses, as well as to issue subpoena duces  
11 tecum.

12 The Superintendent General, Regional Director, Provincial and District  
13 Superintendent/Commanders shall have the power to place any officer or  
14 uniformed member belonging to their respective bureaus in confinement for  
15 not more than fifteen days or in restriction within specified limits, for  
16 not more than thirty days for inexcusable failure or unjustified refusal  
17 to appear either as party litigant or as witness in any investigation  
18 or hearing of a case where his presence is required.

19

#### ARTICLE VIII

20

#### TRANSITORY PROVISIONS

21 SEC. 67. A special Committee is hereby created and shall be  
22 composed of the incumbent Secretary of the present Department of  
23 Local Governments as Chairman, a representative of the Department of  
24 National Defense, a commissioner from the present NAPOLCOM, and  
25 representatives of the concerned agencies and of the Department of  
26 Budget and Management, as member, and which shall plan and oversee  
27 the implementation of the transfer, merger and/or absorption into  
28 the Department of the agencies involved as mandated in this Act.

1 To avoid work disruption, confusion and dislocation, the imple-  
2 mentation of this Act shall be undertaken in four phases, to wit:

3 Phase I - Exercise of option by the Uniformed personnel of the  
4 Philippine Constabulary, the Philippine Coast Guard and the Narcotics  
5 Command; preparation of new staffing pattern and detailed implementing  
6 plans; and personnel information, orientation and training, to be com-  
7 pleted within six months from date of effectivity of this Act.

8 Phase II - Reorganization of the Department proper, in accordance  
9 with new staffing pattern and establishment of the budget/funding system  
10 of the Department, to be completed within twelve months from the date of  
11 effectivity of this Act. The Department and the Commission shall be  
12 fully organized and operational within this period.

13 Phase III - Rationalization of ranks and reorganization of the  
14 transferred elements in accordance with the new staffing pattern, and the  
15 rationalization of compensation and retirement system and transfer of  
16 assets, to be completed within eighteen months from the effectivity of  
17 the Act.

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

22 SEC. 68. The compensation and the retirement systems are provided  
23 for in existing laws, rules and regulations for the members of the  
24 transferred and absorbed agencies shall continue to apply with respect  
25 to them until such time that new compensation and retirement systems  
26 shall have been established by law.

27 SEC. 69. All non-uniformed personnel of the transferred



1 and absorbed agencies who are occupying permanent plantilla  
2 positions shall be absorbed by the Department. Pending adop-  
3 tion of the new position structures and staffing patterns  
4 of the Department, they shall, in a hold-over capacity, con-  
5 tinue to perform their respective duties and responsibilities  
6 and receive the corresponding salaries and benefits. For  
7 those not holding permanent items and who are not absorbed  
8 by the Department, they shall be deemed separated from the  
9 service and shall receive retirement benefits to which they  
10 may be entitled; otherwise, they shall receive the equivalent  
11 of one month basic salary for every year of service in the  
12 government or fraction thereof, computed on the basis of the  
13 highest salary received and an additional sum equivalent to  
14 three months of current basic salary.

15 SEC. 70. All properties, equipment and finances of the  
16 transferred and absorbed agencies, including their respective  
17 financial accountabilities, are hereby transferred to the  
18 Department, except those properties and equipment that may  
19 no longer be needed by the Department. The retention of such  
20 properties and equipment by the Armed Forces of the Philippines  
21 shall be subject to mutual agreement between the Department  
22 of National Defense and the Department.

23 Funds needed to carry out the provisions of this Act  
24 shall be taken from funds available/alloted to the abolished/  
25 transferred agencies/military units or, in the absence or in-  
26 sufficiency thereof, from any available lump-sum appropriations.

27 SEC. 71. The Secretary shall issue rules and regulations  
28 necessary to ensure the efficient and effective implementation  
29 of the provisions of this Act.

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ARTICLE IX

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FINAL PROVISIONS

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SEC. 72. 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. 73. 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. 74. This Act shall take effect immediately upon approval.

Approved,



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