

WEDNESDAY, NOVEMBER 21, 1990

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NOT TO BE TAKEN OUT OF THE
RECORDS AND ARCHIVES DIVISION

WEDNESDAY, NOVEMBER 21, 1990

OPENING OF THE SESSION

At 3:25 p.m., the Honorable Jovito R. Salonga, President of the Senate, called the Senate to order.

The President. / Binubuksan ang pulong ng Senado. Pangungunahan tayo sa panalangin ni Senador Teofisto Guingona.

Everybody remained standing for the opening prayer.

PRAYER

Senator Guingona.

Dear God in Heaven,

Our land lies prostrate--ravaged by quake and typhoon, driven by dissension, and threatened with deeper crisis.

Teach us not to despair, not to blame, not to distort the way before us.

Teach us instead to face the challenge, to work hard, to strive serious--even as we spice our sorrows with healthy Filipino humor.

Teach us to have faith--in ourselves and in our capacity to overcome--

And someday soon--we shall surely rise again--and live anew in peace and progress.

Amen.

ROLL CALL

The Secretary.

Senator Heherson T. Alvarez.....Present
Senator Edgardo J. AngaraPresent
Senator Agapito A. AquinoPresent

Senator Juan Ponce EnrilePresent
 Senator Joseph Ejercito EstradaPresent*
 Senator Neptali A. Gonzales **
 Senator Teofisto T. Guingona, Jr. ...Present
 Senator Ernesto F. Herrera.....Present
 Senator Sotero H. LaurelPresent
 Senator Jose D. Lina, Jr.Present*
 Senator Ernesto M. MacedaPresent
 Senator Orlando S. Mercado.....Present*
 Senator John H. OsmeñaPresent*
 Senator Vicente T. PaternoPresent
 Senator Aquilino Q. Pimentel.....Present
 Senator Santanina T. Rasul **
 Senator Alberto G. RomuloPresent
 Senator Rene A. V. SaguisagPresent
 Senator Leticia Ramos ShahaniPresent
 Senator Mamintal Abdul J. Tamano **
 Senator Wigberto E. TañadaPresent*
 Senator Victor S. ZigaPresent
 The President.....Present

The President. Labin-limang Senador ang dumalo sa ating pagpupulong; mayroon tayong kurom.

THE JOURNAL

Senator Mercado. Mr. President, I move that we dispense with the reading of the Journal of yesterday's session and consider the same as approved.

The President. Is there any objection? (Silence.) The Chair hears none; the same is approved.

The Secretary will now proceed with the reading of the Order of Business.

REFERENCE OF BUSINESS

BILL ON FIRST READING

The Secretary. S. No. 1681, entitled:

AN ACT MANDATING THE USE OF THE HIGHEST MONTHLY SALARY, LIVING, REPRESENTATION AND TRANSPORTATION ALLOWANCES AS BASES FOR COMPUTING THE MONTHLY PENSION OF ANY RETIRING GOVERNMENT

* - Arrived after the roll call.

** - On official mission.

EMPLOYEE AND ADJUSTING THE MINIMUM MONTHLY PENSION OF ANY RETIRED GOVERNMENT EMPLOYEE, AMENDING FOR THE PURPOSE SECTION 9 OF PRESIDENTIAL DECREE NO. 1146, AS AMENDED AND FOR OTHER PURPOSES

Introduced by Senator Maceda.

The President. Referred to the Committees on Civil Service and Government Reorganization; and Finance.

RESOLUTIONS

The Secretary. P. S. Res. No. 1013, entitled:

RESOLUTION DIRECTING THE COMMITTEE ON SCIENCE AND TECHNOLOGY TO CONDUCT A STUDY ON THE ORGANIZATIONAL STRUCTURE OF THE DEPARTMENT OF SCIENCE AND TECHNOLOGY (DOST) INCLUDING ALL ITS ATTACHED AGENCIES, AND TO RECOMMEND APPROPRIATE LEGISLATIVE MEASURES ON HOW TO STREAMLINE THEIR OPERATIONS AND FUNCTIONS WITH THE END IN VIEW OF TRIMMING THE BLOATED BUREAUCRACY THEREBY SAVING MUCH NEEDED GOVERNMENT FUNDS WITHOUT SACRIFICING THE EFFICIENCY OF PUBLIC SERVICE

Introduced by Senator Maceda.

The President. Referred to the Committees on Science and Technology; and Civil Service and Government Reorganization.

The Secretary. P. S. Res. No. 1014, entitled:

RESOLUTION TO INQUIRE, IN AID OF LEGISLATION, INTO THE MANAGEMENT AND OPERATION OF THE SOUTH AND NORTH EXPRESSWAYS BY THE PHILIPPINE NATIONAL CONSTRUCTION CORPORATION

Introduced by Senators Ziga, Saguisag and Taffada.

The President. Referred to the Committees on Public Works; and Government Corporations and Public Enterprises.

COMMUNICATION

The Secretary. Letter from Commissioner Bartolome C. Fernandez, Jr. of the Commission on Audit furnishing the Senate a copy of the 1989 Auditor's Annual Audit Report of the following regional offices of the DECS:

Nueva Vizcaya General Comprehensive High School,
Bayombong, Nueva Vizcaya

Quezon National High School, Quezon, Nueva
Vizcaya

Quirino General High School, Cabarroguis,
Quirino

Pamplona National School of Fisheries,
Pamplona, Cagayan

Pinaripad National High School, Aglipay,
Quirino

Ramon National High School, Ramon, Isabela

Reina Mercedes Vocational and Industrial
School, Reina Mercedes, Isabela

Rizal National High School, Santiago, Isabela

Roxas Memorial Agricultural and Industrial
School, Roxas, Isabela

San Agustin National High School, San
Agustin, Isabela

Sanchez Mira School of Arts and Trades,
Sanchez Mira, Cagayan

San Mateo Vocational and Industrial School,
San Mateo, Isabela

Santiago Vocational and Industrial School,
Santiago, Isabela

San Isidro National High School, San Isidro,
Isabela

Solana Fresh Water Fishery School, Tiaga,
Solana, Cagayan

St. Paul Vocational and Technical School,
Auitan, San Pablo, Isabela

Tuao Vocational and Technical School,
Naruangan, Tuao, Cagayan

The President. Referred to the Committee on Finance.

The Majority Floor Leader is recognized.

CONFERENCE COMMITTEE REPORT ON S. NO. 463/H. NO. 23614
(Department of the Interior)

Senator Guingona. Mr. President, I move that we consider the Conference Committee Report. I ask that we recognize Senator Maceda.

The President. Senator Maceda is recognized.

Senator Maceda. Mr. President, this Representation is now ready for interpellation and questions.

Senator Guingona. Mr. President.

The President. Senator Guingona is recognized.

Senator Guingona. Mr. President, will the distinguished Sponsor yield to a few questions?

Senator Maceda. Willingly to the Majority Floor Leader, Mr. President.

Senator Guingona. Mr. President, may we know from the distinguished Sponsor where the control of the National Police will now be lodged?

Senator Maceda. Mr. President, under the Conference Committee Report version, the National Police Commission is now headed ex officio by the Secretary of Interior and Local Government; so that, to begin with, the NAPOLCOM and the PNP under it is what we call, technically, an "attached agency" of the Department of Interior and Local Government.

Now, it is provided in Chapter II, Section 14 that the National Police Commission exercises the following powers and functions over the Philippine National Police: First, under letter "(a)", it exercises administrative control over the Philippine National Police; second, it promulgates the policies, rules and regulations, standards and procedures to govern police services. That is under letter "(c)".

In addition thereof, it prepares the police manuals, regulating their efficient organization, administration, and operation, including recruitment, selection, promotion, and retirement.

In addition thereof, it approves or modifies plans and programs of the PNP with regard to education, training, logistical requirements, communications, records, information systems, crime laboratory, crime prevention, and crime reporting.

As far as the disciplinary process is concerned, it exercises appellate jurisdiction through the Regional Appellate

Boards, which are also creations of the NAPOLCOM over administrative cases against policemen. Further, it affirms, reverses or modifies, through the National Appellate Board, which is also a board of the NAPOLCOM, the personnel disciplinary actions involving the demotion or the dismissal from the service of officers of the Philippine National Police imposed by the Chief of the said Philippine National Police.

However, it is clear, and which is the practice also, that the Chief of the Philippine National Police himself is really the one who has operational control, subject to the operational control which is given to mayors as ex officio representatives of the commission in the employment or deployment of forces and in the implementation of operations. So, it goes without saying that when there is a problem to be attended to, for example the town of Mauban is raided, it is the PNP Chief who decides what to do with the problem, what force to send there, if necessary. And, certainly, in those instances of actual operations, even under the present system, that is not supposed to be within the purview, in my view, of the control by the Philippine National Police, by the NAPOLCOM.

I guess, that is the overview of the entire setup; that the NAPOLCOM has administration and control, except in what are considered traditionally operational matters in the running of the police forces as a law-enforcement body, whether it is against insurgency or criminality, and also part of the administrative disciplinary machinery, certainly, that has been devolved to the Chief of the PNP and the municipal mayors as ex officio deputies of the PNP in their municipalities.

Senator Guingona. Mr. President, the Constitution, as the distinguished Sponsor well knows, specifically vests the administration and control of the Philippine National Police in the National Police Commission. Does not the explanation or the view of the distinguished Sponsor contradict this constitutional mandate that the control should be vested in the NAPOLCOM? Because, as far as I could gather from the explanation of the distinguished Sponsor, control seems to be vested in the superintendent of the National Police. We all know the meaning of control, which means to approve or disapprove, to alter or modify or to deny. And if there is a conflict between the station commander and the chief of police of a province--I do not know what term it is now--and the dispute is elevated to the police superintendent, does this mean that it can no longer be elevated further to the National Police Commission?

Senator Maceda. Mr. President, this matter was discussed at length, not only in the Committee hearings but also in the long period of discussions in the several Conference Committee meetings, and the Conference Committee feels that the bill, as finally drafted, complies with the constitutional intent and provisions of Section 6, Article XVI of the Constitution.

Senator Guingona. In a conflict of commands, for example,

where the station commander has a dispute concerning operations, the same is elevated to the superintendent for resolution.

Senator Maceda. Under Section 24 of the powers and functions of the PNP, it is clear that the PNP shall enforce all laws and ordinances relative to the protection of lives and property, maintain peace and order, and take all necessary steps to insure public safety, and so on. This has always been the traditional setup. It would not work in practice if, even in such matters as operations, deployment of forces, ordering of raids, a situation could be allowed where there is a conflict between the station commander and the mayor, for example, and that this could go all the way up to the NAPOLCOM. I do not believe that that is the intention. I think there is enough leeway in the constitutional provision which really clarifies, to begin with, that in the case of municipal officials there is no question as provided for in the second sentence.

Administration and control, specifically, is now being defined, through all these provisions in the bill. And we believe that the better policy is really to devolve completely to the PNP, starting from the chief of the PNP, the matter of operational control. That is what we are really debating. After all, through all the other powers already granted to the Commission--issuance of policies, rules and regulations, police manuals--these give the NAPOLCOM sufficient administration and control over the PNP. And in practice, especially since the NAPOLCOM is now headed by the Secretary of Interior and Local Governments, I think the chief of the PNP will always consult and will always try to be in good working relationship with the Secretary of the DILG and the NAPOLCOM.

Senator Guingona. I understand that the power of the NAPOLCOM, under the agreed Conference Committee Report, is now limited to administration and control, among others.

Senator Maceda. That is only the first power. But if the Gentleman will look through the other letters, in effect, there are specifications of what is more than administrative.

Senator Guingona. But the other powers are more of housekeeping rather than real control, and if there were no constitutional mandate, then, we would certainly not have any reservation as far as this is concerned. It is the constitutional mandate. I am afraid that somebody may question that, and we would not like to clarify this now.

Senator Maceda. Well, Mr. President, that is, of course, the privilege of anybody, and certainly, that is a distinct possibility; but, we feel, I repeat, after much discussion that the final version, as agreed upon, satisfies the constitutional provision, and that under this particular section of the powers and functions of the Commission, it puts the PNP within the constitutional provision to be administered and controlled by a Police Commission. Of course, it is settled that

notwithstanding the constitutional provisions, it is left to Congress to spell out the specifics of the same in implementing legislation. And clearly, Section 6 had anticipated and provided that the law, the subsequent law as we are now passing, shall set forth these specifics. I think that this is the best statement of specifics. We feel that there is a need to try out a more and greater devolution of powers in lower officials. The present system--where the NAPOLCOM has, in effect, almost unlimited administration and control--has not resulted in a satisfactory performance by the police force.

Senator Guingona. Yes. But, if the NAPOLCOM has no power to approve or disapprove, it has no power to nullify, alter or adopt operational matters.

The mayor is made a deputy or has been deputized under this Bill to act for and in behalf of the NAPOLCOM. And if NAPOLCOM itself does not have the power of control, then neither should the mayor nor the local executive have operational control?

Senator Maceda. But we can also argue on the other point that, in effect, we are giving the NAPOLCOM the kind of operational control that we want, only specifying that NAPOLCOM, being way up there in Metro Manila, should not be exercising it directly, but only through its deputies, the municipal mayors in the field. So, in that context, we can also argue that this is the specifics of the operational control that we may be wanting; because they are giving it, but through their deputies, the municipal mayors; which, I think, is really a better arrangement than having some high falutin Commissioner here in Camp Crame interfering with the operations in General Santos, Davao, or in Prosperidad, Agusan when it is really not in a position to do so.

Senator Guingona. Just for purposes of record. It is clear that the intent of the measure is not to give control to the NAPOLCOM.

Senator Maceda. To the NAPOLCOM as is, as strictly constituted, the Commission itself in operational matters reserving that to the Chief of the PNP, and to the deputies of the NAPOLCOM on municipal level, who are the mayors.

Senator Guingona. The buck stops at the superintendent's level. He decides and that's it. It cannot be elevated to the NAPOLCOM.

Senator Maceda. That is my view, Mr. President, that when it comes to purely operational matters, it should be left to the Philippine National Police. This is, I suppose, very much, like the... The Commissioner of Customs really is in charge of operational matters in the Bureau of Customs. He is only administratively under the Secretary of Finance. And as far as assessment of taxes, collection of revenues and the like, the buck stops at the Commissioner of Customs. The President or the public cannot blame the Secretary of Finance for deficiencies in

the Bureau of Customs.

Senator Guingona. I would readily agree with that were it not for the constitutional provision. At any rate, I have sufficiently been enlightened as to the intent of this measure as far as control is concerned. And the seeming conflict, because the principla does not have the power of control in the first place, then a mayor, who is deputized for and on behalf of the NAPOLCOM, cannot really exercise operational control.

At any rate, as a last point on the matter of control, the distinguished Sponsor will agree that there is a distinction between administration and control. Administration referring to housekeeping matters such as organization, staffing, while control really means the power to decide, alter, modify or deny.

Senator Maceda. Well, that is correct, Mr. President, although I would take the view that the power to modify, alter or deny, Congress would be well within its powers to decide in what specific areas and in what specific ways that control could be used.

Senator Guingona. On another matter, there is a special Oversight Committee--I think it is Section 84.

Senator Maceda. Correct, Mr. President.

Senator Guingona. And the NAPOLCOM is not represented in said Oversight Committee. Does not the Gentleman think that since NAPOLCOM has intelligence officers, they have inspectors, they have investigators, even regional directors, that they would be in a better position to help in the Oversight Committee and that, therefore, they should at least be a member?

Senator Maceda. Mr. President, we felt that that was sufficiently taken care of by making the Secretary of Interior and Local Governments, who is the Chairman of the NAPOLCOM, as the Chairman of this Oversight Committee.

Senator Guingona. Thank you, Mr. President.

Senator Maceda. Thank you.

Senator Angara. Mr. President.

The President. Senator Angara is recognized.

Senator Angara. Will the distinguished Chairman answer some questions, Mr. President?

Senator Maceda. Willingly, Mr. President, to one of the hardworking Members of the Conference Committee panel that really reviewed and improved the provisions on the administrative machinery on discipline in this bill.

Senator Angara. Thank you, Mr. President, but that is not only due to my efforts. It is also due to the efforts of Senator Saguisag as well as Senator Gonzales. Anyway, I accept the Gentleman's gratitude.

Mr. President, I just want to affirm for the Record what I thought this bill has accomplished. I think, the Body really owes some sense of gratitude to the Gentleman for having competently headed this Conference Committee. This is probably one of the most difficult bills to reconcile in the short period we are in this Congress, and yet, he has succeeded in leading the Conference Committee into a successful conclusion. So, the Body ought to know that the Chairman really worked hard for this purpose.

Senator Maceda. Thank you, Mr. President.

Senator Angara. The first principle that this bill has sought to achieve is to place the police forces in this country directly under civilian authority by placing them under a civilian department, which is the Department of Local Government. Is not that so, Mr. President?

Senator Maceda. That is correct, Mr. President. And in addition to that, we made it sure, through the adoption of civilian ranks, through a provision which disqualifies somebody who has just retired or about to retire from the PC-INP from being appointed and the adoption of new insignias and the like. We have adopted fully the congressional intent to separate the PC-INP from the military and also from the Department of National Defense, to really make it a truly civilian office.

Senator Angara. Thus, in that sense, this bill has achieved the constitutional mandate to establish one police force which shall be national in scope and civilian in character.

Now, the other mandate of the Constitution is that it shall be administered by a National Police Commission. And this is the point raised by our distinguished Majority Floor Leader.

The Gentleman will note that under Section 6 of Article XVI, it did not say "A National Police Commission"; "national" in the sense that it is capitalized; it just says "a national police commission." And this bill has tried to accomplish that by setting up a national police commission but with a different system of operation.

Under the scheme established by this bill, the National Police Commission will be a policy-making body. But the operational details, the exercise of operational work, will be done through a system of delegation: first, to the police director general; then, through the city executives; and lastly, through the system of appellate and national disciplinary boards. Is not that the scheme adopted in this bill, Mr. President?

Senator Maceda. That is correct, Mr. President. We feel that we have sufficiently accommodated all the rightful aspirations of all the different offices and officers involved in this bill to participate in the new Philippine National Police Organization.

Senator Angara. So that under this scheme of delegated power and division of work, we feel that the police work will now be more effective rather than a centralized manner of running the police organization in this country.

Senator Maceda. We have our highest hopes that that will finally come to fruition. The people, certainly, have been waiting for that kind of improvement in our police work.

Senator Angara. The third principle that this bill seeks to achieve, Mr. President, is to attain community involvement in police discipline. We achieved that through the organization of a people's law-enforcement board where citizens will be sitting in police disciplinary cases up to a certain period.

Senator Maceda. That is correct, Mr. President, and it is also in line with overall policy which is one of the main characteristics of the New Constitution of Local Autonomy, and decentralization as much as possible to the lowest levels.

Senator Angara. Yes. We come to what I feel was one of the more ticklish balancing issues we have resolved, which is how to maintain a police force, national in character and in orientation, but at the same time, get local executives involved in peace and order which essentially is a local matter rather than a national matter. Peace and order is a localized affair; therefore, how do we get the chief executive to be involved? The technique that is being adopted is to depute the local executives as deputies of the National Police Commission. Is that not the scheme this bill has adopted, Mr. President?

Senator Maceda. That is correct, and the Gentleman is absolutely correct when he said that this is one of the most difficult balancing of issues, because it was very clear that the present PC-INP officers and personnel, as much as possible, did not want to yield any change from their present situation to the municipal mayors. On the other hand, the municipal mayors, individually and formally, to their League of Municipal Mayors, wanted to go back to the old pre-Martial Law system of having complete administration and control over the police forces in their municipality.

In addition to the balancing by giving the city and municipal mayors operational supervision and control over the PNP, there were other powers where, especially administrative disciplinary powers: "... city and municipal mayors shall have the power to impose, after due notice and summary hearings, disciplinary penalties for minor offenses committed by members of the PNP assigned to their respective jurisdictions."

In addition to that, firstly, we give the mayor the right to choose his chief of police. Secondly, we give the mayor the authority to recommend the transfer, reassignment or detail of PNP members; presumably, these will be the scalawags and undesirables, outside of their respective city or towns. Lastly, we give them the authority to recommend from a list of eligibles previously screened by the Peace and Order Council, the appointment of new members of the PNP to be assigned to their respective cities.

Meaning to say, while we did not restore to them the power to hire and fire, we give them sufficient participation to impress upon the police forces that they now cannot disregard the authority and position of the city or municipal mayor in the town where they are serving or they are going to serve as policemen.

Senator Angara. Under this bill, the disciplinary machinery has been streamlined, and the procedure for processing disciplinary cases has been made more expeditious. The major complaint of citizens against the existing system is that the filing of a complaint against a policeman is a tedious process. By the time it is decided, the citizen has lost interest in the case. Of course, he may not even file a complaint, because of the protracted system. But under this bill, there is a more orderly and expeditious procedure.

Senator Maceda. That is correct, Mr. President, specifically, because the disciplinary action imposed upon a member of the PNP, whether by complaint of a citizen or by internal administrative proceedings, shall be final and executory, and only that involves demotion in position or dismissal from the service.

Senator Angara. So in many cases the matter is almost final at every stage?

Senator Maceda. Yes, Mr. President. Let us say, a 60-day suspension is sometimes effective and difficult enough to really make policemen feel that they have to be toeing the line this time lest they be subjected to immediate penalties which will be final and executory up to a difficult period of suspension.

Senator Angara. Finally, Mr. President, does not this bill make an attempt to make the police forces in this country younger? Because the fear is that, we have an aging force. Perhaps, less motivated, less daring--maybe. I should not say "less daring"--but compared to the police forces in the neighboring countries, we have got, probably, an older force in the Philippines. But through this bill, we hope to retire people earlier and as an incentive, we are giving an early retirement benefit to them.

Senator Maceda. That is correct, Mr. President. May I add that the Gentleman and the Members of the Conference Committee

panel of the Senate and the House, were faced with the most difficult balancing effort. That was the balancing of the parochial interest of the INP, on one hand, and the PC, on the other hand, where there was even lobbying for specific provisions of this bill in an effort to get control of the leadership of the PNP by one group or another. We feel that this bill has sufficiently balanced these two interests to a point where, I am sure, this final version is acceptable now to both groups.

Senator Angara. Mr. President, let me reiterate my congratulations for the leadership displayed by the Chairman of the Conference Committee. We hope this bill will make a difference in the way our police forces are organized, and improve their relationship with the citizenry. We hope that the new police force will be a respected institution, rather than a feared institution.

Thank you very much, Mr. President.

Senator Maceda. Thank you, Mr. President.

The President. Any more interpellations?

Senator Lina. Mr. President.

The President. Senator Lina is recognized.

Senator Lina. Thank you, Mr. President. Will the distinguished Chairman of the Conference Committee yield to some questions?

Senator Maceda. Willingly, Mr. President, to the former Governor of Metro Manila who is very well aware and knowledgeable in the matter of peace and order, and police services in a metropolis or in a local jurisdiction.

Senator Lina. Thank you very much, Mr. President. I have but a few questions. The organizational structure of the PNP shall be approved by the National Police Commission. Is the staffing pattern included?

Senator Maceda. That is correct, Mr. President. In fact, there is a provision somewhere that they are supposed to do that within a certain period. I am not sure whether it is 90 days or six months, at the moment, but that is provided for.

Senator Lina. And the organizational structure covers or encompasses the National office down to the regional, to the provincial, to the district, or to the city or municipal stations. Is it not, Mr. President?

Senator Maceda. That is generally correct, Mr. President, except that I am trying to confirm that by trying to review whether with regard to the PNP itself, I think it is--

Senator Lina. The Gentleman can refer to Section 25.

Senator Maceda. --upon the recommendation of the Chief of the Philippine National Police.

Senator Lina. But the body that will approve it is the National Police Commission.

Senator Maceda. It states here:

...recommend the organizational structure and staffing pattern of the PNP to the Commission.

Here, at the end of Section 25, I mentioned the period "within sixty days." Within sixty days, the Chief of the PNP must form the broad guidelines and organizational structure and submit it to the Commission.

Senator Lina. By the word "recommendation," do I get it correctly that it is the National Police Commission that gives the go-ahead?

Senator Maceda. Yes, that is part of their power of administering and controlling.

Senator Lina. Mr. President, it is the Chief of the PNP who, in accordance with Section 26, shall have the power to direct and control tactical as well as strategic movements, deployment, placement, utilization of the PNP or any of its units and personnel, including its equipment, facilities and other resources.

I just would like to pursue the points raised earlier by Senator Guingona on the question of the phrase in the Constitution saying that the administration and control of the National Police shall be by the National Police Commission. My question is, and my doubt will be erased depending on the answer to this question: Can the National Police Commission countermand or modify or recall orders by the Chief of the PNP? As I said, the answer to this question will, somehow, erase my doubt as to some questions of constitutionality, Mr. President, because if the answer is in the affirmative, then it is like a power delegated under the law to the Philippine National Police; but the power, really, originates from the National Police Commission. Therefore, there will be no more doubt as to whether or not the requirement in the Constitution is met.

Senator Maceda. Mr. President, to begin with, I think that the bill has to be read as a whole. Secondly, if the Gentleman will look at the provision, these are very clearly traditional, operational police functions on the ground, which, traditionally, we do not leave strictly what we call "police activity" to a commission. I do not think that there is any country or city where we have a commission acting as the Chief of Police. It is a Police Commissioner; it is a Chief of Police; whatever name it is, usually, it is always a single individual who is in

charge of this. It says: "Shall have the power to direct and control tactical as well as strategic movements, deployment, placement, utilization of the PNP or any of its units and personnel, including its equipment, facilities and other resources."

I cannot envision a system where, as I said, when a Chief of Police orders a raid of gambling activities in Malabon, Navotas, Pasay, or Parañaque that could be countermanded by an appeal to the National Police Commission. That is only what I mean.

But, to give the Gentleman a little more elbow room for erasing his doubt, I think, as a lawyer, we can agree that in this and in any other function given to any public officer, the question of grave abuse of discretion or acting without any basis whatsoever, I guess that can come into play, whether it is through appeal to the Commission or appeal directly to the President, as a matter of fact, or appeal to the court, where it is clear that an exercise of power by the PNP Director is completely irrational and without basis. I think that the first order of business is to appeal to the Commission and to the Secretary of Interior and Local Government.

Senator Lina. I agree, Mr. President, with that concept of the Head of the PNP having almost an independent control of the police force in terms of tactical and strategic movements, because it is not possible for a five-man commission to be the one doing that job. That is, to me, very logical for a person to be the one doing it.

At this juncture, the Senate President relinquished the Chair to the President Pro Tempore.

The question really is: Where does the final authority lie? Meaning, cannot the National Police Commission, because of the phraseology used in the Constitution, review and evaluate certain decisions, whether tactical or strategic, that the National Police or the PNP will make? So much so, that we can still pinpoint, under this bill, that final authority still lies in the National Police Commission, not detracting anything from the observation or the answer made by the distinguished Chairman, that in the operationalization of this concept creating the Police force, the logical arrangement, is that the Chief is the one making decisions.

Senator Maceda. Well, I am just projecting what the effect of an unqualified affirmative answer to the distinguished Gentleman's question would be--and I have no doubt in my mind that once I say: Yes, they can review; yes, they can countermand; yes, they can reverse; as the Majority Floor Leader would say--that these five Members of the Commission will be interfering and meddling in all kinds of powers that normally should be left to the Chief of the PNP, including putting their proteges as provincial directors, including putting their

political henchmen, as the regional director in Davao or somewhere. I feel that this is for the good of the Police not to allow that.

We should stick to the traditional police concept--that when it comes to operational matters, the Chief of the PNP has the say, and that the Commission is given enough power and responsibility under the whole bill which complies with the constitutional provision of giving them power to administer and control.

Let me also point out, Mr. President, that, as a matter of fact, under the last general power (o) of Section 14, they may perform such other functions necessary to carry out the provisions of this Act, and as the President may direct. There is some leeway there for them to insist on whatever they want to do. It will really depend on the kind of a department secretary and chairman that will be appointed here.

I remember when I was appointed as Secretary of Commerce and Industry, the SEC was trying to resist any power of the Secretary of Trade and Commerce over them. But by the strength--if I may say so--of my very active personality, I was able to put them under my control.

So, if we have a passive commission, then this will work out completely the way we want to work out. But I can project to the distinguished Gentleman that, once we have a very active Secretary of Interior and Local Governments--we put a Secretary Ramos-type there--whatever provisions are here, he will still have control of the Philippine National Police, in practice.

Senator Lina. I agree with that, Mr. President, considering that even the Commission is the one assigned also to recommend to the President the Head of the Philippine National Police and, therefore, the Commission Head will have some moral ascendancy over the Head of the Philippine National Police.

So, that is the fine area, Mr. President, that I really would like to get into, so that the possible question regarding whether or not the constitutional requirement being met is finally confronted.

I will make the necessary reservation at the appropriate time, Mr. President.

Senator Maceda. Thank you, Mr. President.

The President Pro Tempore. Senator Gonzales; and then, Senator Shahani.

Senator Gonzales. Mr. President, will the distinguished Sponsor yield to a few clarificatory questions?

Senator Maceda. Willingly, Mr. President, to the

hardworking Member of the Conference Committee panel.

Senator Gonzales. Yes, Mr. President.

I think I will limit myself to the constitutional issue that had been raised here, first, by the Majority Floor, and later, by Senator Jose Lina.

Now, Mr. President, let us put into the Records the exact constitutional provision herein involved. This may be found in Section 6 of Article XVI of the Constitution which reads as follows:

The State shall establish and maintain one police force, which shall be national in scope and civilian in character, to be administered and controlled by a national police commission. The authority of local executives over the police units in their jurisdiction shall be provided by law.

While it can be said that there is a grant of controlled power to the National Police Commission over the National Police, yet, the Constitution does not intend to grant full control, because it provides in the second sentence that "the authority of local executives over the police units in their jurisdiction shall be provided by law."

In short, even a diminution of the power of control granted to the National Police Commission may result if the law so allocates that power to the authority of local executives. Does not the Gentleman think so, Mr. President?

Senator Maceda. Yes, Mr. President, the distinguished Senator has put it more clearly than I could ever put it.

Senator Gonzales. Then, would the Constitution say, for example, that the President shall have control over the Executive Departments, bureaus and offices? Is it necessary that in passing a law, we repeat the same and say that the President has the power of control?

Senator Maceda. No, Mr. President.

As a matter of fact, in so many decisions, even where the laws do not provide for an appeal of any decision by any department secretary or bureau or office, the decisions have said just because the constitutional provision is there, there is no need for the law to provide for this appellate procedure; it is part of the constitutional provision of control by the President.

Senator Gonzales. In short, the source of the controlled power of the National Police Commission over the National Police to delimit--that is authorized by law--will stand not from the law itself, but from the Constitution.

Senator Maceda. Yes, Mr. President, and I guess it will be subsequently clarified in the cases that will be filed as a result of specific cases.

Senator Gonzales. That is my view, Mr. President. I think we do not have to expressly provide here that the National Police Commission shall have control over the Philippine National Police. That can be viewed from the law in its entirety, considering the totality of authority that has been vested by law in the National Police Commission; but eventually, jurisprudence will develop.

For example, as pointed out by Senator Lina, when an appeal was taken from the decision of the chief superintendent to the President as a matter of exhaustion of administrative remedies before judicial review of such action is taken, then, probably, the extent of control power of the Philippine National Police Commission will be laid down or spelled by law. But then, jurisprudence will be built in, and the fact that we do not say in express terms that the Philippine National Police Commission shall have control over the National Police should not, at this time, be a ground for the purpose of passing upon the constitutionality of this measure.

Senator Maceda. That is right, Mr. President.

Senator Gonzales. That is all, Mr. President, that I would want to put into the Record on this particular issue.

Thank you, Mr. President. Thank you, kind Sir.

Senator Maceda. Thank you, Mr. President.

The President Pro Tempore. Senator Shahani is recognized.

Senator Shahani. Thank you, Mr. President.

Mr. President, I wonder whether the Chief Sponsor of this Bill would entertain some questions?

Senator Maceda. Very willingly, Mr. President, to the distinguished Senator from the great province of Pangasinan.

Senator Shahani. Thank you.

Mr. President, I think one of the most significant ideas introduced in this bill is the fact that this newly created Department of Interior and Local Government will now be charged with the internal security of the country, and that the Department of National Defense will be in charge of the external security of the country. It also provides for a period of 24 months, which can be extended, if justifiable, within which the proposed department will take over its primary role in preserving internal security.

With the ongoing insurgency movement in the country, does the Sponsor think that this new department, even after the period of 24 months, indeed, would have the capability of meeting the threats to our internal security which would be considerable, I would say, even after that period?

Senator Maceda. Mr. President, I humbly submit, that, certainly, they can, after 24 months or much more so after 48 months. I would like to recall that the distinguished Secretary of National Defense has repeated over and over that the insurgency problem is now under control and that it would be strategically and decisively defeated before the end of the President's term which is one and a half years from now.

Senator Shahani. Well, that is the statement, Mr. President, of the Head of the National Defense Department, but, we are talking of some permanent conditions in the country, and I do not think that that period should be premised just on the opinion of one person.

Senator Maceda. Well, Mr. President, I think that, realistically, there is probably going to be an extension granted by the new President elected in May 1992. Hopefully, and I sincerely believe that, as a matter of fact, initially, we thought that only an 18-month period is necessary, but the distinguished Gentleman from Pasig, Mauban and Pangasinan, Senator Saguisag, convinced the whole Committee panel, including the distinguished Chairman of the House panel, that a 24-month period would be a more conservative stand to take in such a delicate matter such as this, and we agreed with him.

Senator Shahani. I think the bill also recognizes the fact that insurgency could increase, and that there is a possibility of it becoming a nationwide movement. So that it is recognized that if the insurgency should gain a considerable foothold in the community, then the Armed Forces would take over in this case.

Senator Maceda. That is correct, Mr. President. The President may put the responsibility, again, under the Armed Forces in any case like that, even after the 24-month or the 48-month period has expired.

Senator Shahani. Does the Gentleman not foresee some confusion or difficulty in this kind of arrangement when there will be a change in the chain of command, in the placement of officers, et cetera?

Senator Maceda. Mr. President, first of all, really, what we intend to accomplish here is that, during the 24-month period, at least, if not longer, the capability of the National Police, especially in terms of an infusion of a higher quality of personnel, because of the higher standard set, and then an infusion of appropriate resources, not only in the organization, but also in the equipment, specifically, we hope that eventually

they will come to a point where they can really take care of it. To my mind, four years would be more than sufficient to get the PNP, as we would call it, to be in fighting form.

Senator Shahani. So, this would entail a significant change in the character of the PNP, and also our expectations of our policemen in the country. Is that not correct, Mr. President?

Senator Maceda. Yes, Mr. President. However, I am expressing the hope that after this 24-month or 48-month period is over, whether through the peace process being spearheaded by Senator Tanada or through the other efforts of the Government, the insurgency is solved, that would really simplify matters all around for both the Department of National Defense and the Department of Interior and Local Governments.

Senator Shahani. Certainly, Mr. President, this is a very important undertaking, and I join the Sponsor in the hope that this part of the work of the PNP will be given the kind of importance and priority which it certainly deserves.

I would like to ask also a question, Mr. President, about what happens to the Marine Police Unit, except that I can not seem to find...

Senator Maceda. Yes, Mr. President. First of all, as the Lady Senator knows, we did not touch the Coast Guard. We did not include in the final version the proposed Bureau of the Coast Guard which would have transferred the Philippine Coast Guard and its facilities to the PNP. What was provided here is, as in the case of PAFSECOM and the Coast Guard, that the PNP shall take over the desk duties; in short, when they are able to assume, and take over these functions.

I think there is a Maritime Police Unit, Mr. President,

Senator Shahani. Yes, Mr. President, there is a Maritime Police Unit. There is also an Aviation Unit. Does this mean then that it absorbs the work of the Coast Guard? Because, it states here that the Maritime Police Unit shall perform all police functions over Philippine territorial waters and rivers. I think that that is a very big function, considering the extent of our territorial waters. This is on Section 35, on the Support Units.

Senator Maceda. Yes, Mr. President. That is the general provision, that it shall assume the functions of the Coast Guard, also the PAFSECOM but, I think, in a later Section, there is a provision that... We shall look for it. It is somewhere here. Yes, it is here. That is Section 86.

It says here: "All functions of the PAFSECOM and the police functions of the Coast Guard shall be taken over by the PNP when it acquires the capability to perform such functions after the transition period of eighteen (18) months."

And then, it says:

"Personnel of the PAFSECOM or the Coast Guard shall, within the transition period," which is 18 months, "have the option to join the PNP or remain with the PAFSECOM or the Coast Guard, as the case may be."

To begin, with the functions of the Coast Guard are not disturbed or interfered with during the transition period of 18 months. After 18 months, what this provision means is, if they are given enough vessels of their own, enough boats of their own, and given enough marine or naval type of personnel who are trained to take over their functions, then the PNP can take over.

The intent is to give them time to acquire the capability to do so, and only then can they take over. In the meantime that they do not have the capability to do so, the Coast Guard continues to exercise the same.

Mr. President, the other provision that comes into play is the relationship during the transition period, and even after, between the DILG and the DND. It will have to be decided through a Memorandum of Agreement between these two Departments. During the 18-month period of transition, we have this Oversight Committee, where both the Secretary of the Interior and the Secretary of Defense are members, that tries to help make decisions as to what kind of transfers, absorptions, and mergers of either personnel, power, or equipment shall take place, and within what period.

Senator Shahani. Mr. President, I raised the question not so much on the matter of jurisdiction, but on the matter of capability. As it is, even our Coast Guard has such limited capability in guarding our waters. So, although in the legislation it sounds fine that we have an 18-month period of transition, I can foresee a much longer period to acquire the equipment to cover such a large area in view of our limited resources. It is going to take a much longer time.

Senator Maceda. Mr. President, I agree with the distinguished Senator. It will really depend on the kind of budgetary support the Congress and, of course, the President will give to the formation of this maritime unit. If Congress and the President does not give it any money to acquire ships, boats and outboard motors, then, certainly, even after the 18-month period, it will not acquire the capability to perform its functions; and, therefore, the Coast Guard will continue discharging its functions as it is.

Senator Shahani. Well, Mr. President, I am glad to hear that clarification on this very important and delicate matter. I just would like to express my appreciation for the good work of the Conference Committee.

Thank you, Mr. President.

Senator Maceda. Thank you.

The President Pro Tempore. Are there any further interpellations?

Senator Pimentel. Mr. President.

The President Pro Tempore. Senator Pimentel is recognized.

Senator Pimentel. Mr. President, I just want to ask one point.

Senator Maceda. Willingly, Mr. President.

Senator Pimentel. Mr. President, what is going to happen to the incumbent Secretary of Local Government under this bill?

Senator Maceda. Well, it partly depends on what the Gentleman from Cagayan de Oro would like to happen to him.

Senator Pimentel. I would rather not say, Mr. President. (Laughter.)

Senator Maceda. Seriously speaking, Mr. President, he continues in office until a new Secretary of Interior is appointed by the President and is confirmed by the Commission on Appointments.

Senator Pimentel. Yes, Mr. President.

I would like to emphasize that, because there have been misrepresentations that appeared in the press, the incumbent Secretary will stay on until one year and a half of the remaining term of the President. So, it is quite clear that he stays on until replaced.

Senator Maceda. Yes, Mr. President, and it is our hope that, to solve this problem once and for all and give stability to the new department, shortly after the bill is signed into law, if ever it is signed into law, the President should make the new appointments of the Secretary of the Interior, as well as the Chief of the Philippine National Police as soon as possible.

Senator Pimentel. Thank you, Mr. President.

Senator Maceda. The Gentleman is very welcome, Mr. President.

The President Pro Tempore. The Majority Floor Leader is recognized.

APPROVAL OF THE CONFERENCE COMMITTEE

REPORT ON S. NO. 463/H. NO. 23614

Senator Guingona. Mr. President, I move that we adopt these recommendations of the Conference Committee Report on House Bill No. 236 and Senate Bill No. 463.

The President. Is there any objection? (Silence.) Hearing none, the same is approved.

The following is the full text of the Conference Committee Report.

The Conference Committee on the disagreeing provisions of House Bill No. 23614, entitled:

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

and Senate Bill No. 463, entitled:

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

having met, after full and free conference have agreed to recommend, as they do hereby recommend, to their respective Houses that the said bills be reconciled and approved as follows:

AN ACT ESTABLISHING THE PHILIPPINE NATIONAL POLICE UNDER A REORGANIZED DEPARTMENT OF THE INTERIOR AND LOCAL GOVERNMENT, AND FOR OTHER PURPOSES

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

SECTION 1. Title of the Act. - This Act shall be known as the "Department of Interior and Local Government Act of 1990".

SEC. 2. Declaration of Policy. - It is hereby declared to be the policy of the State to promote peace and order, ensure public safety and further strengthen local government capability aimed towards the effective delivery of the basic services to the citizenry through the establishment of a highly efficient and competent police force that is national in scope and civilian in character. Towards this end, the State shall bolster a system of coordination and cooperation among the citizenry, local executives and the integrated law enforcement and public safety agencies created under this Act.

The Police force shall be organized, trained and equipped primarily for the performance of police functions. Its national scope and civilian character shall be paramount. No element of

the police force shall be military nor shall any position thereof be occupied by active members of the Armed Forces of the Philippines.

SEC. 3. Promulgation of Comprehensive Policies by Congress. - Subject to the limitations provided in the Constitution, the President shall recommend to Congress the promulgation of policies on public order and safety to protect the citizenry from all forms of lawlessness, criminality and other threats to peace and order.

CHAPTER I

THE DEPARTMENT OF THE INTERIOR AND LOCAL GOVERNMENT

SEC. 4. The Department of the Interior and Local Government. - To carry out the policies and purposes of this Act, the Department of Local Government is hereby reorganized into the Department of the Interior and Local Government, hereinafter referred to as the Department, in accordance with the provisions of this Act.

SEC. 5. Powers and Functions of the Department. - In furtherance of the objectives of this Act, the Department shall continue to exercise the powers and functions of the Department of Local Government in addition to the powers and functions as herein provided.

SEC. 6. Organization. - The Department shall consist of the Department Proper, the existing bureaus and offices of the Department of Local Government, the National Police Commission, the Philippine Public Safety College, and the following bureaus: the Philippine National Police, the Bureau of Fire Protection and the Bureau of Jail Management and Penology.

SEC. 7. Department Proper. - The Department Proper shall consist of the existing staff services as provided for under Executive Order 262 and the following offices:

(1) Office of the Secretary. - The Office of the Secretary shall consist of the Secretary and his immediate staff.

(2) Office of the Undersecretaries and Assistant Secretaries. - The Secretary shall be assisted by two (2) Undersecretaries, one for local government and the other for peace and order, at least one of whom must belong to the career executive service, and three (3) career Assistant Secretaries.

SEC. 8. Head of the Department. - The head of the Department, hereinafter referred to as the Secretary, shall also be the ex-officio Chairman of the National Police Commission and shall be appointed by the President subject to confirmation of the Commission on Appointments. No retired or resigned military officer or police official may be appointed as Secretary within one (1) year from the date of his retirement or resignation.

SEC. 9. General Powers, Term of Office and Compensation of the Secretary. - The authority and responsibility for the exercise of the Department's powers and functions shall be vested in the Secretary, who shall hold office at the pleasure of the President and shall receive the compensation, allowances and other emoluments to which Heads of Departments are entitled.

SEC. 10. Specific Powers and Functions of the Secretary. - In addition to his powers and functions as provided in Executive Order 262, the Secretary as Department head shall have the following powers and functions:

(a) Prepare and submit periodic reports, including a Quarterly Anti-Crime Operations Report and such other reports as the President and Congress may require;

(b) Act as Chairman and Presiding Officer of the National Police Commission; and

(c) Delegate authority to exercise any substantive or administrative function to the members of the National Police Commission or other officers of rank within the Department.

SEC. 11. Regional Offices. - The Department shall establish, operate and maintain a Regional Office in each of the administrative regions of the country to implement the policies and programs of the Department. Each regional office shall be headed by a Regional Director to be assisted by two (2) Assistant Regional Directors: one (1) for Jail Management and Penology, and another for Fire Protection in addition to the present Assistant Regional Directors of the Department of Local Government.

SEC. 12. Relationship of the Department with the Department of National Defense. - During a period of twenty-four (24) months from the effectivity of this Act, the Armed Forces of the Philippines shall continue its present role of preserving the internal and external security of the State; Provided, That said period may be extended by the President, if he finds it justifiable, for another period not exceeding twenty-four (24) months, after which, the Department shall automatically take over from the AFP the primary role of preserving internal security, leaving to the AFP its primary role of preserving external security. However, even after the Department has assumed primary responsibility on matters affecting internal security, including the suppression of insurgency, and there are serious threats to national security and public career, such as where insurgents have gained considerable foothold in the community thereby necessitating the employment of bigger tactical forces and the utilization of higher caliber armaments and better armored vehicles, the President may, upon recommendation of the Peace and Order Council, call upon the Armed Forces of the Philippines to assume the primary role and the PNP to play the supportive role in the area concerned.

In time of national emergency, all elements of the PNP, the Bureau of Fire Protection and the Bureau of Jail Management and Penology shall, upon direction of the President, assist the Armed Forces of the Philippines in meeting the national emergency.

The complementary relationship between the Department of the Interior and Local Government and the Department of National Defense in any of the preceding eventualities shall be jointly prescribed by their respective Secretaries in a Memorandum of Agreement that shall thereafter be published and implemented.

CHAPTER II

THE NATIONAL POLICE COMMISSION

SEC. 13. Creation and Composition. - A National Police Commission, hereinafter referred to as the Commission, is hereby created for the purpose of effectively discharging the functions prescribed in the Constitution and provided in this Act. The Commission shall be a collegial body within the Department. It shall be composed of a Chairman and four (4) regular commissioners, one of whom shall be designated as Vice-Chairman by the President. The Secretary of the Department shall be the ex-officio Chairman of the Commission, while the Vice-Chairman shall act as the Executive Officer of the Commission.

SEC. 14. Powers and Functions of the Commission. - The Commission shall exercise the following powers and functions:

(a) Exercise administrative control over the Philippine National Police;

(b) Advise the President on all matters involving police functions and administration;

(c) Foster and develop policies and promulgate rules and regulations, standards and procedures to improve police services based on sound professional concepts and principles;

(d) Examine and audit, and thereafter establish the standards for such purposes on a continuing basis, the performance, activities, and facilities of all police agencies throughout the country;

(e) Prepare a police manual prescribing rules and regulations for efficient organization, administration, and operation, including recruitment, selection, promotion and retirement;

(f) Establish a system of uniform crime reporting;

(g) Conduct surveys and compile statistical data for the proper evaluation of the efficiency and effectiveness of all

police units in the country;

(h) Render to the President and to Congress an annual report of its activities and accomplishments during the thirty (30) days after the end of the calendar year, which shall include an appraisal of the conditions obtaining in the organization and administration of police agencies in the municipalities, cities and provinces throughout the country, and recommendations for appropriate remedial legislation;

(i) Approve or modify plans and programs on education and training, logistical requirements, communications, records, information systems, crime laboratory, crime prevention and crime reporting;

(j) Affirm, reverse or modify, through the National Appellate Board, personnel disciplinary actions involving demotion or dismissal from the service, imposed upon members of the Philippine National Police by the Chief of the Philippine National Police;

(k) Exercise appellate jurisdiction through the regional appellate boards over administrative cases against policemen and over decisions on claims for police benefits;

(l) Recommend to the President, through the Secretary, within sixty (60) days before the commencement of each calendar year, a crime prevention program;

(m) Prescribe minimum standards for arms, equipment, and uniforms and, after consultation with the Philippine Heraldry Commission, for insignia of ranks, awards and medals of honor;

(n) Issue subpoena and subpoena duces tecum in matters pertaining to the discharge of its own powers and duties, and designate who among its personnel can issue such process and administer oaths in connection therewith; and

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

SEC. 15. Qualifications. - No person shall be appointed regular member of the Commission unless:

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

(b) A member of the Philippine Bar or a holder of a master's degree in public administration, business administration, management, sociology, criminology, law enforcement, national security administration, defense studies, and other related disciplines; and

(c) Has had experience in law enforcement work for at least five (5) years.

SEC. 16. Term of Office. - The four (4) regular and full-time Commissioners shall be appointed by the President upon the recommendation of the Secretary. Of the first four (4) commissioners to be appointed, two (2) commissioners shall serve for six (6) years and the two (2) other commissioners for four (4) years. All subsequent appointments shall be for a period of six (6) years each, without reappointment or extension.

SEC. 17. Temporary or Permanent Incapacity of the Chairman - In case of absence due to temporary or permanent incapacity of the Chairman, the President shall designate an Acting Chairman. In case of death or permanent incapacity or disqualification of the Chairman, the Acting Chairman shall also act as such until a new Chairman shall have been appointed and qualified.

SEC. 18. Removal from Office - The members of the Commission may be removed from office for cause. All vacancies in the Commission, except through expiration of term, shall be filled up for the unexpired term only: Provided, That any person who shall be appointed in this case shall be eligible for regular appointment for another full term.

SEC. 19. Prohibitions. - The Chairman and members of the Commission shall not engage in the practice of any profession, or intervene, directly or indirectly, in the management and control of any private enterprise. They shall not, directly or indirectly, have any financial or material interest in any transaction requiring the approval of their office.

SEC. 20. Organizational Structure. - The Commission shall consist of the following units:

(a) Commission proper. - This is composed of the officers of the Chairman and the four (4) Commissioners.

(b) Staff Services. - The staff services of the Commission shall be as follows:

(1) The Planning and Research Service, which shall provide technical services to the Commission in areas of overall policy formulation, strategic and operational planning, management systems or procedures, evaluation and monitoring of the Commission's programs, projects and internal operations; and shall conduct thorough research and analysis on social and economic conditions affecting peace and order in the country;

(2) The Legal Affairs Service, which shall provide the Commission with efficient and effective service as legal counsel of the Commission; draft or study contracts affecting the Commission and submit appropriate recommendations pertaining thereto; and render legal opinions arising from the administration

and operation of the Philippine National Police and the Commission;

(3) The Crime Prevention and Coordination Service, which shall undertake criminological researches and studies; formulate a national crime prevention plan; develop a crime prevention and information program and provide editorial direction for all criminology research and crime prevention publications;

(4) The Administrative Service, which shall provide the Commission with assistance on budgetary and financial matters; provide the necessary services relating to records, correspondence, supplies, property and equipment, security and general services and the maintenance, and utilization of facilities; and provide services relating to manpower, career planning and development, personnel transactions and employee welfare;

(5) The Inspection and Monitoring Service, which shall conduct continuous inspection and management audit of personnel, facilities and operations at all levels of command of the PNP and shall monitor the implementation of the Commission's programs and projects relative to law enforcement; and

(6) The Installations and Logistic Service, which shall review the Commission's plans and programs and formulate policies and procedures regarding acquisition, inventory, control, distribution, maintenance and disposal of supplies and shall oversee the implementation of programs on transportation facilities and installations and the procurement and maintenance of supplies and equipment.

(c) Disciplinary Appellate Boards - The Commission shall establish a formal administrative disciplinary appellate machinery consisting of the National Appellate Board and the Regional Appellate Boards.

The National Appellate Board shall decide cases on appeal from decisions rendered by the PNP chief, while the Regional Appellate Board shall decide cases on appeal from decisions rendered by officers other than the PNP chief, the mayor, and the People's Law Enforcement Board (PLEB) created hereunder.

SEC. 21. Regional Offices. - The Commission shall establish, operate and maintain regional offices headed by Regional Directors, who shall implement the policies and programs of the Commission in their respective regions. For administrative purposes, the regional offices of the Commission shall be attached to the regional offices of the Department.

Subject to the standards that shall be prescribed by the Commission, the Regional Offices shall likewise perform the function of adjudication of benefit claims.

SEC. 22. Qualifications of Regional Directors. - No person shall be appointed Regional Director unless:

- (a) He is at least thirty (30) years of age;
- (b) A holder of a baccalaureate degree and appropriate civil service eligibility; and
- (c) Has at least five (5) years experience in the field of law enforcement, criminology or police administration.

CHAPTER III
PHILIPPINE NATIONAL POLICE
A. ORGANIZATION

SEC. 23. Composition. - Subject to the limitations provided for in this Act, the Philippine National Police, hereinafter referred to as the PNP, is hereby established, initially consisting of the members of the police forces who were integrated into the Integrated National Police (INP) pursuant to Presidential Decree No. 765, and the officers and enlisted personnel of the Philippine Constabulary (PC). For purposes of this Act, the officers and enlisted personnel of the PC shall include those assigned with the Narcotics Command (NARCOM) or the Criminal Investigation Service (CIS); and those of the technical services of the AFP assigned with the PC and the civilian operatives of the CIS. The regular operatives of the abolished NAPOLCOM Inspection, Investigation and Intelligence Branch may also be absorbed by the PNP. In addition, a PC officer or enlisted personnel may transfer to any of the branches or services of the Armed Forces of the Philippines in accordance with the provisions of Section 85 of this Act.

In order to be qualified for transfer to the PNP units in Metropolitan Manila and in highly urbanized cities, an individual must have completed not less than second year collegiate work or its equivalent in training of seventy-two collegiate units.

Anyone who has any pending administrative or criminal case or has been adjudged liable or convicted of any crime pending appeal shall be allowed to join the PNP provisionally without prejudice to final judgment by a body of competent jurisdiction.

The permanent civilian employees of the present PC, INP, Narcotics Command, CIS, and the technical services of the AFP assigned with the PC, including NAPOLCOM hearing officers holding regular items as such, shall be absorbed by the Department as employees thereof, subject to existing laws and regulations.

SEC. 24. Powers and Functions. - The PNP shall have the

following powers and functions:

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

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

(c) Investigate and prevent crimes, effect the arrest of criminal offenders, bring offenders to justice and assist in their prosecution;

(d) Exercise the general powers to make arrest, search and seizure in accordance with the Constitution and pertinent laws;

(e) Detain an arrested person for a period not beyond what is prescribed by law, informing the person so detained of all his rights under the Constitution;

(f) Issue licenses for the possession of firearms and explosives in accordance with law;

(g) Supervise and control the training and operations of security agencies and issue licenses to operate security agencies, and to security guards and private detectives, for the practice of their professions; and

(h) Perform such other duties and exercise all other functions as may be provided by law.

In addition, the PNP shall absorb the office of the National Action Committee on Anti-Hijacking (NACAH) of the Department of National Defense, all the functions of the present Philippine Air Force Security Command (PAFSECOM), as well as the police functions of the Coast Guard. In order to perform its powers and functions efficiently and effectively, the PNP shall be provided with adequate land, sea, and air capabilities and all necessary material means or resources.

SEC. 25. Organization. - The PNP shall be headed by a Chief who shall be assisted by two (2) deputy chiefs, one (1) for operations and one (1) for administration, both of whom shall be appointed by the President upon recommendation of the Commission from among the most senior and qualified officers in the service: Provided, however, That in no case shall any officer who has retired or is retirable within six (6) months from his compulsory retirement age be appointed as Chief of the PNP.

The PNP shall be composed of a national office, regional offices, provincial offices, district offices and city or municipal stations.

At the national level, the PNP shall maintain its office in Metropolitan Manila which shall house the directorial staff,

service staff and special support units.

At the regional level, the PNP shall have regional offices, including that of the National Capital Region, which may be divided into two (2) separate regions without prejudice to the pertinent provisions of the Organic Act for the Autonomous Regions of the Cordilleras and Muslim Mindanao relative to the creation of a regional police force in the area of autonomy. Each of these regional offices shall be headed by a regional director for peace and order.

At the provincial level, there shall be a PNP office, each headed by a provincial director. In the case of large provinces, police districts may be established by the Commission to be headed by a district director.

At the city or municipal level, there shall be a PNP station, each headed by a Chief of Police.

The Chief of the PNP shall, within sixty (60) days from the effectivity of this Act and in accordance with the broad guidelines set forth herein, recommend the organizational structure and staffing pattern of the PNP to the Commission.

SEC. 26. Powers, Functions and Term of Office of the PNP Chief - The command and direction of the PNP shall be vested in the Chief of PNP who shall have the power to direct and control tactical as well as strategic movements, deployment, placement, utilization of the PNP or any of its units and personnel, including its equipment, facilities and other resources. Such command and direction of the Chief of the PNP may be delegated to subordinate officials with respect to the units under their respective commands, in accordance with the rules and regulations prescribed by the Commission. The Chief of the PNP shall also have the power to issue detailed implementing policies and instructions regarding personnel, funds, properties, records, correspondence and such other matters as may be necessary to effectively carry out the functions, powers and duties of the Bureau. The Chief of the PNP shall be appointed by the President from among the senior officers down to the rank of chief superintendent, subject to confirmation by the Commission on Appointments: Provided, That the Chief of the PNP shall serve a term of office not to exceed four (4) years: Provided, further, That in times of war or other national emergency declared by Congress, the President may extend such term of office.

SEC. 27. Manning Levels. - On the average nationwide, the manning levels of the PNP shall be approximately in accordance with a police-to-population ratio of one (1) policeman for every five hundred (500) persons. The actual strength by cities and municipalities shall depend on the state of peace and order, population density and actual demands of the service in the particular area: Provided, That the minimum police-to-population ratio shall not be less than one (1) policeman for every one thousand (1,000) persons: Provided, further, That

urban areas shall have a higher minimum police-to-population ratio as may be prescribed by regulations.

SEC. 28. Rank Classification. - For purposes of efficient administration, supervision and control, the rank classification of the members of the PNP shall be as follows:

Director General
Deputy Director General
Director
Chief Superintendent
Senior Superintendent
Superintendent
Chief Inspector
Senior Inspector
Inspector
Senior Police Officer IV
Senior Police Officer III
Senior Police Officer II
Senior Police Officer I
Police Officer III
Police Officer II
Police Officer I

SEC. 29. Key Positions. - The head of the PNP with the rank of Director General shall have the position title of Chief of the PNP. The second in command of the PNP with the rank of Deputy Director General shall be the Deputy Chief of the PNP for administration. The third in command with the rank also of Deputy Director General shall be the Deputy Chief of the PNP for operations.

At the national office, the head of the directorial staff with the rank of Deputy Director General shall be known as Chief of the directorial staff of the PNP.

The heads of the various staff divisions in the directorial staff shall have the rank of Director with the position title of Director of the directorial staff of their respective functional divisions. The head of the Inspectorate Division with the rank of Chief Superintendent shall assume the position title of

Inspector General. The heads of the administrative and operational support divisions shall have the rank of Chief Superintendent.

The head of the NCR with the rank of Director shall assume the position title of NCR Director.

The heads of the regional offices with the rank of Chief Superintendent shall assume the position title of Regional Director.

The heads of the NCR district offices with the rank of Chief Superintendent shall have the position title of District Director.

The heads of the provincial offices with the rank of Senior Superintendent shall be known as Provincial Director.

The heads of the district offices with the rank of Superintendent shall have the position title of District Director.

The heads of the municipality or city offices with the rank of Chief Inspector shall be known as Chief of Police.

SEC. 30. General Qualifications for Appointment. - No person shall be appointed as officer or member of the FNP unless he possesses the following minimum qualifications:

- (a) A citizen of the Philippines;
- (b) A person of good moral conduct;
- (c) Of sound mind and body;
- (d) Must possess a formal baccalaureate degree for appointment as officer and must have finished at least second year college or the equivalent of seventy-two (72) collegiate units for appointment as non-officer or an equivalent training or experience for those already in the service upon the effectivity of this Act;
- (e) Must be eligible in accordance with the standards set by the Commission;
- (f) Must not have been dishonorably discharged from military employment or dismissed for cause from any civilian position in the government;
- (g) Must not have been convicted by final judgment of an offense or crime involving moral turpitude;
- (h) Must be at least one meter and sixty-two centimeters in height for male and one meter and fifty-seven centimeters for female;

(i) Must weigh not more or less than five kilograms of the standard weight corresponding to her or his height, age, and sex; and

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

SEC. 31. Appointment of PNP Officers and Members. - The appointment of the officers and members of the PNP shall be effected in the following manner:

(a) Police Officer I to Senior Police Officer IV - appointed by the PNP regional director for regional personnel or by the Chief of the PNP for the national headquarters personnel and attested by the Civil Service Commission;

(b) Inspector to Superintendent - appointed by the Chief of the PNP, as recommended by their immediate superiors, and attested by the Civil Service Commission;

(c) Senior Superintendent to Deputy Director-General - appointed by the President upon recommendation of the Chief of PNP, with proper endorsement by the Chairman of the Civil Service Commission and subject to confirmation by the Commission on Appointments; and

(d) Director General - appointed by the President from among the senior officers down to the rank of chief superintendent in the service, subject to confirmation by the Commission on Appointments: Provided, That the chief of the PNP shall serve a tour of duty not to exceed four (4) years: Provided, further, That in times of war or other national emergency declared by Congress, the President may extend such tour of duty.

SEC. 32. Examinations for Policemen - The Civil Service Commission shall administer the qualifying entrance examinations for policemen on the basis of the standards set by the NAPOLCOM.

SEC. 33. Lateral Entry of Officers Into the PNP. - In general, all original appointments of commissioned officers in the PNP shall commence with the rank of Inspector, to include all those with highly technical qualifications applying for the PNP technical services, such as dentists, optometrists, nurses, engineers, and graduates of forensic sciences. Doctors of Medicine, Members of the Bar, and chaplains shall be appointed to the rank of Senior Inspector in their particular technical service. Graduates of the Philippine National Police Academy (PNPA) shall be automatically appointed to the initial rank of Inspector. Licensed criminologists may be appointed to the rank of Inspector to fill up any vacancy after promotions from the ranks are completed.

SEC. 34. Qualifications of Chief of City and Municipal Police Stations. - No person may be appointed chief of a city

police station unless he holds a bachelor's degree from a recognized institution of learning or has served in the Philippine Constabulary or in the police department of any city or municipality with the rank of captain or its equivalent therein for at least three (3) years.

No person may be appointed chief of a municipal police station unless he holds a bachelor's degree from a recognized institution of learning or has served as officer in the Philippine Constabulary or in the police department of any city or municipality for at least two (2) years with the rank of lieutenant or its equivalent: Provided, That a Member of the Bar with at least five (5) years' experience in active law practice and who possesses the general qualifications under Section 30 of this Act shall be qualified for appointment as chief of a city or municipal police station: Provided, further, That the Chief of Police shall be appointed in accordance with the provisions of Section 51, paragraph (b), subparagraph (4) (a) of this Act.

SEC. 35. Support Units. - The PNP shall be supported by administrative and operational support units. The administrative support units shall consist of the Crime Laboratory, Logistics Unit, Communications Unit, Computer Center, Finance Center and Civil Security Unit. The operational support units shall be composed of the Maritime Police Unit, Police Intelligence Unit, Police Security Unit, Criminal Investigation Unit, Special Action Force, Narcotics Unit, Aviation Security Unit, Traffic Management Unit, the Medical and Dental Centers and the Civil Relations Unit, the Medical and Dental Centers and the Civil Relations Unit. To enhance police operational efficiency and effectiveness, the Chief of the PNP may constitute such other support units as may be necessary subject to the approval of the Commission: Provided, That no support unit headed by a Chief Superintendent or a higher rank can be created unless provided by law.

(a) Administrative Support Units. - (1) Crime Laboratory. - There shall be established a central Crime Laboratory to be headed by a Director with the rank of Chief Superintendent, which shall provide scientific and technical investigative aid and support to the PNP and other government investigative agencies.

It shall also provide crime laboratory examination, evaluation and identification of physical evidences involved in crimes with primary emphasis on their medical, chemical, biological and physical nature.

There shall likewise be established regional and city crime laboratory as may be necessary in all regions and cities of the country.

(2) Logistics Unit. - Headed by a Director with the rank of Chief Superintendent, the Logistics Unit shall be responsible

for the procurement, distribution and management of all the logistical requirement of the PNP including firearms and ammunition.

(3) Communications Unit. - Headed by a Director with the rank of Chief Superintendent, the Communications Unit shall be responsible for establishing an effective police communications network.

(4) Computer Center. - Headed by a Director with the rank of Chief Superintendent, the Computer Center shall be responsible for the design, implementation and maintenance of a database system for the PNP.

(5) Finance Center. - Headed by a Director with the rank of Chief Superintendent, the Finance Center shall be responsible for providing finance services to the PNP.

(6) Civil Security Unit. - Headed by a Director with the rank of Chief Superintendent, the Civil Security Unit shall provide administrative services and general supervision over the organization, business operation and activities of all organized private detectives, watchmen, security guard agencies and company guard forces.

The unit shall likewise supervise the licensing and registration of firearms and explosives.

The approval of applications for licenses to operate private security agencies, as well as the issuance of licenses to security guards and the licensing of firearms and explosives, shall be decentralized to the PNP regional offices.

(b) Operational Support Units. - (1) Maritime Police Unit. - Headed by a Director with the rank of Chief Superintendent, the Maritime Police Unit shall perform all police functions over Philippine territorial waters and rivers.

(2) Police Intelligence Unit. - Headed by a Director with the rank of Chief Superintendent, the Police Intelligence Unit shall serve as the intelligence and counter-intelligence operating unit of the PNP.

(3) Police Security Unit. - Headed by a Director with the rank of Chief Superintendent, the Police Security Unit shall provide security for government officials, visiting dignitaries and private individuals authorized to be given protection.

(4) Criminal Investigation Unit. - Headed by a Director with the rank of Chief Superintendent, the Criminal Investigation Unit shall undertake the monitoring, investigation and prosecution of all crimes involving economic sabotage, and other crimes of such magnitude and extent as to indicate their commission by highly-placed or professional criminal syndicate and organization.

This unit shall likewise investigate all major cases involving violations of the Revised Penal Code and operate against organized crime groups, unless the President assigns the case exclusively to the National Bureau of Investigation (NBI).

(5) Special Action Force. - Headed by a Director with the rank of Chief Superintendent, the Special Action Force shall function as a mobile strike force or reaction unit to augment regional, provincial, municipal and city police forces for civil disturbance control, counter-insurgency, hostage-taking rescue operations and other special operations.

(6) Narcotics Unit. - Headed by a Director with the rank of Chief Superintendent, the Narcotics Unit shall enforce all laws relative to the protection of the citizenry against dangerous and other prohibited drugs and substances.

(7) Aviation Security Unit. - Headed by a Director with the rank of Chief Superintendent, the Aviation Security Unit, in coordination with airport authorities, shall secure all the country's airports against offensive and terroristic acts that threaten civil aviation; exercise operational control and supervision over all agencies involved in airport security operation; and enforce all laws and regulations relative to air travel protection and safety.

(8) Traffic Management Unit. - Headed by a Director with the rank of Chief Superintendent, the Traffic Management Unit shall enforce traffic laws and regulations.

(9) Medical and Dental Centers. - Headed by a Director with the rank of Chief Superintendent, the Medical and Dental Centers shall be responsible for providing medical and dental services for the PNP.

(10) Civil Relations Unit. - Headed by a Director with the rank of Chief Superintendent, the Civil Relations Unit shall implement plans and programs that will promote community and citizens participation in the maintenance of peace and order and public safety.

SEC. 36. Status of Members of the Philippine National Police. - Members of the PNP shall be considered employees of the National Government and shall draw their salaries therefrom: Provided, That PNP members assigned in Metropolitan Manila, chartered cities and first class municipalities may be paid an additional monthly allowance by the local government unit concerned.

B. PROFESSIONALISM, WELFARE AND BENEFITS

SEC. 37. Performance Evaluation System. - There shall be established a performance evaluation system which shall be

administered in accordance with the rules, regulations and standards, and a code of conduct promulgated by the Commission for members of the PNP. Such performance evaluation system shall be administered in such a way as to foster the improvement of individual efficiency and behavioral discipline as well as the promotion of organizational effectiveness and respect for the constitutional and human rights of citizens, democratic principles and ideals and the supremacy of civilian authority over the military.

The rating system as contemplated herein shall be based on standards prescribed by the Commission and shall consider the results of annual physical, psychological and neuropsychiatric examinations conducted on the PNP officer or member concerned.

SEC. 38. Promotions. - (a) A member of the PNP shall not be eligible for promotion to a higher position or rank unless he has successfully passed the corresponding promotional examination given by the Commission, or the Bar or corresponding board examinations for technical services and other professions, and has satisfactorily completed an appropriate and accredited course in the PNFA or equivalent training institutions. In addition, no member of the PNP shall be eligible for promotion unless he has been cleared by the People's Law Enforcement Board (PLEB) of complaints proffered against him, if any.

(b) Special promotion may be extended to any member of the PNP for acts of conspicuous courage and gallantry at the risk of his life above and beyond the call of duty, or selected as such in a nationwide search conducted by the PNP or any accredited civic organization.

SEC. 39. Compulsory Retirement. - Compulsory retirement, for officer and non-officer, shall be upon the attainment of age fifty-six (56): Provided, That in case of any officer with the rank of Chief Superintendent, Director or Deputy Director General, the Commission may allow his retention in the service for an inextendible period of one (1) year.

SEC. 40. Optional Retirement. - Upon accumulation of at least twenty (20) years of satisfactory active service, an officer or non-officer, at his own request and with the approval of the Commission, shall be retired from the service and entitled to receive benefits provided for by law.

C. ADMINISTRATIVE DISCIPLINARY MACHINERY

SEC. 41. (a) Citizen's Complaints. - Any complaint by an individual person against any member of the PNP shall be brought before the following:

(1) Chiefs of Police, where the offense is punishable by withholding of privileges, restriction to specified limits, suspension or forfeiture of salary, or any combination thereof, for a period not exceeding fifteen (15) days;

(2) Mayors of cities or municipalities, where the offense is punishable by withholding of privileges, restriction to specified limits, suspension or forfeiture of salary, or any combination thereof, for a period of not less than sixteen (16) days but not exceeding thirty (30) days;

(3) People's Law Enforcement Board, as created under Sec. 43 thereof, where the offense is punishable by withholding of privileges; restriction to specified limits, suspension or forfeiture of salary, or any combination thereof, for a period exceeding thirty (30) days; or by dismissal.

The Commission shall provide in its implementing rules and regulations a scale of penalties to be imposed upon any member of the PNP under this Section.

(b) The Internal Discipline. - In dealing with minor offenses involving internal discipline found to have been committed by any regular member of their respective commands, the duly designated supervisors and equivalent officers of the PNP shall, after due notice and summary hearing, exercise disciplinary powers as follows:

(1) Chiefs of police or equivalent supervisors may summarily impose the administrative punishment of admonition or reprimand; restriction to specified limits; withholding of privileges; forfeiture of salary or suspension or any of the combination of the foregoing: Provided, That in all cases, the total period shall not exceed fifteen (15) days:

(2) Provincial Directors or equivalent supervisors may summarily impose administrative punishment of admonition or reprimand; restriction to specified limits; withholding of privileges; forfeiture of salary or suspension or any combination of the foregoing: Provided, That in all cases, the total period shall not exceed thirty (30) days;

(3) Police regional directors or equivalent supervisors shall have the power to impose upon any member the disciplinary punishment of dismissal from the service. He may also impose the administrative punishment of admonition or reprimand; restriction to specified limits; withholding of privileges; suspension or forfeiture of salary; demotion; or any combination of the foregoing: Provided, That in all cases, the total period shall not exceed sixty (60) days;

(4) The chief of the PNP shall have the power to impose the disciplinary punishment of dismissal from the service; suspension or forfeiture of salary, or any combination thereof for a period not exceeding one hundred eighty (180) days.

(c) Exclusive Jurisdiction. - A complaint or a charge filed against a PNP member shall be heard and decided exclusively by the disciplining authority who has acquired original

jurisdiction over the case and notwithstanding the existence of concurrent jurisdiction as regards the offense: Provided, That offenses which carry higher penalties referred to a disciplining authority shall be referred to the appropriate authority which has jurisdiction over the offense.

For purposes of this Act, a "minor offense" shall refer to an act or omission not involving moral turpitude, but affecting the internal discipline of the PNP, and shall include, but not be limited to:

- 1) Simple misconduct or negligence;
- 2) Insubordination;
- 3) Frequent absences or tardiness;
- 4) Habitual drunkenness; and
- 5) Gambling prohibited by law.

SEC. 42. Summary Dismissal Powers of the PNP Chief and Regional Directors. - The chief of the PNP and regional directors, after due notice and summary hearings, may immediately remove or dismiss any respondent PNP member in any of the following cases:

(a) When the charge is serious and the evidence of guilt is strong;

(b) When the respondent is a recidivist or has been repeatedly charged and there are reasonable grounds to believe that he is guilty of the charges; and

(c) When the respondent is guilty of conduct unbecoming of a police officer.

SEC. 43. People's Law Enforcement Board (PLEB). - (a) Creation and Functions - Within thirty (30) days from the issuance of the Implementing Rules and Regulations by the Commission, there shall be created by the Sangguniang Panlungsod/Bayan in every city and municipality such number of People's Law Enforcement Boards (PLEBs) as may be necessary: Provided, That there shall be at least one (1) PLEB for every municipality and for each of the legislative districts in a city. The PLEB shall have jurisdiction to hear and decide citizens' complaints or cases filed before it against erring officers and members of the PNP. There shall be at least one (!) PLEB for every five hundred (500) city or municipal police personnel.

(b) Composition and Term of Office - The PLEB shall be composed of the following:

- (1) Any member of the Sangguniang Panlungsod/Bayan chosen by his respective Sanggunian;

(2) Any Barangay Captain of the City or municipality concerned chosen by the Association of Barangay Captains; and

(3) Three (3) other members who shall be chosen by the Peace and Order Council from among the respected members of the community known for their probity and integrity, one of whom must be a Member of the Bar or, in the absence thereof, a college graduate, or the principal of the central elementary school in the locality.

The Chairman of the PLEB shall be elected from among its members. The term of office of the members of the PLEB shall be for a period of two (2) years from assumption of office. Such member shall hold office until his successor shall have been chosen and qualified.

(c) Compensation - Membership in the PLEB is a civic duty. However, PLEB members may be paid per diem as may be determined by the city or municipal council from city or municipal funds.

(d) Procedure - (1) The PLEB, by a majority vote of all its members and its Chairman shall determine whether or not the respondent officer or member of the PNP is guilty of the charge upon which the complaint is based.

(2) Each case shall be decided within sixty (60) days from the time the case has been filed with the PLEB.

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

(4) The Commission shall issue the necessary implementing guidelines and procedures to be adopted by the PLEB, including graduated penalties which may be imposed by the PLEB.

(5) The Commission may assign the present NAPOLCOM hearing officers to act as legal consultants of the PLEBs and provide, whenever necessary, legal services, assistance and advise to the PLEBs in hearing and deciding cases against officers and members of the PNP, especially those involving difficult questions of law: Provided, That these lawyers may also be assigned to investigate claims for death and disability benefits of PNP members or their heirs.

(e) Decisions - The decision of the PLEB shall become final and executory: Provided that a decision involving demotion or dismissal from the service may be appealed by either party unless an appeal is filed by either party with the Regional

Appellate Board within ten (10) days from receipt of the copy of the decision.

SEC. 44. Disciplinary Appellate Boards. The formal administrative disciplinary machinery for the PNP shall be the National Appellate Board and the Regional Appellate Boards.

The National Appellate Board shall consist of four (4) divisions, each division composed of a Commissioner as Chairman and two (2) other members. The Board shall consider appeals from decisions of the Chief of the PNP.

The National Appellate Board may conduct its hearings or sessions in Metropolitan Manila or any part of the country as it may deem necessary.

There shall be at least one (1) Regional Appellate Board per administrative region in the country to be composed of a senior officer of the regional Commission as Chairman and one (1) representative each from the PNP, and the Regional Peace and Order Council as members. It shall consider appeals from decisions of the Regional Directors, other officials, mayors, and the PLEBs: Provided, That the Commission may create additional Regional Appellate Boards as the need arises.

SEC. 45. Finality of Disciplinary Action. - The disciplinary action imposed upon a member of the PNP shall be final and executory: Provided, That a disciplinary action imposed by the regional director or by the PLEB involving demotion or dismissal from the service may be appealed to the Regional Appellate Board within ten (10) days from receipt of the copy of the notice of decision: Provided, further, That the disciplinary action imposed by the Chief of the PNP involving demotion or dismissal may be appealed to the National Appellate Board within ten (10) days from receipt thereof: Provided, finally, That failure of the Regional Appellate Board to act on the appeal within said period shall render the decision final and executory without prejudice, however, to the filing of an appeal by either party with the Secretary.

SEC. 46. Jurisdiction in Criminal Cases. - Any provision of law to the contrary notwithstanding, criminal cases involving PNP members shall be within the exclusive jurisdiction of the regular courts: Provided, That the Court-Martials appointed pursuant to Presidential Decree No. 1850 shall continue to try PC/INP members who have already been arraigned, to include appropriate actions thereon by the reviewing authorities pursuant to Commonwealth Act No. 408, otherwise known as the Articles of War, as amended, and Executive Order No. 178, otherwise known as the Manual for Court-Martials: Provided, further, That criminal cases against PC/INP members who may have not yet been arraigned upon the effectivity of this Act shall be transferred to the proper City or Provincial Prosecutor or Municipal Trial Court Judge.

SEC. 47. Preventive Suspension Pending Criminal Case. - Upon the filing of a complaint or information sufficient in form and substance against a member of the PNP for grave felonies where the penalty imposed by law is six (6) years and one (1) day or more, the court shall immediately suspend the accused from office until the case is terminated. Such case shall be subject to continuous trial and shall be terminated within ninety (90) days from arraignment of the accused.

SEC. 48. Entitlement to Reinstatement and Salary. - A member of the PNP who may have been suspended from office in accordance with the provisions of this Act or who shall have been terminated or separated from office shall, upon acquittal from the charges against him, be entitled to reinstatement and to prompt payment of salary, allowances and other benefits withheld from him by reason of such suspension or termination.

SEC. 49. Legal Assistance. - The Secretary of the Department of Justice, the Chairman of the Commission or the Chief of the PNP may authorize lawyers of their respective agencies to provide legal assistance to any member of the PNP who is facing before the prosecutor's office, the court or any competent body, a charge or charges arising from any incident which is related to the performance of his official duty: Provided, That government lawyers so authorized shall have the power to administer oaths. The Secretary of Justice, the Chairman of the Commission and the Chief of the PNP shall jointly promulgate rules and regulations to implement the provisions of this section.

SEC. 50. Power to Administer Oaths. - Officials of the Commission who are appointed by the President, as well as officers of the PNP from rank of Inspector to Senior Superintendent, shall have the power to administer oaths on matters which are connected with the performance of their official duties.

D. PARTICIPATION OF LOCAL EXECUTIVES IN THE

ADMINISTRATION OF THE PNP

SEC. 51. Powers of Local Government Officials Over the PNP Units or Forces. - Governors and mayors shall be deputized as representatives of the Commission in their respective territorial jurisdiction. As such, the local executives shall discharge the following functions:

A. Provincial Governor. 1) Power to Choose the Provincial Director. - The provincial governor shall choose the provincial director from a list of three (3) eligibles recommended by the PNP regional director.

(2) Overseeing the Provincial Public Safety Plan Implementation. - The governor, as chairman of the provincial Peace and Order Council, shall oversee the implementation of the

Provincial Public Safety Plan, which is prepared taking into consideration the Integrated Community Safety Plans, as provided under paragraph (B)(2) of this Act.

B. City and Municipal Mayors. - 1) Operational Supervision and Control. - The city and municipal mayors shall exercise operational supervision and control over PNP units in their respective jurisdiction except during the thirty (30) day period immediately preceding and the thirty (30) days following any national, local or barangay elections. During the said period, the local police forces shall be under the supervision and control of the Commission on Elections.

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

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

"Employ" refers to the utilization of units or elements of the PNP for purposes of protection of lives and properties, enforcement of laws, maintenance of peace and order, prevention of crimes, arrest of criminal offenders and bringing the offenders to justice, and ensuring public safety, particularly in the suppression of disorders, riots, lawless violence, rebellious or seditious conspiracy, insurgency, subversion or other related activities.

"Deploy" shall mean the orderly and organized physical movement of elements or units of the PNP within the province, city or municipality for purposes of employment as herein defined.

(2) Integrated Community Safety Plans. - The municipality/city mayor shall, in coordination with the local Peace and Order Council of which he is the chairman pursuant to Executive Order No. 309, as amended, develop and establish an integrated area/community public safety plan embracing priorities of action and program thrusts for implementation by the local PNP stations.

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

(3) Administrative Disciplinary Powers. - In the areas of discipline, city and municipal mayors shall have the power to impose, after due notice and summary hearings, disciplinary penalties for minor offenses committed by members of the PNP assigned to their respective jurisdiction, as provided in Section

41 of this Act.

(4) Other Powers. - In addition to the aforementioned powers, city and municipal mayors shall have the following authority over the PNP units in their respective jurisdictions:

(a) Authority to choose the chief of police from a list of five (5) eligibles recommended by the provincial police director, preferably from the same province, city or municipality;

(b) Authority to recommend the transfer, reassignment or detail of PNP members outside of their respective city or town residence; and

(c) Authority to recommend, from a list of eligibles previously screened by the Peace and Order Council, the appointment of new members of the PNP to be assigned to their respective cities or municipalities without which no such appointment shall be attested.

SEC. 52. Suspension of Operational Supervision and Control - The President may, upon consultation with the provincial governor and congressman concerned, suspend the power of operational supervision and control of any local executive over police units assigned or stationed in his jurisdiction for any of the following grounds: frequent unauthorized absences, abuse of authority, providing material support to criminal elements, or engaging in acts inimical to national security or which negate the effectiveness of the peace and order campaign. Upon good cause shown, the President may, motu proprio or upon the recommendation of the National Police Commission, restore such power withdrawn from any local executive.

Chapter IV

BUREAU OF FIRE PROTECTION

SEC. 53. Composition - The Bureau of Fire Protection, hereinafter referred to as the Fire Bureau, is hereby created initially consisting of the existing officers and uniformed members of the fire service of the Integrated National Police as constituted under Presidential Decree No. 765.

SEC. 54. Powers and Functions - The Fire Bureau shall be responsible for the prevention and suppression of all destructive fires on buildings, houses and other structures, forests, land transportation vehicles and equipment, ships or vessels docked at piers or wharves or anchored in major sea ports, petroleum industry installations, plane crashes and other similar incidents, as well as the enforcement of the Fire Code and other related laws.

The Fire Bureau shall have the power to investigate all

causes of fires and, if necessary, file the proper complaints with the city or provincial prosecutor who has jurisdiction over the case.

SEC. 55. Organization. - The Fire Bureau shall be headed by a chief who shall be assisted by a deputy chief, it shall be composed of provincial offices, district offices and city or municipal stations.

At the provincial level, there shall be an Office of the Provincial Fire Marshal which shall implement policies, plans, programs of the Department, monitor, evaluate and coordinate the operations and activities of the Fire Service Operating Units at the city and municipal levels. In case of large provinces, district offices may be established, to be headed by a district fire marshal.

At the city or municipal level, there shall be a fire station, each headed by a city or municipal fire marshal: Provided, That in the case of large cities and municipalities, a district office with subordinate fire stations headed by a district fire marshal may be organized as necessary.

The fire chief shall recommend to the Secretary the organizational structure and staffing pattern, as well as the disciplinary machinery for officers and men of the Bureau, in accordance with the guidelines set forth herein and as provided in Section 85 of this Act.

The local government units at the city and municipal level shall be responsible for the fire protection and various emergency services such as rescue and evacuation of injured people at fire-related incidents and, in general, all fire prevention and suppression measures to secure the safety of life and property of the citizenry.

SEC. 56. Establishment of Fire Station - There shall be established at least one (1) fire station with adequate personnel, firefighting facilities and equipment in every provincial capital, city and municipality subject to the standards, rules and regulations as may be promulgated by the Department. The local government unit shall, however, provide the necessary land or site of the station.

SEC. 57. Qualification Standards. - The qualification standards of the member of the Fire Bureau shall be as prescribed by the Department, based on the requirement of the service.

SEC. 58. Rank Classification- For purposes of efficient administration, supervision and control, the rank classification of the members of the Fire Bureau shall be as follows:

Director

Chief Superintendent

Senior Superintendent

Superintendent

Chief Inspector

Senior Inspector

Inspector

Senior Fire Officer IV

Senior Fire Officer III

Senior Fire Officer II

Senior Fire Officer I

Fire Officer III

Fire Officer II

Fire Officer I

SEC. 59. Key Positions. - The head of the Fire Bureau with the rank of Director shall have the position title of Chief of the Fire Bureau. He shall be assisted by a Deputy Chief with the rank of Chief Superintendent.

The assistant heads of the Department's regional offices with the rank of Senior Superintendent shall assume the position title of Assistant Regional Director for Fire Protection as provided in Section 11 of this Act; heads of the NCR district offices with the rank of Senior Superintendent shall have the position title of District Fire Marshal; the heads of the provincial offices with the rank of Superintendent shall be known as Provincial Fire Marshal; heads of the district offices with the rank of Chief Inspector shall have the position title of District Fire Marshal; and heads of municipal or city stations with the rank of Senior Inspector shall be known as Chief of Municipality/City Fire Station.

Chapter V

BUREAU OF JAIL MANAGEMENT AND PENOLOGY

SEC. 60. Composition. - The Bureau of Jail Management and Penology, hereinafter referred to as the Jail Bureau, is hereby created initially consisting of officers and uniformed members of the Jail Management and Penology Service as constituted under Presidential Decree No. 765.

SEC. 61. Powers and Functions - The Jail Bureau shall

exercise supervision and control over all city and municipal jails. The provincial jails shall be supervised and controlled by the Provincial Government within its jurisdiction, whose expenses shall be subsidized by the National Government for not more than three (3) years after the effectivity of this Act.

SEC. 62. Organization - The Jail Bureau shall be headed by a chief who shall be assisted by a deputy chief.

The Jail Bureau shall be composed of city and municipal jails, each headed by a city or municipal jail warden: Provided, That in case of large cities and municipalities, a district jail with subordinate jails headed by a district jail warden may be established as necessary.

The Chief of the Jail Bureau shall recommend to the Secretary the organizational structure and staffing pattern of the Bureau as well as the disciplinary machinery for officers and men of the Bureau in accordance with the guidelines set forth herein and as prescribed in Section 85 of this Act.

SEC. 63. Establishment of District, City or Municipal Jail. - There shall be established and maintained in every district, city and municipality a secured, clean, adequately equipped and sanitary jail for the custody and safekeeping of city and municipal prisoners, any fugitive from justice, or person detained awaiting investigation or trial and/or transfer to the national penitentiary, and/or violent mentally-ill person who endangers himself or the safety of others, duly certified as such by the proper medical or health officer, pending the transfer to a mental institution.

The Municipal or City Jail Service shall preferably be headed by a graduate of a four (4) year course in psychology, psychiatry, sociology, nursing, social work or criminology who shall assist in the immediate rehabilitation of individuals or detention of prisoners. Great care must be exercised so that the human rights of these prisoners are respected and protected, and their spiritual and physical well-being are properly and promptly attended to.

SEC. 64. Rank Classification - For purposes of efficient administration, supervision and control, the rank classification of the members of the Jail Bureau shall be as follows:

Director
Chief Superintendent
Senior Superintendent
Superintendent
Chief Inspector

Senior Inspector

Inspector

Senior Jail Officer II

Senior Jail Officer III

Senior Jail Officer II

Senior Jail Officer I

Jail Officer III

Jail Officer II

Jail Officer I

SEC. 65. Key Positions. - The head of the Jail Bureau with the rank of director shall have the position title of Chief of Jail Bureau. He shall be assisted by a deputy chief with the rank of Chief Superintendent.

The assistant heads of the Department's regional offices with the rank of senior superintendent shall assume the position title of Assistant Regional Director of Jail Management and Penology as provided by Section 12 of this Act; heads of district offices with the rank of Chief inspector shall have the position title of District Jail Warden; and heads of city or municipal stations with the rank of senior inspector shall be known as City/Municipal/Jail Warden.

CHAPTER VI

THE PHILIPPINE PUBLIC SAFETY COLLEGE

Sec. 66. Creation of the Philippine Public Safety College. - There is hereby created the Philippine Public Safety College (PFSC), which shall be the premier educational institution for the training, human resource development and continuing education of all personnel of the PNP, Fire and Jail Bureaus.

Said college shall be under the direct supervision of a Board of Trustees composed of the Secretary and the three (3) bureau heads.

SEC. 67. Composition, Powers and Functions. - The College shall consist of the present Philippine National Police Academy (PNPA) established pursuant to Section 13 of P. D. 1184, the Fire Service Training Center, the Philippine National Training Center (PNTC), the National Police College, and other special training centers as may be created by the Department, whose functions shall be as follows:

- (1). Formulate and implement training programs for the

personnel of the Department;

(2) Establish and maintain adequate physical training facilities;

(3) Develop and implement research and development to support educational training programs;

(4) Conduct an assessment of the training needs of all its clientele; and

(5) Perform such other related functions as may be prescribed by the Secretary.

SEC. 68. Organization. The structure and staffing pattern of the College shall be prescribed by the Secretary.

CHAPTER VII

COMMON PROVISIONS FOR UNIFORMED PERSONNEL

SEC. 69. Incentive and Awards.- There shall be established an incentive and awards system which shall be administered by a board under such rules, regulations and standards as may be promulgated by the Department; Provided, That equivalent awards shall be given by the Department for every award duly given by respectable civic organizations in a nationwide selection for outstanding achievement and/or performance for any member.

SEC. 70. Health and Welfare. - It shall be the concern of the Department to provide leadership and assistance in developing health and welfare programs for its personnel.

The heads of all bureaus and other officers created under this Act shall take all proper steps towards the creation of an atmosphere conducive to a good-supervisor-subordinate relationship and the improvement of personnel morale.

SEC. 71. Longevity Pay and Allowances. - Uniform personnel of the Department shall be entitled to a longevity pay of ten (10) percent of their basic monthly salaries for every five (5) years of service, which shall be reckoned from the date of the personnel's original appointment in the AFP, or appointment in the police, fire, jail or other allied services prior to the integration of the PC and the INP: Provided, That the totality of such longevity pay shall not exceed fifty (50) percent of the basic pay. They shall also continue to enjoy the subsistence allowance, quarters allowance, clothing allowance, cost of living allowance, hazard pay, and all other allowances as provided by existing laws.

SEC. 72. Active Service. - For purposes of this Act, active service of the uniformed personnel shall refer to services rendered as an officer and non-officer, cadet, trainee or draftee

in the PNP, Fire or Jail Force or in the municipal police prior to the integration of the PC/INF or in the AFP, and services rendered as a civilian official or employee in the Philippine Government prior to the date of separation or retirement from the PNP, Fire or Jail Force; Provided, That for purposes of retirement, he shall have rendered at least ten (10) years of active service as officer or non-officer in the AFP, and/or in the INF and/or in the PNP, Fire or Jail Force; Provided, further, That services rendered as cadet, probationary officer, trainee or draftee in the AFP or as cadet or trainee in the INF and PNP shall be credited for purposes of longevity pay; and Provided, finally, That for cadet services, the maximum number of service to be credited shall not exceed the duration of the pre-commissionship course specified in the curriculum.

SEC. 73. Permanent Physical Disability. - An officer or non-officer who, having accumulated at least twenty (20) years of active service, incurs total permanent physical disability in line of duty shall be compulsorily retired: Provided, That if he has accumulated less than twenty (20) years of active service, he shall be separated from the service and be entitled to a separation pay equivalent to one and one-fourth (1 1/4) months base pay for every year of service, or fraction thereof, and longevity pay of the permanent grade he holds.

SEC. 74. Retirement in the Next Higher Grade. - Uniformed personnel covered under this Act shall, for purposes of retirement pay, be retired in one grade higher than the permanent grade last held: Provided, That they have served at least one (1) year of active service in the permanent grade.

SEC. 75. Retirement Benefits. - Monthly retirement pay shall be fifty (50) percent of base pay and longevity pay of the retired grade in case of twenty (20) years of active service, increasing by two and one-half (2 1/2) percent for every year of active service rendered beyond twenty (20) years to a maximum of ninety (90) percent for thirty-six (36) years of active service and over.

SEC. 76. Death and Disability Benefits. - A uniformed personnel and/or his heirs shall be entitled to all benefits relative to the death or permanent incapacity of said personnel, as provided for under this Act, and/or other existing laws.

SEC. 77. Exemption From Attachment and Taxes. - All benefits granted by this Act, including benefits received from the Government Service Insurance System, shall not be subject to attachment, levy, execution or any tax of whatever nature.

SEC. 78. Uniformed Personnel Missing in Action. - Any uniformed personnel who, while in the performance of duty or by reason of his being an officer or member of the PNP, Fire or Jail Force, is officially confirmed missing in action, kidnaped or captured by lawless elements shall, while so absent, be entitled to receive or to have credited to his account the same pay and

allowances to which such officer or uniformed member was entitled at the time of the incident: Provided, That the compulsory retirement of a person missing in action shall be processed to allow the members of the next of kin to enjoy the retirement benefits: - Provided, further, That should the chief of the PNP, Fire or Jail Force, as the case may be, upon the recommendation of the proper authority and/or immediate supervisor, subsequently determine that the officer or uniformed member concerned have been absent from duty without authority, such member or his heirs shall reimburse the PNP, Fire or Jail Force all such amount and allowances received by him in accordance with this section and the following section.

SEC. 79. Payment of Salary and Allowances to the Heirs of Uniformed Personnel. - In case any uniformed personnel has been officially confirmed as missing in action under any of the circumstances provided in the preceding section, the chief of the PNP, Fire or Jail Force, as the case may be, shall direct payment of the absent uniformed personnel's monthly salary and allowances, other emoluments pertinent thereto to his/her heirs for their support for a maximum period of one (1) year from the date of commencement of absence or when last heard from as those kidnaped or captured by lawless elements.

SEC. 80. Finding of Death and Termination of Payment of Salary and Allowances. - Upon the termination of the one-year period as specified in the preceding section, the missing uniformed personnel shall be automatically terminated. In the event said personnel shall thereafter be found to have been alive and is not entitled to the benefits paid under the preceding sections of this Act, said benefits shall be reimbursed to the State within six (6) months from the discovery of the fact or his reappearance. However, if his continued disappearance was fraudulent or made in bad faith he shall, together with his co-conspirators, be prosecuted according to law.

SEC. 81. Complaints and Grievances. - Uniformed personnel shall have the right to present complaints and grievances to their superiors or commanders and have them heard and adjudicated as expeditiously as possible in the best interest of the service, with due regard to due process in every case. Such complaints or grievances shall be resolved at the lowest possible level in the unit of command and the respondent shall have the right to appeal from an adverse decision to higher authorities.

SEC. 82. Prohibitions; Penalties. - As professional police, fire and jail officers and members responsible for the maintenance of peace and order and public safety, the members and officers of the PNP, Fire or Jail Force are hereby prohibited from engaging in strikes, rallies, demonstrations and other similar concerted activities, or performing other acts prejudicial to good order and police discipline.

Any PNP, Fire or Jail Force member found guilty by final judgment of violating the provisions of the preceding paragraph

shall be dismissed from the service without prejudice to whatever criminal or civil liability he may have incurred in relation to such violations.

CHAPTER VIII

TRANSITORY PROVISIONS

SEC. 83. Secretary of the Department of Local Government on Holdover Capacity. - The incumbent Secretary of the Department of Local Government shall perform the functions of the Secretary of the Interior and Local Government on holdover capacity until such time when a new Secretary shall have been appointed by the President and confirmed by the Commission on Appointments. ✓

SEC. 84. Special Oversight Committee. - A Special Oversight Committee is hereby created, composed of the Secretary as Chairman, the Secretary of Budget and Management as Co-Chairman, the Secretary of National Defense, the incumbent PC-INP Director General, the incumbent Chairmen of the Committee on Local Government and the Committee on National Defense and Security in the Senate, and the respective Chairmen of the Committee on Public Order and Security and the Committee on National Defense in the House of Representatives, as members, which shall plan and oversee the expeditious implementation of the transfer, merger and/or absorption into the department of the personnel, property, appropriations and installations of involved agencies.

SEC. 85. Phases of Implementation. - The implementation of this Act shall be undertaken in three (3) phases, to wit:

Phase I - Exercise of option by the uniformed members of the Philippine Constabulary, the PC elements assigned with the Narcotics Command, CIS, and the personnel of the technical services of the AFP assigned with the PC to include the regular CIS investigating agents and the operatives and agents of the NAPOLCOM Inspection, Investigation and Intelligence Branch, and the personnel of the absorbed National Action Committee on Anti-Hijacking (NACAH) of the Department of National Defense, to be completed within six (6) months from the date of the effectivity of this Act. At the end of this phase, all personnel from the INP, PC, AFP Technical Services, NACAH and NAPOLCOM Inspection, Investigation and Intelligence Branch shall have been covered by Official Orders assigning them to the PNP, Fire and Jail Forces by their respective units.

Phase II - Approval of the Table of Organization and Equipment of all bureaus and offices created under this Act, preparation and filling up of their staffing pattern, transfer of assets to the Department and organization of the Commission, to be completed within twelve (12) months from the effectivity date hereof. At the end of this phase, all personnel to be absorbed by the Department shall have been issued appointment papers, and the organized Commission and the PNP shall be fully operational.

The PC officers and enlisted personnel who have not opted to join the PNP shall be reassigned to the Army, Navy or Air Force or shall be allowed to retire under existing AFP Rules and Regulations. Any PC/INP officer or enlisted personnel may, within the 12-month period from the effectivity of this Act, retire and be paid retirement benefits corresponding to a position of two (2) ranks higher than his present grade, subject to the conditions that at the time he applies for retirement, he has rendered at least twenty (20) years of service and still has, at most, twenty-four (24) months of service remaining before the compulsory retirement age as provided by existing law for his office.

Phase III - Adjustment of ranks and establishment of one (1) lineal roster of officers and another for non-officers, and the rationalization of compensation and retirement systems, taking into consideration the existing compensation schemes and retirement and separation benefit systems of the different components of the PNP, to insure that no member of the PNP shall suffer any diminution in basic longevity and incentive pays, allowances and retirement benefits due them before the creation of the PNP, to be completed within eighteen (18) months from the effectivity of this Act. To accomplish the tasks of Phase III, the Commission shall create a Board of Officers composed of the following: NAPOLCOM Commissioner as Chairman and one (1) representative each from the PC, INP, Civil Service Commission and Department of Budget and Management.

Upon the effectivity of this Act, the Secretary shall exercise administrative supervision as well as operational control over the transferred, merged and/or absorbed AFP and INP units. The incumbent Director General of the PC/INP shall continue to act as Director General of the PNP until such time as he shall have been replaced by the President.

SEC. 86. Assumption by the PNP of Police Functions. - The PNP shall absorb the functions of the PC, the INP and the Narcotics Command upon the effectivity of this Act.

All functions of the PAFSECOM and the police functions of the Coast Guard shall be taken over by the PNP when it acquires the capability to perform such functions after the transition period of eighteen (18) months. Personnel of the PAFSECOM or the Coast Guard shall, within the transition period, have the option to join the PNP or remain with the PAFSECOM or the Coast Guard, as the case may be.

SEC. 87. Absorption by the Department of the National Action Committee on Anti-Hijacking. - The Department shall absorb the National Action Committee on Anti-Hijacking under the Department of National Defense, and the transfer of assets, personnel and accountabilities of this office to the Department shall proceed in accordance with the provisions of this chapter.

SEC. 88. Transfer, Merger, and Absorption of Offices and Personnel. - All properties, equipment, and finances of the transferred and absorbed agencies, including their respective financial accountabilities, are hereby transferred to the Department.

The transfer, merger and/or absorption of any government office/unit concerned shall include the functions, appropriations, funds, records, equipment, facilities, choses in action, rights, other assets, and liabilities, if any, of the transferred office/unit as well as the personnel thereof, who shall, unless removed for cause and after due process in a holdover capacity, continue to perform their respective duties and responsibilities and receive their corresponding salaries and benefits. Those personnel of the transferred, merged, and/or absorbed office/unit whose positions are not included in the new position structure and staffing pattern approved by the Department or who are not reappointed shall be given preference to join the Department or any of the offices thereunder or shall be allowed to retire under existing laws, rules and regulations. Otherwise, they shall be deemed separated and paid gratuity equivalent to one and one-fourth (1 1/4) months basic salary for every year of service or fraction thereof.

Personnel of the existing Department of Local Government shall, unless removed for cause and after due process, continue to perform their duties and responsibilities and shall receive their corresponding salaries and benefits.

The Heads of the various bureau and offices created under this Act shall, within six (6) months from the effectivity of this Act, recommend the organizational structure and staffing pattern of their bureau and offices for approval by the Secretary.

SEC. 89. Compulsory Retirement for INP Members. - Any provision hereof to the contrary notwithstanding and within the transition period of four (4) years following the effectivity of this Act, the following members of the INP shall be considered compulsorily retired:

(1) Those who shall attain the age of sixty (60) on the first year of the effectivity of this Act;

(2) Those who shall attain the age of fifty-nine (59) on the second year of the effectivity of this Act;

(3) Those who shall attain the age of fifty-eight (58) on the third year of the effectivity of this Act; and

(4) Those who shall attain the age of fifty-seven (57) on the fourth year of the effectivity of this Act.

SEC. 90. Status of Present NAPOLCOM, PC-INP. - Upon the effectivity of this Act, the present National Police Commission, and the Philippine Constabulary/Integrated National Police shall

cease to be a major service of the Armed Forces of the Philippines. The Integrated National Police, which is the civilian component of the Philippine Constabulary/Integrated National Police, shall cease to be the national police force and in lieu thereof, a new police force shall be established and constituted pursuant to this Act.

CHAPTER IX

FINAL PROVISIONS

SEC. 91. Application of Civil Service Laws. - The Civil Service Law and its implementing rules and regulations shall apply to all personnel of the Department.

SEC. 92. Funding. - For purposes of organizing and constituting the Department, and for carrying out the provisions of this Act, the appropriations of the abolished, transferred or reconstituted offices for the current fiscal year shall be transferred to the Department. Thereafter, such amounts as may be necessary to carry out the provisions of this Act shall be included in the annual General Appropriations Act.

SEC. 93. Implementing Rules and Regulations. - Within ninety (90) days from his appointment, the Secretary shall promulgate rules and regulations necessary to ensure the effective implementation of this Act.

SEC. 94. Separability Clause. - If any portion or provision of this Act is declared unconstitutional, the same shall not affect the validity and effectivity of the other provisions not affected thereby.

SEC. 95. Repealing Clause. - All laws, decrees, executive orders, rules and regulations, and other issuances or parts thereof which are inconsistent with this Act are hereby repealed, amended or modified accordingly.

The provisions of EO 262 shall remain valid insofar as they are not inconsistent with the provisions of this Act.

SEC. 96. Effectivity. - This Act shall take effect after fifteen (15) days following its publication in two (2) national newspapers of general circulation.

Approved.

CONFEREES ON THE PART OF THE
SENATE

CONFEREES ON THE PART OF THE
HOUSE OF REPRESENTATIVES

SGD. ERNESTO M. MACEDA

SGD. JOSE S. COJUANGCO, JR.

MAMINTAL A.J. TAMANO

i. JOSE D. YAP

SGD. AQUILINO Q. PIMENTEL

SGD. RODRIGO B. GUTANG

SGD. RENE A. SAGUISAG

SGD. RENATO M. UNICO

SGD. EDGARDO J. ANGARA

SGD. NEREO R. JOAQUIN

SGD. NEPTALI A. GONZALES

SGD. RONALDO B. ZAMORA

SGD. WIGBERTO E. TANADA

SGD. ALVIN G. DANS

SGD. JOHN H. OSMENA

SGD. TERESA AQUINO-ORETA

SGD. JUAN PONCE ENRILE

SGD. RODOLFO B. ALBANO



Senate Archives (IRAS)

MOTION OF SENATOR GUINGONA

(To Insert into the Record the NAPOLCOM Commissioner's letter, dated November 16, 1990.)

Senator Guingona. I would just like to enter into the Record, Mr. President, the letter from the NAPOLCOM, concerning the issues I raised in this interpellation.

The President Pro Tempore. It is so included, if there is no objection? (There was none.)

(The following is the full text of the letter.)

16 November 1990

Hon. Teofisto Guingona, Jr.
Senator, Congress of the Philippines
Executive House, Manila

Dear Senator Guingona:

With reference to the final draft of the proposed bill entitled, "AN ACT ESTABLISHING THE PHILIPPINE NATIONAL POLICE UNDER A REORGANIZED DEPARTMENT OF THE INTERIOR AND LOCAL GOVERNMENT, AND FOR OTHER PURPOSES" which was finalized after the 7 November 1990 meeting of the Bicameral Committee, the National Police Commission has the honor to respectfully submit the following comments:

1. The proposed Bill would run counter to the fundamental provisions of Sec. 6 of Article XVI of the Constitution which provides that "The State shall establish and maintain one police force which shall be national in scope and civilian in character, to be administered and controlled by a National Police Commission."

The enumeration of the powers and functions of the Commission in Sec. 14 of the proposed Bill are merely "administrative control" over the Philippine National Police. It does not cover the "operational" control aspects over the PNP.

To administer and control carries with it the power to organize, staff, operate, and manage the PNP in all aspects whether it will be administrative (staff) or operational (line) functions and the duties of directing, supervising, coordinating, and controlling in the prosecution of such functions. In other words, to perform everything possible to successfully



administer the PNP without limitations, except that imposed by law within constitutional mandate.

At the time this particular provisions of the National Police Commission exercises only "administrative control and supervision" over the Integrated National Police under Sec. 1 of Executive Order No. 1040, dated July 10, 1985; hence, the determination to give the National Police Commission not only "administrative" but also "operational" powers over the future Philippine National Police with the use of the term administered to be all-embracing as to cover both aspects, and to make it more definitive, by adding the term controlled, which is subsumed anyway by the power to administer if only to deter any attempt to emasculate its meaning.

Recommendation

Therefore, par. (a) of Sec. 14 of the proposed Bill should be amended to read, as follows:

(a) Administer and control the Philippine National Police;

2. The provision for a Special Oversight Committee in Section 84 inadvertently failed to provide the membership of the incumbent Chairman of the National Police Commission whose knowledge of the present problems on personnel, property, and equipment of the INP, from the Commission's regional offices throughout the country and inspection and intelligence divisions at its central office, more than any other member, except the incumbent Director-General of the INP, would be of great advantage to the Committee in planning and overseeing the expeditious implementation of the new organizational set-up.



Recommendation

Section 84, Special Oversight Committee should include the incumbent Chairman of the National Police Commission before or after the incumbent PC-INF Director-General, among others.

(Actually, the term "Director General" refers to the INP only, and for the PC, the head is "Chief" hence, it is appropriate to use the phrase---incumbent Chief of PC and Director-General of the INP---referring to one person

holding two different positions.)

We hope that the foregoing observations and recommendations would merit due consideration in the final passage of the reconciled bill.

Very truly yours,

SGD. SERGIO F. GO
Commissioner
Officer-in-Charge

STATEMENT OF SENATOR SAGUISAG
(On the Constitutionality of S. No. 463)

Senator Saguisag. Mr. President.

The President Pro Tempore. Senator Saquisag is recognized.

Senator Saguisag. May I just be allowed to spread upon the Record certain remarks considering the stimulating discussion on the constitutionality of the measure.

I place myself squarely behind the very able and edifying explanation of our distinguished Chairman. It is entirely possible that someone might want to test the constitutionality of what we have done here. So, in addition to the remark earlier entered into the Record, I would like to add certain thoughts.

In the Third Reading version that we approved, from which we have not departed, in Section 18, what we defended in the panel when we met with our House Counterparts, these are the following provisions.

Section 18. The Commission shall have the following powers and duties:

- a. To advise the President on all matters involving police administration.

What now appears in what we have just approved, in fact, expanded on it, by precisely including in Section 14 (b) the word "functions."

So,

"Advise the President on all matters involving police functions and administration."

In Section 18 (t) of what we approved on Third Reading, this is what we said:

Exercise administrative control and supervision over the local police forces through their ex-officio

representative at the local level.

We were very faithful to this. This is now contained, among other phrases, in Section 51 of the new bill.

And I am also in entire agreement that when we are silent, then what is in the Constitution is really part of the bill. So long as we do not contradict it, then it should be read as part of what we have worked on should a case come up.

In any case, Mr. President, in the October 1, 1986 Constitutional Commission debates, we said that, anyway, the administration and control of the police are among the vast powers of the President.

Ito po si Commissioner Rodrigo.

"Mr. RODRIGO: There are two other powers of the President. The President has control over ministries, bureaus and offices, and supervision over local governments. Under which does the police fall, under control or under supervision?"

"Mr. NATIVIDAD. Both, Madam President.

"Mr. RODRIGO. Control and Supervision.

"Mr. NATIVIDAD. Yes, in fact, the National Police Commission is under the Office of the President.

"Mr. RODRIGO. It is under the Office of the President.

"Mr. NATIVIDAD. Yes, Madam President.

"Mr. RODRIGO. Thank you very much.

"MR. RAMA. The body is ready to vote, Madam President.

"THE PRESIDENT. Will Commissioner Natividad please read once more Section 22.

"MR. NATIVIDAD. Section 22 reads:

THE STATE SHALL ESTABLISH AND MAINTAIN ONE POLICE FORCE WHICH SHALL BE NATIONAL IN SCOPE AND CIVILIAN IN CHARACTER TO BE ADMINISTERED AND CONTROLLED BY A NATIONAL POLICE COMMISSION. THE AUTHORITY OF LOCAL EXECUTIVES OVER THE POLICE UNITS IN THEIR JURISDICTION SHALL BE PROVIDED BY LAW." Con-Com Record, pp.296-297.

And this is exactly word for word, verbatim, walang labis,

walang kulang. Ito po ang nasa ating Saligang-Batas ngayon, kaya I agree with Senator Gonzales, with Senator Maceda, especially in the latter's interpretation of Section 14 (b) and also Section 14 (c) that the NAPOLCOM will perform such other functions as the President may direct.

Kaya ang suma nga po nito, kung ano ang gusto ng Presidente, sa pamamagitan ng kanyang mga Kalihim, ay iyon po ang ating ginagawa lamang dito. We are discharging a burden that, since 1986, 1987, those of us in the Cabinet were already discussing this. And we thought at that time that three years or four years would be enough. Kaya, tamang tama po, we are now in our fourth year not to say that we have this open-ended more than 48-month extension in special circumstances.

So, I hope that the Supreme Court, in a proper challenge, will see all of these and look at all that we have said as guides in interpreting what we have done, that it is not a question of constitutionality, but in whose favor should a doubt as to who should exercise a power should be indulged in.

We are all confident that every intendment is indulged in favor of supporting any bill, particularly something that we have worked on so hard since 1987. I recall that it was then Senator Manglapus who started our effort in this respect.

So, we hope that since we were all only working within the mandate given us when we worked in the Conference Committee that no challenge will succeed, dahil ito pong ginawa namin sa Conference Committee, iyon po ang nandoon sa ating third version na pinagtibay.

I hope that the doubts will have been resolved in favor of the validity and constitutionality of our effort.

Iyon na lamang po. As I said, I am very happy that I was able to contribute my little bit here. And let us hope that a constitutional challenge will not fail and will only succeed in clarifying what we have tried to do totally, and consistent with the spirit and intent of the Constitution.

Maraming salamat po.

(The following is the Written Explanation of Vote on Conference Committee Report on S. No. 463 of Senators Maceda, Pimentel and Saquisag.)

Mr. President:

We have reason to be at once proud and concerned. Proud as this at once completes a task started in 1986 and 1987, when a number of us were still in the Cabinet, and discharged a constitutional burden. We then said we needed two to three years as a transition period. Concerned, too, as we are eliminating forever an organization with a proud, if mixed, history, the

Philippine Constabulary.

There has been some concern raised as to the constitutionality of the provision on the National Police Commission. For instance, I secured yesterday a copy of the pertinent letter containing the position taken by Commissioner Sergio Go of the National Police Commission precisely citing the pertinent constitutional provision. (Please see his letter of November 16, 1990 mentioned in our Order of Business yesterday.) Whatever may be the elipses or interstices in the bill we cannot, in fact, read the Constitution out of it.

In a proper challenge, the Supreme Court, in my view, will read our bill together with the Constitution and in case of doubt resolve any question on power or jurisdiction in favor of the National Police Commission.

In the October 1, 1986 Constitutional Commission debates, we see that anyway the administration and control of the police are among the vast powers of the President.

MR. RODRIGO. There are two other powers of the President. The President has control over ministries, bureaus and offices, and supervision over local governments. Under which does the police fall, under control or under supervision?

MR. NATIVIDAD. Both, Madam President.

MR. RODRIGO. Control and supervision.

MR. NATIVIDAD. Yes, in fact, the National Police Commission is under the Office of the President.

MR. RODRIGO. It is under the Office of the President.

MR. NATIVIDAD. Yes, Mr. President.

MR. RODRIGO. Thank you very much.

MR. RAMA. The Body is ready to vote, Madam President.

THE PRESIDENT. Will Commissioner Natividad read once more Section 22.

MR. NATIVIDAD. Section 22 reads:

THE STATE SHALL ESTABLISH AND MAINTAIN ONE POLICE FORCE WHICH SHALL BE NATIONAL IN SCOPE AND CIVILIAN IN CHARACTER TO BE ADMINISTERED AND CONTROLLED BY A NATIONAL POLICE COMMISSION. THE AUTHORITY OF LOCAL EXECUTIVES OVER THE POLICE UNITS IN THEIR JURISDICTION SHALL BE PROVIDED BY LAW. Con-Com Record, pp. 296-297.

Precisely, "Section 22" (during the Con-Com deliberations)

is now Section 6 of Article XVI of the Constitution, verbatim, word for word, walang labis, walang kulang. It is read into the measure, just like in any other law, for that matter, even without express mention of the provision.

No one seemed to find fault with the situation depicted in the exchange, just quoted, between Commissioners Rodrigo and Natividad.

Now, Section 14 (b) of the bill before us states as one of the Napolcom's powers and functions: "Advise the President on all matters including police functions and administration." Its Section 14(o) says that body shall "Perform such other functions... as the President may direct."

We protected in Conference, as in duty bound, the version we approved on Third Reading on October 20, 1989, or more than a year ago. Section 18(a) of our Third Reading version says that among the Napolcom's duties is "To advise the President on all matters involving police administration [note that we added "functions" to "administration"] while its Section 18(t) says, "Exercise administrative control and supervision over the local police forces through their ex-officio representatives at the local level; . . ."

These ideas we incorporated in the Report and it seems awkward to question at this stage what we approved unanimously on Third Reading and preserved in Conference, as earlier indicated.

We read the entire corpus of law as a whole. Every intendment is to be indulged in to support the constitutionality of the bill by resolving doubts in favor of the Napolcom.

We merely intended to enumerate in the bill some implied "necessary and proper" powers and functions. We would be in error if we had said something like the Napolcom could not administer or control the national police. But, that we did not do. The President, as Chief Executive, is submitted to be the final administrative and operational authority (a Department Head is his or her alter ego) but local executive cannot be denied, either.

The Chief Executive cannot have less powers over the civilian police as he or she has as Commander-in-Chief in relation to the military. She has control and supervision, as Chief Executive.

I would like to thank and congratulate the distinguished Chairman of the Committee on National Defense and Security, and the equally distinguished Chairman of the Committee on Local Government. If the measure succeeds, we know whom to credit. If it fails, we know whom to blame in that they honored me with co-authorship of this important

bill.

Yes, Senate No. 463 was co-authored by Sen. Ernesto Maceda, Sen. Aquilino Pimentel and me. But, in Conference, we temporarily parted ways because Sen. Maceda wanted a separate Department, a decision in which all the Members of the House agreed, and signed the Conference Committee Report.

In the Senate, however, only four agreed. Sen. Pimentel and I stuck to our original idea of not creating a new department. We were supported by Sen. Juan Ponce Enrile, Sen. John Osmena, and Sen. Wigberto Tanada. We did not want to create a new Department as that would be another expensive bureaucratic layer, and on this stand we were upheld. That was why the initial Committee Report was not approved. We worked out a new one, principally through the efforts of the distinguished Member from Mandaluyong, Sen. Neptali Gonzales.

The Report seeks a balance among all valid competing claims. It addresses a complex task, hence, our proposal for a two-year transition period, which is extendible.

The Senate is really an excellent forum of ideas of broadminded men and women. As an editorial has said:

"The other reason a national police act did not emerge quickly from Congress had to do with conflicting proposals on how the PNP should be created. Some legislators like Sen. Ernesto Maceda batted for a national police that would restrict the entry of constabulary men into its ranks and ban altogether the entry of FC officers. Others proposed the creation of a new civilian department, the Department of Public Order and Safety, to oversee the national police. And then there were those who agreed with the Globe that the PNP did not warrant the creation of another bureaucracy.

"But it is not as if the PNP will emerge overnight following President Aquino's signing of the bill into law. The consolidated bill in fact provides for a two-year transition period that will start once the law is enacted. This is sound because all affected personnel of the Philippine Constabulary and the Integrated National Police need time to adjust to the new setup."

1

Yes, I batted for the transition period. The PC cannot and would not be annihilated overnight, the ring of finality in Section 90 of the bill notwithstanding. It too has an honored place in our country's history from its founding to its more recent defense of the Republic, whose sincere thanks go to it. The complex task requires time to implement. The Constitutional Commission recognized this.

2

It is not possible to please everyone, of course, but let us hope this bill will result in the greatest good for the greatest number.

I vote yes, with mixed feelings, as we again embark on an experiment, but with no reservations on the constitutional issue, and am reassured that we have with us Sen. Gonzales, our foremost constitutional sentinel who constantly patrols the borders of the permissible. All ambiguities, I am sure, will be resolved in carrying out the intent of the framers.

Thank you, Mr. President.

1 Daily Globe, 10, 1990, p. 4, col. 1.

2 MR. DE LOS REYES. So, the PC will be absorbed by this national police force?

3. MR. NATIVIDAD. Yes. The concept is that there will be a civilian Philippine National Police, and the members of the constabulary will be given enough time, say, six months or one year. It is the intendment of the provision that the members of the PC either choose to join the civilian police force which is the PNP, or they can return to the ground force as part of the major military command of the armed forces. But we will have only one civilian professional police force for our country. Con-Com Record; Oct. 1, 1986, p. 293.

The President Pro Tempore. Senator Herrera.

STATEMENT OF SENATOR HERRERA

Senator Herrera. Thank you, Mr. President.

I would just like to put into the Record, Mr. President, that, although I am supporting the bill, I have a very strong reservation on the provision giving operational supervision and control to local government executives over the police. I feel that the police will be professionalized and, I think, can better serve the community if no politician will interfere in their activities.

Thank you, Mr. President.

The President Pro Tempore. The Majority Floor Leader.

STATEMENT OF SENATOR GUINGONA (On the Constitutionality of S. No. 463)

Senator Guingona. Just for the Record, Mr. President, the

reservation of this Representation also as far as the constitutional issue is concerned.

The President Pro Tempore. Reservation is made.

BILL ON SECOND READING
S. No. 155--Local Government Code
(Continuation)

Senator Guingona. Mr. President, I move that we resume consideration of Senate Bill No. 155, as reported out under Committee Report No. 719.

The President Pro Tempore. Resumption of consideration of Senate Bill No. 155 is now in order.

Senator Guingona. Mr. President, we are in the period of individual amendments. I ask that we recognize Senator Pimentel.

The President Pro Tempore. Senator Pimentel is recognized.

Where are we at this stage?

Senator Pimentel. Mr. President, we are now on page 200, just 25 pages away from the end. (Laughter.)

I hope, we can finish it today, and we will be tackling on some amendments which we reserved yesterday.

The President Pro Tempore. We are on page 200.

Senator Pimentel. Page 200, Section 441.

The President Pro Tempore. Section 441.

Senator Pimentel. Yes, which we amended yesterday. So, we can now actually go to Section 442, Mr. President.

The President Pro Tempore. Section 442 at the bottom of page 200.

Is there any amendment to said Section? None? (Silence.) We will move on to page 201.

Senator Pimentel. Before we go to page 201, Mr. President, there is just a typographical error on line 8. Instead of "paragraph (1)", it should be "paragraph (a)," Mr. President. There is no paragraph (1) of Section 45 of this Code.

The President Pro Tempore. Is there any objection? (Silence.) Hearing none, the same is approved.

Senator Pimentel. For the salaries of the vice governor,

just to make sure, Mr. President, on line 18:

First class, "EIGHTEEN THOUSAND pesos (P18,000.00)."

Second class, "SEVENTEEN THOUSAND SEVEN HUNDRED pesos (P17,700.00)."

Third Class, "SEVENTEEN THOUSAND FOUR HUNDRED pesos (P17,400.00)."

"FOURTH CLASS, SEVENTEEN THOUSAND ONE HUNDRED PESOS (P17,100.00)."

"FIFTH CLASS, SIXTEEN THOUSAND EIGHT HUNDRED PESOS (P16,800.00)."

"SIXTH CLASS, SIXTEEN THOUSAND FIVE HUNDRED PESOS (P16,500.00)."

The President Pro Tempore. Is there any objection? (Silence.) Hearing none, the same is approved.

Senator Fimentel. We can proceed now to...

The President Pro Tempore. ... to page 201.

Senator Angara. Mr. President.

The President Pro Tempore. Senator Angara.

ANGARA AMENDMENT

Senator Angara. Thank you, Mr. President.

On line 11, page 201, change the figure "(50%)" to "(40%)". I think, we have agreed that the salary will not exceed 40 percent.

Senator Fimentel. I remember we had an amendment introduced by Senator Romulo. Does this coincide with that one?

Senator Angara. Yes, it coincides with what we agreed upon. It used to be 35 percent, but, I think, the Gentleman accepted 40 percent, which was approved by the Body.

Senator Fimentel. We accepted them, Mr. President.

Senator Angara. And on line 13..

The President Pro Tempore. Just a while. Let us consider that first.

Is there any objection? (Silence.) Hearing none, the same

is approved.

Please proceed.

Senator Angara. On lines 13 to 14, Mr. President, change the words and figures "fifty percent(50%)" to "THIRTY PERCENT (30%)". The distinguished Gentleman changed this figure earlier as recommended by the Majority Floor Leader.

Senator Pimentel. Was it 30? Thirty five siguro. Maybe it was 35, was it not?

Senator Angara. Whatever we had agreed earlier on.

Senator Pimentel. Yes. At any rate, we would like to instruct the Secretariat to make that amendment coincide with what we we had previously agreed on. I think, it was 35 percent. Anyway, subject to verification, Mr. President.

The President Pro Tempore. This is only a matter of clarification.

Senator Pimentel. Yes. It is 30 according to my staff. I think Senator Angara is correct. It is 30 percent.

The President Pro Tempore. The Minority Floor Leader is recognized.

Senator Enrile. Mr. President, I am interested in the salary of the members of the provincial board.

Senator Pimentel. With the distinguished Gentleman's permission, can I read the proposed amendment?

Senator Enrile. So, there is a proposed amendment.

Senator Pimentel. Yes.

Senator Enrile. Thank you. Because I was going to raise the issue about the salary of the vice governor of the sixth class.

Senator Pimentel. It is P16,500.00.

Senator Enrile. Is it P16,500.00 or P16,400.00?

Senator Pimentel. It is P16,500.00.

Senator Enrile. And the members of the provincial board, coming from a first class province, will only get P11,000.00. So, I was thinking of an adjustment.

Senator Pimentel. There are amendments here which, with the permission of the Gentleman, we can read into the Record.

Senator Enrile. Thank you very much.

Senator Pimentel. On page 201, Mr. President, for first class...

Senator Guingona. Mr. President.

Senator Pimentel. I am sorry.

The President Pro Tempore. The Majority Floor Leader is recognized.

Senator Guingona. We also had an amendment that in the case of violation of the 30 percent, there would be no further releases.

Senator Pimentel. Yes. We accepted that as an omnibus amendment, Mr. President, as a ground for the withholding of the release.

Senator Guingona. Withholding by whom, by the Treasurer?

Senator Pimentel. By the National Government. The appropriate official can withhold on the basis of noncompliance with the wage levels.

Senator Guingona. Yes. But after the transition period, does that mean they can...

Senator Pimentel. Yes. That is only good for about five years.

Senator Guingona. Five years.

Senator Pimentel. Yes.

The President Pro Tempore. The Sponsor will please proceed.

Senator Pimentel. Yes, Mr. President, with the permission of the Body. For first class provinces, board members will receive "SIXTEEN THOUSAND FIVE HUNDRED PESOS (P16,500)"; Second class, "SIXTEEN THOUSAND TWO HUNDRED PESOS (P16,200)"; Third class, "FIFTEEN THOUSAND NINE HUNDRED PESOS (P15,900)"; "FOURTH CLASS, FIFTEEN THOUSAND SIX HUNDRED PESOS (P15,600)"; "FIFTH CLASS, FIFTEEN THOUSAND THREE HUNDRED PESOS (15,300)"; and "SIXTH CLASS, FOURTEEN THOUSAND PESOS (14,000)".

The President Pro Tempore. Those are amendments proposed by the Sponsor.

Senator Pimentel. Yes, Mr. President.

The President Pro Tempore. Is there any objection? (Silence.) Hearing none, the same is approved.

Is there any amendment on page 201? Senator Angara is recognized.

Senator Angara. This is not an amendment, Mr. President, just a clarification. I remember the Sponsor saying that this cap on salaries will be good only for five years. What is the reason behind this?

Senator Pimentel. No. The right of the National Government to withhold releases to cover the salaries of the employees which have been transferred from national to local would be good for about five years, because that is the period during which the National Government is still obligated to fund the requirements of the offices which have been transferred.

Senator Angara. But the salary cap, Mr. President, is permanent.

Senator Pimentel. Yes. I am very sorry, we were not quite clear on that.

Senator Angara. Thank you, Mr. President.

Senator Pimentel. So, the salary cap remains, but the power to withhold releases ends after five years.

The President Pro Tempore. Is there any further amendment on page 201, page 202, page 203... Senator Angara again.

Senator Angara. Yes, Mr. President. On page 202, Power, letter (o); on line 41, can we also adopt the same phraseology that we adopted in the case of a municipality and a city, Mr. President?

Senator Pimentel. Yes, meaning...

Senator Angara. Meaning, that the power to establish these schools will be limited to technical schools and other similar post secondary institutions. That is line 41 to line 43, Mr. President.

Senator Pimentel. Yes. In fact, as we have agreed upon earlier, that amendment should be an omnibus amendment.

Senator Angara. Thank you, Mr. President.

The President Pro Tempore. Is there any objection? (Silence.) Hearing none, the same is approved.

Page 203, page 204, page 205, page 206...

Senator Pimentel. Mr. President, on page 205, line 6, after the word "governor", add the following words: "FROM A LIST OF THREE NOMINEES SUBMITTED BY THE DEPARTMENT OF FINANCE".

The President Pro Tempore. Is there any objection?
(Silence.) Hearing none, the same is approved.

Senator Pimentel. By the way, Mr. President, just to make it very clear. Subject to the requirements of grammar, the same amendment should be true for the nominees to the city, as well as to the municipal treasurer's office.

The President Pro Tempore. Is that an omnibus amendment to be followed all the way?

Senator Pimentel. Yes, Mr. President.

The President Pro Tempore. Is there any objection?
(Silence.) Hearing none, the same is approved.

We are still on page 205. Is there any other amendment there? Page 206?

Senator Pimentel. On page 206, Mr. President, just a matter of styling. On line 4, the number "(1)" should be inserted because we have numbers "(2), (3), and (4)" but there is no number (1). Immediately before the word "When", we should have a number (1) there, because as it will be noticed, there are enumerations right below the first paragraph (2), (3), (4).

The President Pro Tempore. Is there any objection?
(Silence.) Hearing none, the same is approved.

Senator Pimentel. And then, cancel the "s" after the word "Treasurers" on the caption of "SEC. 445."

The President Pro Tempore. Is there any objection?
(Silence.) Hearing none, the same is approved.

Page 207? (Silence.) Page 208?

Senator Pimentel. Mr. President, on page 208 Senator Angara has introduced some amendments on the duties of the Budget Officer, and a corresponding duty on the Planning and Development Officer to coordinate with each other regarding the preparation of the budgets. That was intended to be an omnibus amendment. So, it should also apply here in the province.

The President Pro Tempore. It is taken note of. Is there any objection? (Silence.) Hearing none, the same is approved.

Page 209? (Silence.) Page 210? (Silence.) Page 211?
(Silence.) Page 211?

Senator Guingona. Mr. President.

The President Pro Tempore. Senator Guingona is recognized.

Senator Guingona. I just wish to state, Mr. President, that

the amendments that we proposed and were approved by the Body concerning population officer be likewise incorporated as an omnibus amendment, including municipalities.

Senator Pimentel. Accepted, Mr. President.

The President Pro Tempore. Is there any objection? (Silence.) Hearing none, the same is approved.

Page 212? (Silence.) Page 213? (Silence.) Page 214? (Silence.) Page 215? (Silence.) Page 216?

Senator Pimentel. Mr. President, on line 3, the caption should be "PROVINCIAL NATURAL RESOURCES AND ENVIRONMENTAL OFFICER". This is also an omnibus amendment.

The President Pro Tempore. Is there any objection? (Silence.) Hearing none, the same is approved.

Is there any other amendment on page 216? Page 217?

Senator Pimentel. On page 217, line 5, Mr. President, instead of the word "environmental", it should be "COOPERATIVE officer".

The President Pro Tempore. Is there any objection? (Silence.) There being none, the same is approved.

Is there any other amendment on page 217? (Silence.) Page 218.

Senator Saguisag. Mr. President.

The President Pro Tempore. Senator Saguisag is recognized.

Senator Saguisag. Thank you, Mr. President.

At the bottom of page 217, we move to another topic, CHAPTER 4. And before we do so, may I make a suggestion that may also be omnibus in character.

In an earlier session, specifically on September 11, 1990, in connection with the municipal secretary, I moved, and it was approved that every time we say "resident", there should be no specification that he should be an "actual" resident. Unless I have overlooked something, the correction was only made on page 204, but in all the other officials, the actual qualifier remains.

This is really a policy question. I have made a case for saying that, like in my case, I do not actually reside in Pasig but that is where I vote. I consider myself as a Pasigueno and I cannot qualify for any of the subject positions.

So my position here is, can we not just say "RESIDENT", Mr.

President?

Senator Pimentel. Mr. President, the amendment is acceptable to us.

Senator Saguisag. I would want to make that omnibus in nature. It actually is scattered in so many pages, Mr. President.

Senator Pimentel. Yes. Meaning to say, in the matter of qualifications for all elective and appointive officials, when we say "RESIDENT", all modifiers should be removed?

Senator Saguisag. That is my intent, Mr. President.

The President Pro Tempore. Is that being proposed now as an amendment?

Senator Saguisag. I so move formally, Mr. President.

The President Pro Tempore. Is there any objection? (Silence.) There being none, the same is approved.

Is there any amendment on page 217? (Silence.) Page 218.

Senator Guingona. Mr. President.

The President Pro Tempore. Senator Guingona is recognized.

Senator Guingona. I think there was a similar amendment on the funding of the League of Municipalities or Cities, that the raising of funds without the necessity of securing permits therefor is subject to pertinent existing law.

Senator Pimentel. Yes, Mr. that was an omnibus amendment. And this is being now made to apply to what kind ...

Senator Guingona. This funding of the League of Provinces, found on page 218, line 33.

Senator Pimentel. Accepted, Mr. President. There was an earlier amendment that required compliance with existing legislation on the matter of raising funds by campaign programs or specific projects.

The President Pro Tempore. So, it is made to apply to only the specific omnibus.

Senator Pimentel. No. That requirement should cover all activities of political units in Local Government.

The President Pro Tempore. So, it is an omnibus amendment?

Senator Pimentel. Yes, it was an omnibus amendment.

The President Pro Tempore. Is there any objection? (Silence.) There being none, the same is approved.

Senator Pimentel. Before we leave pages 217, 218 and 219, Mr. President, Your Honors will notice the underlined words League of Provinces. The underline should be deleted.

The President Pro Tempore. Is there any objection? (Silence.) There being none, the same is approved.

We go to page 220. Is there any amendment on page 220? (Silence.) Page 221.

Senator Enrile. Mr. President, I am not offering an amendment, but I am just wondering about Section 470 and Section 471. It would seem that these are strange provisions. They are not germane to the subject matter of this particular Code. I think there is the Residence Tax Law to which these penalties must properly belong.

Senator Pimentel. In Book II, Mr. President--I am not trying to argue against the observation of the Gentleman; I just wish to invite the attention of everyone--we provide for the issuance of, not really residence certificates but community development tax. There are certain requirements for the issuance of that community development tax. Anyone who will submit false data about himself in order to secure that kind of a tax certificate which can be used as his identification, among other things, can be subjected to some sanctions.

Senator Enrile. This is a very general provision.

Senator Pimentel. Yes. So, if the Gentleman will move to delete, I will accept.

Senator Enrile. I move that we delete Sections 470 and 471 and provide any substitute that is linked with this Code in relation to the identification document that was mentioned by the distinguished Sponsor.

Senator Pimentel. May we ask then our staff to recast the wording of this.

The President Pro Tempore. In other words, the amendment being proposed is the deletion of Sections 470 and 471.

Senator Enrile. As now worded.

Senator Pimentel. As now worded, and to be replaced by an appropriate section.

Senator Enrile. Rewording that would link it with the subject matter of the identification document mentioned by the distinguished Sponsor contained in Book II of the Code.

The President Pro Tempore. But what would be substituted is still unknown.

Senator Enrile. It is yet to be formulated.

The President Pro Tempore. Is there any objection? (Silence.) Hearing none, the same is approved.

Page 222, 223?

The Majority Floor Leader is recognized.

Senator Guingona. Mr. President, one of the observations concerning local government assessments is that there is a huge backlog--as a general rule--and delays in the assessments really account for the nonliquidity of a number of municipalities in local government units. Would the distinguished Sponsor agree to deleting on line 14, page 223, "intentionally and deliberately"?

Senator Pimentel. Yes, accepted, Mr. President.

The President Pro Tempore. What is the amendment again?

Senator Guingona. To delete the phrase "intentionally and deliberately", after all, this is a defense, Mr. President.

The President Pro Tempore. Is there any objection? (Silence.) Hearing none, the same is approved.

Senator Guingona. On Section 477, Mr. President, the violation here is without prejudice to any other national law which penalizes the offense such as the anti-graft and the violation of personal conflict.

Senator Pimentel. Yes, accepted.

The President Pro Tempore. Incidentally, the Chair would like to make the observation that the amendment proposed by the Majority Floor Leader, accepted by the Sponsor, and approved by this Body, relative to the deletion of the words "intentionally" and "deliberately", are also contained in other parts of the bill under consideration. And if the argument of the Majority Floor Leader is the supporting argument for the deletion which applies to the other provisions containing the words "intentionally" and "deliberately", should that be an omnibus one?

Senator Pimentel. Yes. But just before we finally act on this point, Mr. President, do we really want to delete that? Supposing the delay was...

Senator Guingona. Well, it is a matter of defense.

Senator Pimentel. ... inadvertence.

Senator Guingona. It is a matter of defense. It is just

that we want to help the local governments in the assessment of the collections.

Senator Pimentel. All right. Provided, it is understood.

Senator Guingona. It is understood that it is a defense, Mr. President.

The President Pro Tempore. Subject to that understanding.

Senator Pimentel. Yes.

Senator Guingona. On the awarding of contracts on Section 477, the amendment is "WITHOUT PREJUDICE TO THE PROSECUTION UNDER OTHER LAWS".

Senator Pimentel. Accepted, Mr. President.

The President Pro Tempore. Is there any objection? (Silence.) Hearing none, the same is approved.

Any other objection on Page 223?

Senator Angara. Mr. President.

The President Pro Tempore. Senator Angara is recognized.

Senator Angara. Page 221, Mr. President. If I may.

The President Pro Tempore. Let us go back to page 221.

Senator Angara. May I propose that we include an additional line, after the word "necessary" on line 13, as follows: "WITH THE PRIMARY OBJECTIVE OF PROVIDING A MORE RESPONSIVE AND ACCOUNTABLE LOCAL GOVERNMENT STRUCTURE".

The President Pro Tempore. What page?

Senator Angara. We are on page 221.

The President Pro Tempore. Line 13 starts with "Refusal" or "willful failure"?

Senator Angara. No, Mr. President. My draft says: Section 479 - Mandatory review every five years.

Senator Pimentel. That is page 224, Mr. President.

Senator Angara. Yes, my mistake, Mr. President.

The President Pro Tempore. So, we are on page 224?

Senator Angara. Page 224, if we are already on this page?

Senator Pimentel. Yes, we are.

Senator Angara. On line 13, after the word "necessary" include the following phrase: "WITH THE PRIMARY OBJECTIVE OF PROVIDING A MORE RESPONSIVE AND ACCOUNTABLE LOCAL GOVERNMENT STRUCTURE".

This is to establish the purpose of the mandatory review, Mr. President.

Senator Fimentel. Accepted, Mr. President.

The President Pro Tempore. Is there any objection? (Silence.) Hearing none, the same is approved.

Senator Guingona. Mr. President.

The President Pro Tempore. Is this an amendment being proposed by the Majority Floor Leader?

Senator Guingona. Referring to Free Insurance Coverage. We have an amendment concerning the previous section of the barangay, I think, where the free insurance coverage will only be for a limited period, after which the barangay would take over and fund its own insurance coverages, because this will involve a huge amount, Mr. President. If the intent of the Sponsor is to have insurance coverage, it should be limited to the time when the barangays and the local government units shall be already capable of financing their own.

Senator Fimentel. Are we talking here, Mr. President, of the period during which this will be enjoyed by the members of the Sangguniang Barangay?

Senator Guingona. Yes, Mr. President.

Senator Fimentel. Probably, we can make that clear that during their term, or are we talking about the...

Senator Guingona. The National Government. The GSIS is mandated, under this Section, to give free insurance coverage.

Senator Angara. Excuse me, Mr. President, if I may intervene.

The President Pro Tempore. Senator Angara is recognized.

Senator Angara. Section 480, as I read it, does not really mandate the Government to extend free insurance. I think what the Section directs is that the GSIS will conduct a study and thereafter establish a system of insurance. Is this not the contemplation of this Section, Mr. President?

Senator Fimentel. The way it is worded, Mr. President, it looks like that there should already be an appropriate system for insuring them.

Senator Angara. What is the meaning then of the second sentence: "For this purpose, the Government Service Insurance System is hereby empowered..."

Senator Pimentel. Yes, after the GSIS has already determined the appropriate system for their insurance, then it is also empowered to issue the rules and regulations to determine how much is needed to support the system. Obviously, it is a little defective.

Senator Angara. Perhaps, as pointed out by the Majority Floor Leader, it might be too costly. What I was going to suggest, Mr. President, is, if we mandate the GSIS even now to do the actuarial study, propose a system of coverage to barangay officials--and I am not limiting it to insurance, I am talking of the total coverage of the GSIS law--and then submit that--I do not know what is the procedure for approval--perhaps, to the appropriate government unit which will shoulder the necessary premiums. I thought that is the intendment of this bill, but I would expand it to an actuarial study of other benefits under the Government Service Insurance System.

Senator Pimentel. We have no objection to the suggestion of Senator Angara. But to address the concerns of Senator Guingona, if he wants, let us just make this "subject to availability of barangay funds". That is one way of doing it.

Senator Guingona. Yes, so it will no longer be free insurance.

Senator Pimentel. No, we will have to modify it accordingly.

Senator Guingona. Yes, Mr. President.

Senator Angara. At the same time, Mr. President, we can direct the GSIS to do that kind of study now. I think that is one technical service that the GSIS can extend to the local government units--an actuarial study of coverage of the GSIS.

Senator Pimentel. I have no objection to the Gentleman's proposal, except that, I wonder if that is appropriate for inclusion here. I am just commissioning the GSIS to...

The President Pro Tempore. In other words, the Senator from Quezon and Aurora is now suggesting an amendment to this particular Section.

Senator Angara. Yes, Mr. President, I am suggesting an amendment. That the benefit covered will not only be confined to insurance on his own life, but to other benefits available under the GSIS law. But to be able to do that and extend it to other half-a-million barangay officials, we must do an actuarial study in order to determine the premium necessary to be paid by

each covered person. I thought that this law would be an appropriate vehicle to direct the GSIS to do that appropriate study. Otherwise, the GSIS might not respond.

In the case specifically of life insurance coverage, we can just provide here that life insurance policy shall be obtained or extended to barangay officials at the expense of the barangay, subject to the availability of funds.

SUSPENSION OF THE SESSION

The President Pro Tempore. That is a pretty long amendment. Can we suspend the session to allow the good Senator from Quezon to draft in writing his proposal?

The session is suspended for two minutes, if there is no objection. (There was none.)

It was 5:25 p.m.

RESUMPTION OF THE SESSION

At 5:30 p.m., the session was resumed.

The President Pro Tempore. The session is resumed.

Senator Angara is recognized.

Senator Angara. Mr. President, on line 14, Section 480, delete the words "Free Insurance" in the heading, and in lieu thereof, insert the word "GSIS", so that the heading will read: "GSIS Coverage".

The President Pro Tempore. Is there any objection? (Silence.) Hearing none, the same is approved.

Senator Angara. On lines 17 and 18, delete the words "free insurance", so that the line will read: "shall enjoy coverage as provided in this Code."

The President Pro Tempore. Is there any objection? (Silence.) Hearing none, the same is approved.

Senator Angara. On lines 20 to 21, after the word "empowered", insert the words "TO UNDERTAKE AN ACTUARIAL STUDY".

The President Pro Tempore. Is there any objection? (Silence.) Hearing none, the same is approved.

Senator Angara. On line 21, after the word "the", insert the phrase "PREMIUM PAYABLE TO SUPPORT THE SYSTEM."

The President Pro Tempore. Is there any objection?
(Silence.) Hearing none, the same is approved.

Senator Angara. On line 23, delete the word "local" and insert the word "MUNICIPAL".

The President Pro Tempore. Is there any objection?
(Silence.) Hearing none, the same is approved.

Senator Angara. On the same line, Mr. President, delete the word "unit" after the word "government".

The President Pro Tempore. Is there any objection?
(Silence.) Hearing none, the same is approved.

Senator Angara. After the word "concerned", Mr. President, on the same line, insert a COMMA (,), and add the following phrase: "SUBJECT TO THE AVAILABILITY OF FUNDS".

The President Pro Tempore. Is there any objection?
(Silence.) Hearing none, the same is approved.

Senator Guingona. Mr. President, the distinguished Sponsor had submitted the list of public officials who have similar functions. And upon the suggestion of Senator Maceda yesterday, where there will be a provision that the creation and appointments of all of these officials will be optional on the part of the local political unit concerned.

So, I suggest that the distinguished Sponsor just include that in the amendments--we are already finished; we will have a clean copy--and submit the same for approval by the Body after we shall have received a clean copy.

The President Pro Tempore. Is that understood by the good Sponsor?

Senator Pimentel: Yes, Mr. President.

May I just make it clear, Mr. President, that Article XIV will cover the City Legal Officer. The matter of his appointment, qualifications, compensation, powers and duties will be specifically delineated in Section 426-A.

Article XV will cover the City Agriculturist, and the matter of his appointment, qualifications, compensation, powers and duties will be spelled out in Section 426-B.

Article XVI refers to the City Health Officer, and the matter on his appointment, qualifications, compensation, powers and duties will be spelled out under Section 426-C.

Article XVII will refer to the City Veterinarian, and the matters we have discussed will be spelled out in Section 426-D.

Article XVIII will refer to the City Social Services and Development Officer and the corresponding Section will be 426-E.

Article XIX will refer to the City Registrar, and the section will be 426-F.

Article XX will be the City Information Officer, and the corresponding article will be 426-G.

Article XXI will be the City General Services Officer, and the matter of his appointment, qualifications, compensation, powers and duties will be set out under Section 426-H.

By the way, Mr. President, all the Members of the Chamber have been furnished earlier with the corresponding enumeration of the appointment, qualification, compensation, powers and duties of the aforementioned officers.

So, with that understanding, we can include this in the appropriate part of this Code.

The President Pro Tempore. Is there any objection to the statements made by the good Sponsor? (Silence.) Hearing none, the same is approved.

Senator Herrera. Mr. President.

The President Pro Tempore. The Senator from Cebu and Bohol, Senator Herrera is recognized.

Senator Herrera. With the permission of the Sponsor, may I go back to page 224, Section 481, paragraph "(2)".

The President Pro Tempore. Section 481, paragraph "(2)", line 33.

Senator Herrera. Yes, Mr. President.

I just would like to know, Mr. President, what is the intention of this provision. Does this provision require the approval by the local chief executive and the sanggunian concerned, if an infrastructure or community project will be implemented within the territorial jurisdiction, or is this just a matter of notifying? For instance, putting up a water pump, which is a small project in a barrio, and if we need the approval of the local chief executive or the sanggunian, that will only prejudice the barangay, especially if the barangay official cannot see eye to eye with the chief executive.

Senator Pimentel. Yes. The distinguished Gentleman is right. We should, therefore, delete the words "the knowledge of" and substitute it with the word "INFORMING". "...without INFORMING the local chief executive..."

Senator Herrera. Thank you, Mr. President.

The President Pro Tempore. Is there any objection?
(Silence.) Hearing none, the same is approved.

Senator Pimentel. Mr. President, just a final two points actually.

As an omnibus amendment, for purposes of the insurance benefits for provincial governors, city mayors, and municipal mayors, as suggested by Senator Romulo, may we adopt this as applying to municipal mayors, city mayors, and provincial governors.

For the guidance of our Secretariat, the Municipal Mayor is provided for on page 146, and this is where the proposed amendment for the Municipal Mayor should be placed.

The City Mayor is provided for on page 170, and the Provincial Governor on page 196.

The amendment consists of the following: Government Insurance Benefits shall be extended to the Provincial Governors, City Mayors, and Municipal Mayors as follows:

A. Death Benefits

1. Death Benefit due to natural causes - P100,000;
2. Death due to other causes such as assassinations, accidents, or similar circumstances - P200,000;
3. Burial benefits - P50,000.

B. Hospitalization Expenses, Expense Reimbursements in accordance with the following guidelines:

1. Schedule of Benefits. - IF A LOCAL CHIEF EXECUTIVE GET SICK OR INJURED REQUIRING HOSPITALIZATION, EXCEPT FOR REASONS ENUMERATED IN THE EXCLUSIONS THE COVERED OFFICIALS SHALL BE ENTITLED TO REIMBURSEMENT OF HOSPITALIZATION EXPENSES WHICH SHALL BE COMPUTED SUBJECT TO THE FOLLOWING LIMITS:

EXPENSE ITEM - A) ROOM AND BOARD, LIMIT - MAXIMUM OF FOUR HUNDRED PESOS DAILY; DOCTORS' FEES, FOR DAILY VISIT, A MAXIMUM OF TWO HUNDRED PESOS; SURGEON'S FEE, A MAXIMUM OF TWENTY THOUSAND PESOS FOR EVERY POLICY YEAR;

D) OPERATING ROOM FEE, A MAXIMUM OF TWO THOUSAND PESOS;

E) ANESTHESIOLOGIST FEE, A MAXIMUM OF SIX THOUSAND;

F) MISCELLANEOUS FEES; LABORATORY FEES; MEDICINE; ET CETERA, A MAXIMUM OF THREE THOUSAND.

The President Pro Tempore. Are those to be ...?

Senator Pimentel. As an omnibus amendment, Mr. President, for mayors of cities and municipalities and provincial governors.

The President Pro Tempore. Are these understood?

Senator Aquino. Mr. President.

The President Pro Tempore. The Senator from Tarlac, Senator Aquino is recognized.

Senator Aquino. Mr. President, I hesitate to put the amounts and the benefits until the GSIS shall have come up with their studies, because the cost of this insurance might be something that cannot be afforded by the GSIS or by the municipal governments. I think it should be sufficient to say that they will be covered by the GSIS, and I suppose that the insurance would not deviate from the normal benefits that the GSIS right now is giving to government employees. We might be raising false expectations, and then later on we cannot afford these benefits. This will only disappoint the local government officials.

The President Pro Tempore. The Chair sees the hand of another Senator from Tarlac, Senator Romulo is recognized.

Senator Romulo. Mr. President, we proposed the schedule to the distinguished Sponsor, Senator Pimentel, precisely, after we had gone over it in our Committee, with the actuarial studies of the GSIS. In fact, the premium is indicated there in accordance with the study made by the GSIS. It was only after this hearing with the submittal of the actuarial studies and the corresponding premium that we submitted the schedule and proposal to Senator Pimentel. So, there is an actuarial study with the corresponding premium due to be paid by each of the local government.

SUSPENSION OF THE SESSION

The President Pro Tempore. Shall we have a little break? The session is suspended for a few minutes, if there is no objection. (There was none.)

It was 5:43 p.m.

RESUMPTION OF THE SESSION

At 5:44 p.m., the session was resumed.

The President Pro Tempore. The session is resumed.

Senator Pimentel. May I continue, Mr. President?

The President Pro Tempore. Senator Pimentel is recognized.

Senator Pimentel. The proposal of Senator Romulo further states the following:

"THE ELIGIBLE HOSPITALIZATION EXPENSES PER EXPENSE ITEM IS THE ACTUAL EXPENSE AS REFLECTED IN A DULY CERTIFIED RECEIPT OR THE LIMIT FOR THE SAID EXPENSE ITEM WHICHEVER IS LOWER. IN THE CASE OF EXPENSE ITEM (F), ONLY MEDICINES INCLUDED IN THE DRUG LIST ESTABLISHED BY THE MEDICARE COMMISSION AS ALLOWED FOR THE CAUSE OF HOSPITALIZATION SHALL BE CONSIDERED. THE AMOUNT TO BE REIMBURSED BY THE GOVERNMENT SERVICE INSURANCE SYSTEM (GSIS) IS THE SUM OF ALL ELIGIBLE HOSPITALIZATION EXPENSES, LESS THE AMOUNT PAYABLE BY MEDICARE. HOWEVER, THIS REIMBURSEMENT AMOUNT SHALL NOT EXCEED ONE HUNDRED THOUSAND PESOS PER POLICY YEAR OF COVERAGE."

Now, exclusions: The proposal of Senator Romulo is: we should also enumerate here what injuries are not included. I think, this is a good proposal, Mr. President. It goes on to say: Hospitalization and surgical expenses arising out of the following are not covered:

- a) Self-inflicted injuries;
- b) Pregnancy, miscarriage, abortion or complication or any of these;
- c) Nervous or mental disorders;
- d) Congenital deformation and defects such as harelip, heart defect, hernia, clubfoot, abnormal bone or muscular growth, cerebral palsy and others;
- e) Cosmetic or plastic surgery, except when required due to accidental injury;
- f) Eye refraction and dental work;
- g) Injuries brought about by war or any act of war;
- h) Drug addiction and alcoholism;
- i) Rest-cure or any physical check-up; and
- j) PRE-EXISTING HEALTH CONDITIONS FOR WHICH MEDICAL TREATMENT OR ADVICE HAS BEEN RECEIVED WITHIN SIX MONTHS PRIOR TO THE START OF THE COVERAGE.

THE ANNUAL PREMIUMS PER OFFICIAL ARE AS FOLLOWS:

FOR DEATH BENEFITS - P4,561.41; FOR HOSPITALIZATION BENEFITS - P3,030.03 OR A TOTAL OF P7,591.44.

These are covered by actuarial studies, Mr. President.

Senator Guingona. Mr. President.

The President Pro Tempore. The Majority Floor Leader is recognized.

Senator Guingona. That seems to be too detailed, Mr. President. There may be changing conditions. So, maybe we should eliminate the plastic surgery and hernia and other... Just the general principle of coverage would be sufficient, I believe.

Senator Pimentel. All right. Can we just say, "excluding injuries which are enumerated under Medicare," because the Medicare Law provides for exclusions.

The President Pro Tempore. Is there any objection to that suggestion, upon amendment, making it more brief?

Senator Pimentel. Maybe instead of singling out "Medicare Law," may we say "INJURIES EXCLUDED BY PERTINENT LAWS".

The President Pro Tempore. Subject to refinement and style?

How about the objection of the Senator from Tarlac, Senator Aquino? Earlier, the good Senator from Tarlac expressed some misgivings.

AQUINO AMENDMENT

Senator Aquino. Mr. President, if we add there, "SUBJECT TO AVAILABILITY OF FUNDS", that covers what I was trying to propose.

The President Pro Tempore. That will be included. What does the Sponsor say to that proviso?

Senator Pimentel. It is accepted, Mr. President.

The President Pro Tempore. Is there any objection? (Silence). Hearing none, the same is approved.

There is still one page remaining which the Chair has not called attention to. That is page 225, the last page.

Is there any amendment to this last page of the bill?

PIMENTEL AMENDMENT

Senator Pimentel. Mr. President, for purposes of our last

page, there is a proposed amendment for the creation of an Oversight Committee.

The President Pro Tempore. What is the amendment?

Senator Pimentel. It will read as Section 226 to be placed in between lines 11 and 12 on page 225.

The President Pro Tempore. Between lines 11 and 12?

Senator Pimentel. Yes, a new section, Mr. President.

The President Pro Tempore. A new section which will read as Section 45?

Senator Pimentel. Yes, Mr. President, and which will have a caption, "OVERSIGHT COMMITTEE".

It shall read as follows:

"WITHIN ONE MONTH FROM THE APPROVAL OF THIS ACT, AN OVERSIGHT COMMITTEE COMPOSED OF THE EXECUTIVE SECRETARY AS CHAIRMAN, THE SECRETARY OF BUDGET AND MANAGEMENT, THE SECRETARY GENERAL OF THE NATIONAL ECONOMIC AND DEVELOPMENT AUTHORITY, ONE SENATOR TO BE DESIGNATED BY THE SENATE PRESIDENT, AND ONE REPRESENTATIVE OF THE HOUSE OF REPRESENTATIVES TO BE DESIGNATED BY THE SPEAKER, AND ONE REPRESENTATIVE FROM EACH OF THE EXISTING LOCAL GOVERNMENT LEAGUES AS MEMBERS, SHALL BE ORGANIZED FOR THE PURPOSE OF SUPERVISING THE TRANSFER TO LOCAL GOVERNMENT UNITS OF SUCH POWERS AND FUNCTIONS VESTED IN THEM BY THE CODE, AND THE APPROPRIATIONS OF THE OFFICES OR AGENCIES, INCLUDING THE TRANSFER OF PROPERTIES, ASSETS AND LIABILITIES, AND SUCH PERSONNEL AS MAY BE NECESSARY."

That is the first paragraph. The second paragraph is shorter, Mr. President. It says:

"WITHIN TWO MONTHS AFTER ITS ORGANIZATION, THE OVERSIGHT COMMITTEE SHALL SUBMIT ITS REPORT AND RECOMMENDATION TO THE PRESIDENT WHO SHALL ACT ON THE REPORT AND RECOMMENDATION WITHIN THIRTY (30) DAYS AFTER RECEIPT THEREOF; PROVIDED, HOWEVER, THAT IF THE PRESIDENT FAILS TO ACT WITHIN THE SAID PERIOD, THE RECOMMENDATION OF THE OVERSIGHT COMMITTEE SHALL BE DEEMED APPROVED."

This is similar to the Organic Act provision on the Oversight Committee, Mr. President.

Senator Saguisag. Mr. President.

The President Pro Tempore. Senator Saguisag is recognized.

Senator Saguisag. Mr. President, I agree in principle, but since the task is very important, I think, our criterion should be: "Why not the best?" So, perhaps, we should identify the

Chairman of our Committee on Local Government to represent the Senate, like in the PC-INP model. Baka nahihiya lamang po, but it is really the most logical formulation, the Chairmen of the respective Committees on Local Government of both Houses. That is similar to the formulation of the Conference Committee Report which we have just approved.

Kasi ho, I cannot see why it should be somebody else other than the Chairman of the Committee on Local Government who is most familiar with Senate Bill No. 155. The distinguished Sponsor happens to be the Chairman here.

The President Pro Tempore. Is the distinguished Senator from Pasig suggesting an amendment to the amendment?

Senator Saguisag. Yes, Mr. President, that is my intent, and I hope there will not be any violent objection on the part of the distinguished Sponsor.

Senator Aquino. Mr. President.

The President Pro Tempore. Senator Aquino is recognized.

Senator Aquino. Mr. President, just one question. Will the Secretary of Local Government be also a member of this Oversight Committee?

Senator Pimentel. The Secretary will no longer be around then, Mr. President. (Laughter.)

Senator Romulo. Mr. President.

The President Pro Tempore. Senator Romulo is recognized.

Senator Romulo. Mr. President, I just want to voice my support and second the recommendation of the Senator from Pasig.

The President Pro Tempore. This will be an Oversight Committee?

Senator Pimentel. Yes, Mr. President.

The President Pro Tempore. What, essentially, is the type of function of an Oversight Committee? The Chair is just curious to know. Is that an Executive, Legislative, or what?

Senator Pimentel. Mr. President, it is a joint Executive and Legislative Body. This, by the way, is existing now in relation to the implementation of the Organic Act for Muslim Mindanao where Senator Tamano and your humble servant are the representatives of the Senate.

The President Pro Tempore. In other words, we have done it before?

Senator Pimentel. Yes, Mr. President.

The President Pro Tempore. Is that an amendment to the amendment?

Senator Guingona. Just a clarification, Mr. President.

The President Pro Tempore. Senator Guingona is recognized.

Senator Guingona. The term of the Oversight Committee is functus officio after the approval...

The President Pro Tempore. After the approval to the approved. Is that it?

Senator Pimentel. That is it, Mr. President.

Senator Guingona. Yes, thank you, Mr. President.

Mr. President, there is a pending amendment which has been amended.

The President Pro Tempore. Pending amendment which is proposed to be amended.

Senator Guingona. Yes, Mr. President.

The President Pro Tempore. What does the Sponsor say to the amendment to his amendment?

Senator Pimentel. We have to accept with all enthusiasm, Mr. President.

The President Pro Tempore. Is there any objection? (Silence.) Hearing none, the same is approved.

Senator Herrera. Mr. President.

The President Pro Tempore. The Senator from Cebu and Bohol is recognized.

HERRERA AMENDMENT

Senator Herrera. Pages 2 to 5, Mr. President, Section 484, I am just wondering whether the Sponsor would agree to an amendment, that instead of limiting it within his territorial jurisdiction to carry firearm, let us expand it to "WITHIN THE MUNICIPAL OR CITY jurisdiction". I think it should not be practical to allow the punong barangay to carry firearms limited only within his territorial jurisdiction. The purpose here is not just in the performance of his duty to protect peace and order, but also a protection for himself.

Senator Pimentel. Yes, we can clarify that, Mr. President: "...Within the territorial jurisdiction of the MUNICIPALITY OR CITY IN WHICH HIS BARANGAY IS LOCATED".

Senator Herrera. Yes, Mr. President.

The President Pro Tempore. Is there any objection? (Silence.) Hearing none, the same is approved.

Senator Pimentel. Finally, Mr. President, on page 195, on the matter of the officials of the provincial government, may we just add the following enumeration at a suitable location herein, because these are not mentioned here in the enumeration.

"SOCIAL SERVICES AND DEVELOPMENT OFFICER, POPULATION OFFICER AND CIVIL REGISTRAR".

The functions will be practically the same functions that are attached to these offices in the cities.

The President Pro Tempore. Is that understood? Is there any objection? (Silence.) Hearing none, the same is approved.

Senator Pimentel. Just an omnibus motion also. The functions of the provincial agriculturist, provincial natural resources and environmental officer, and provincial cooperative officer should have the same functions as those exercised by their counterparts in the cities.

The President Pro Tempore. Is there any objection to the omnibus amendment? (Silence.) Hearing none, the same is approved.

The Majority Floor Leader is recognized.

SUSPENSION OF CONSIDERATION OF SENATE BILL NO. 155

Senator Guingona. Mr. President, I move that we suspend consideration of Senate Bill No. 155. After the clean copy, then we can act on the measure.

SUSPENSION OF THE SESSION

I move that we have a recess, Mr. President.

The President Pro Tempore. The session is recessed, if there is no objection? (There was none.)

It was 5:58 p.m.

RESUMPTION OF THE SESSION

At 6:17 p.m., the session was resumed with the Honorable Jovito R. Salonga, presiding.

The President. The session is resumed.

Senator Guingona. Mr. President, tomorrow we will take up the Price Stabilization measure, the Overseas Workers Development Fund, the bill Creating the National Commission for Culture and Arts, the bill Promoting Campus Journalism in High Schools.

ADJOURNMENT OF THE SESSION

Senator Guingona. Mr. President, I move to adjourn until three o'clock tomorrow afternoon.

The President. The session is adjourned until three o'clock tomorrow afternoon, if there is no objection. (There was none.)

It was 6:17 p.m.

