

NINETEENTH CONGRESS OF THE)
REPUBLIC OF THE PHILIPPINES)
First Regular Session)

'22 JUL 12 P 4 :49

SENATE

S.B. No. 409

RECEIVED BY: 

Introduced by **SENATOR IMEE R. MARCOS**

**AN ACT
PROVIDING FOR THE MODERNIZATION
AND CAPABILITY ENHANCEMENT OF THE PHILIPPINE NATIONAL POLICE,
APPROPRIATING FUNDS THEREFOR, AND FOR OTHER PURPOSES**

EXPLANATORY NOTE

Article XVI, Section 6 of the 1987 Constitution 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 authority of local executives over the police units in their jurisdiction shall be provided by law."

Accordingly, the Philippine National Police was created under Republic Act No. 6975 or the "Department of Interior and Local Government Act of 1990", with the mandate to enforce all laws and ordinances relative to the protection of lives and properties and to maintain peace and order to ensure public safety, among others.

Nearly three decades after, the country is now confronted with various permutations of crimes and serious threats against national security, employing exceedingly sophisticated modes of planning and execution, surely not the kind yet contemplated when Republic Act No. 6975 was enacted into law.

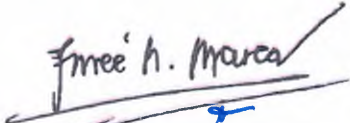
Bombing attacks in Mindanao remain unabated targeting bus liners, the most recent incident occurred in Koronadal City on 26 May 2022 causing injuries to two people.

On the other hand, recent news on “misencounters” with blatant violation of the laws committed by police officers have seriously cast a negative light on the image of the entire Philippine National Police (PNP).

Just recently, government prosecutors have indicted four personnel of the PNP and three agents of the Philippine Drug Enforcement Agency (PDEA) over the February 2021 shootout in Quezon City that resulted in the death of four people. Further, the death of Calbayog Mayor Ronald Aquino was believed to have been caused by “rouge elements” of the PNP. A few days prior to this, what was supposed to be a drug buy-bust operation led to the killing of four (4) people due to an alleged “misencounter” between the PNP and the Philippine Drug Enforcement Agency (PDEA).

In order to effectively address these concerns, this bill seeks to modernize various components of the PNP by upgrading its infrastructure and capability development. More importantly, this also includes human resources and doctrine development, in an effort to emphasize its core values – “*maka-Diyos, maka-Bayan, maka-tao, at maka-kalikasan.*”

For the foregoing reasons, the passage of this bill is earnestly sought.


IMEE R. MARCOS

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

1 **SECTION 1. Short Title.** – This Act shall be known as the "*Philippine National*
2 *Police Modernization and Capability Enhancement Act.*"

3
4 **SEC. 2. Declaration of Policy.** – It is hereby declared the policy of the State to
5 modernize the Philippine National Police (PNP) to a level where it can effectively and
6 fully perform its constitutional mandate to promote peace and order, ensure public
7 safety and internal security as well as to effectively carry out its mandate of police law
8 enforcement.

9
10 Towards this end, the State shall develop the capability of the PNP with a view
11 of transforming it into a highly efficient, capable and competent police force with a
12 service-oriented culture among its ranks based on integrity and love of country.

13
14 The PNP shall uphold protect human rights.

15
16 The thrusts of the PNP modernization shall be:

- 17
18 a. The acquisition and upgrading of basic police equipment and law
19 enforcement facilities;

- 1 b. The acquisition, construction improvement and upgrading of buildings,
2 facilities and/or offices as centers or headquarters for police operations
3 in local government units;
- 4 c. The acquisition and upgrading of appropriate technology and
5 equipment;
- 6 d. The undertaking of reforms in the recruitment, training, employment,
7 and management of PNP personnel; and
- 8 e. The development, validation or modification of PNP doctrines.

9
10 **SEC. 3. PNP Modernization Thrusts.** – As used in this Act, the term
11 "*modernization*" shall be understood to mean the state of being enlivened or the
12 condition of achieving a dynamic level of performing police functions, law enforcement
13 operations, and frontline public safety services, and pursuing modern approaches
14 against criminality with the end view of establishing and maintaining for all people a
15 safe, secure, orderly, peaceful, and prosperous nation. Towards this aspiration, the PNP
16 shall pursue the following modernization thrusts:

- 17 a. Fill-up of basic equipage and construction of standard police stations and
18 offices nationwide;
- 19 b. Acquisition of modern equipage;
- 20 c. Adoption of secured, modern, artificial intelligence (AI)-driven, real-time
21 information and communications technology (ICT) systems to modernize
22 and integrate police administration and operations;
- 23 d. Strengthening of police coordination and cooperation with the citizenry,
24 local governments, public safety agencies, other law enforcement
25 agencies and pillars of the criminal justice system, and the regional and
26 international police communities; and
- 27 e. Enhancing law enforcement approach and intensified operations against
28 transnational crime and emerging forms of criminality, insurgency,
29 terrorism, and other serious threats to national security.

30
31
32 **SEC. 4. Components of the Modernization and Capability Enhancement Program.**
33 – The PNP modernization thrusts shall be realized through the implementation of a
34 Modernization and Capability Enhancement Program.
35

1 As used in this Act, the term police " shall be understood to mean a measurable
2 improvement in the performance of PNP mandates that translates into an enduring
3 ability to enforce the law, prevent and control crimes, maintain peace and order, ensure
4 public safety and internal security, and protect the country against threats to national
5 security including terrorism.

6
7 The Modernization and Capability Enhancement Program shall consist of the
8 following components:

9
10 1) Human Resources Development – This pertains to the professionalization of
11 its human resources, the transformation of its personnel into pro-country, pro-people,
12 pro-environment and pro-God proponents with a high level of spiritual and moral values
13 and sincere regard for human rights.

14
15 2) Doctrine Development – This requires the rationalization of systems,
16 standards and procedures in the administration of the PNP. Thus, towards this end, the
17 National Police Commission and the Office of the Chief PNP shall be responsible for the
18 generation, evaluation, consolidation and formalization of doctrines, and the conduct of
19 periodic review of doctrines through field application, testing and exercises as well as
20 dissemination of approved doctrines at all levels of command.

21
22 3) Infrastructure and Facilities Development – The objectives of this component
23 are:

24 A. Establishment of Standard Infrastructure and Basic Facilities

- 25 i. Construction and upgrading of standard infrastructure that are accessible
26 and suited to the peculiar topography of or weather conditions in the
27 area, with provision for adequate perimeter fencing;
- 28
29 ii. Construction and upgrading of basic facilities for administrative,
30 investigative, and operational functions, such as: crime laboratory;
31 evidence rooms; storage rooms; records rooms; appropriate custodial
32 facilities; communications systems; research and development
33 centers; training institutions; hospitals and dispensaries for delivery of
34 medical and dental services; and quartering and barracks facilities, in
35 accordance with approved camp master development plans; and
36

1 iii. Construction and upgrading of facilities to provide repair and maintenance
2 works, such as: regional or provincial motor pool and maintenance
3 facilities for other mobility assets.

4
5 B. Construction and upgrading of facilities to support regulatory functions;

6
7 C. Development, procurement, and management of ICT systems and automated
8 systems to ensure integration and effective coordination; and

9
10 D. Real estate acquisition, titling, and management.

11
12 4) Equipment Acquisition and Upgrading – The objectives of this component are
13 judicious procurement, filling-up of basic equipage, and acquisition of modern equipage
14 for enhanced PNP capabilities, such as: munitions and ordnance; firepower and
15 weapons; transportation and mobility assets; communication, intelligence, investigative
16 and forensic equipment.

17
18 **SEC. 5. *Standard of Modernization.*** – In preparing and implementing the Police
19 Capability Enhancement Program, the standard test to indicate modernity is the
20 possession of latest attributes or innovative qualities of infrastructure, facilities, and
21 equipment, over and above the basic and standard features. This would enable the PNP
22 to better adapt to the needs of the present time, add value to services delivered, and
23 achieve increased citizen satisfaction with the police.

24
25 In endeavoring to modernize police infrastructure and facilities, the primary
26 consideration shall be developing capabilities for command and direction, tactical and
27 strategic control, effective communication, robust ICT and automated systems network,
28 upholding the human rights and rule of law, and sustained police-community-relations.

29
30 The acquisition of modern equipment shall be based on the results of operational
31 needs assessment. For the purposes of this Act, the term "*operational needs*
32 *assessment*" refers to the mandatory periodic evaluation of materiel and logistical
33 capabilities with the end view of identifying deficiencies or limitations in existing
34 resources and addressing significant impediments in achieving operational tasks and
35 attaining organizational mission, through equipment acquisition.

1 **SEC. 6. *Direct Negotiation.*** – The Chief of the PNP may directly negotiate with
2 an agency or instrumentality of another country with which the Philippines has entered
3 into a defense cooperation agreement or mutual logistics support and services and law
4 enforcement and security cooperation agreement with, or otherwise maintains
5 diplomatic relations, when the procurement involves modern equipage for enhanced
6 PNP capabilities, upon concurrence of the following requisites:

- 7
- 8 1) the Secretary of the Interior and Local Government/Chairman of the National
9 Police Commission (NAPOLCOM) has deemed it necessary for the
10 maintenance of peace and order, ensuring public safety, or curbing
11 transnational crime; emerging forms of criminality; terrorism, insurgency, and
12 other serious threats to national security;
 - 13 2) the expertise or capability required is not locally available; and
 - 14 3) the police equipment, law enforcement and security equipment, and
15 related consultancy services to be procured under this modality are included
16 in the PNP’s Modernization and Capability Enhancement Program, prepared
17 in accordance with Section 7 of this Act.

18

19 **SEC. 7. *Submission of the PNP Modernization Program.*** – Within ninety (90) days
20 from the effectivity of this Act, the Chief of the PNP, in consultation with the Chairperson
21 of the NAPOLCOM and the Secretary of the Department of Budget and Management
22 (DBM), shall prepare a Modernization and Capability Enhancement Program.

23

24 After consultation, the Chief of the PNP shall submit the Modernization and
25 Capability Enhancement Program to the NAPOLCOM, which shall endorse the same to
26 Congress, through the Congressional Oversight Committee created under this Act, for
27 monitoring and overseeing.

28

29 The Program shall indicate the following:

- 30
- 31 a. The police organizational structure and staffing pattern, authorized personnel
32 strength, and logistics and facilities inventory during the various implementation
33 stages;
 - 34 b. The capability enhancement programs, activities, and projects to be
35 undertaken vis-à-vis the particular component and corresponding objectives and
36 modernization thrusts they relate to;
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- c. The priorities, schedules, and phases of implementation of the capability enhancement projects and activities;
- d. The estimated average cost of each project or activity to be undertaken; and
- e. The infrastructure and equipment acquisition, modernization, and human resource development of the NAPOLCOM.

SEC. 8. Priority Programs for Modernization. – In the performance of its duties and functions mandated by law, the PNP shall undertake the Modernization Program in the context of its strategic plans and programs and consistent with Sections 2 and 3 of this Act, and shall specifically gear towards preventing and solving crimes and addressing new threats to national security, including cybercrime and violent extremism.

The following areas shall thereafter be given priority:

- a) *Community-Oriented Policing System (COPS)* –The rationalization of the police operations into a pro-active and community oriented policing system.
- b) *Criminal Investigation* – The enhancement of legal and scientific criminal investigation utilizing improved crime laboratory techniques, methodologies and responsive procedures.
- c) *Beat Patrol* – The improved patrol coverage through acquisition and upgrading of communications equipment and mobility equipage to improve response time and enhance crime prevention.
- d) *Civil Disturbance Control* – The development of civil disturbance doctrines consistent with the constitutional and statutory provisions on human rights as well as the acquisition of equipment and devices to implement these doctrines.
- e) *Anti-Terrorists Operations* – The promotion and utilization of the multilateral exchange of information with other police organizations, to include the improvement of its institutional capabilities to deal with terrorist activities as may be defined by law.

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f) *Disaster Response and Rescue Operations* – The improvement of the institutional capabilities to respond to all types of disasters or national emergencies.

g) *Aerial Surveillance and Air Transport* – The acquisition and upgrading of a modest air transport capability to convey its personnel and supplies over the entire length and breadth of the archipelago. This will necessitate the acquisition of multi-role aircrafts to function on public order and safety services such as observation, surveillance, detection, among others.

h) *Illegal Drugs Suppression* – The development of its capability in the enforcement of laws relating to drug abuse and the increased coverage in illegal drugs suppression operations.

i) *Intelligence Operations* – The development and enhancement of the capability for information collection, processing and dissemination.

j) *Maritime Patrol* – The upgrading of the capability to conduct operations against illegal activities in rivers and coastal maritime areas such as illegal fishing, piracy, smuggling, illegal smuggling of contraband and the like. It shall include the enhancement of the capability to perform duties on maritime environmental protection and ecological security.

k) *Firearms Control* – The development and enhancement of a comprehensive firearms control regulation mechanism to address the proliferation of unlicensed and illegal firearms.

SEC. 9. Self-Reliance Program. – To implement its modernization, the PNP shall give preference to Filipino contractors and suppliers and secondly to foreign contractors or suppliers willing or able to locate a substantial portion of, if not the entire production process of the item(s) involved, within the Philippines: *Provided*, That the PNP shall first determine and publish the minimum requirements and standards for products, equipment and technology before contract negotiation or bidding: *Provided, further*, That such product, equipment and technology standards shall conform to established standards in the international community.

1 In order to generate local employment opportunities an enhance technology
2 transfer to the Philippines and to minimize foreign exchange outflow, the Secretary of
3 the Interior and Local Government, shall as far as feasible, incorporate in each
4 contract/agreement, special foreign exchange reduction schemes such as counter-
5 trade, in-country manufacture, co-production, or other innovative arrangements or
6 combinations thereof.

7
8 The PNP shall likewise ensure that in negotiating applicable contracts of
9 agreements, provisions are incorporated respecting the transfer to the PNP of the
10 principal technology involved as well as the training of the PNP personnel to operate
11 and maintain such equipment or technology.

12
13 **SEC. 10. Procurement System.** – In addition to the provisions of existing laws,
14 rules and regulations regarding procurement and acquisition of real estate, buildings,
15 facilities and equipment, the PNP shall strengthen said systems and procedures taking
16 into consideration the following policies and procedures:

17
18 a. The PNP shall give preference to qualified domestic entities that participated
19 in the procurement activities of the PNP; and

20
21 b. The PNP Uniform and Equipment Standardization Board shall determine the
22 specific standards for items, products, equipment, and technology to be
23 submitted for approval of National Police Commission. Except for justifiable
24 circumstances, all specifications submitted to National Police Commission shall
25 be acted upon within thirty (30) days from receipt thereof. Otherwise, it shall be
26 deemed as duly approved. All items, products, equipment, and technology
27 standards must be responsive to the needs and requirements of the PNP.

28
29 **SEC. 11. Period of Implementation.** – The Modernization and Capability
30 Enhancement Program under this Act shall be implemented within ten (10) years:
31 *Provided,* That payments for amortization of outstanding multi-year contract obligations
32 incurred under the PNP Modernization and Capability Enhancement Program may be
33 extended beyond this period.

34
35 **SEC. 12. Appropriations for the Modernization and Capability Enhancement**
36 *Program.* – The amount necessary to support the capability enhancement programs,

1 activities and projects under the Program in relation to Section 7 shall be appropriated
2 by Congress.

3 Under the Program, an amount of at least Forty Billion Pesos (Php
4 40,000,000,000.00) shall be allocated for the first two (2) years of
5 implementation, for basic equipage fill-up and establishment standard
6 infrastructure and basic facilities: *Provided, That*, Eleven Billion, Two Hundred Fifty
7 Million Pesos (Php 11,250,000,000.00) shall be appropriated every year thereafter: and
8 *Provided, further, That*, the entire Program shall be based on a ceiling of One Hundred
9 Thirty Billion Pesos (Php 130,000,000,000.00) budget requirement, for the full period
10 of implementation.

11
12 Whenever deemed necessary, in order to expedite full implementation of the
13 program, the Chief of the PNP may, subject to the approval of the President and
14 consistent with the provisions of existing laws, including Commission on Audit rules and
15 regulations, under such terms and conditions most favorable to the government, enter
16 into multi-year contracts and other contractual arrangements.

17
18 The Chief of the PNP shall submit to the Congressional Oversight Committee, the
19 Secretary of the Department of Budget and Management, and the Secretary of the
20 Department of Finance, copies of these multi-year contracts and other contractual
21 arrangements to enable Congress to appropriate funds. For this purpose, Congress
22 shall, upon issuance of a multi-year obligation authority by the Department of Budget
23 and Management and certification by the President, make the corresponding
24 appropriations for the ensuing fiscal years, to cover multi-year obligations.

25
26 Appropriations to support the Modernization and Capability Enhancement
27 Program shall be treated as distinct and separate budget items from the regular
28 appropriations for the PNP.

29
30 **SEC. 13.** *Tax Treatment on PNP Purchases and Importation.* – All internal
31 revenue tax and duty obligations from the purchase and importation of munitions and
32 ordnance, firepower and weapons, transportation and mobility assets, communication,
33 intelligence, investigative and forensic equipment, and other equipment by the PNP,
34 under the Modernization and Capability Enhancement Program, where such acquisition
35 directly or exclusively relates to the performance of its police and law enforcement
36 functions, or may be needed in public transactions, or in the pursuit of any government

1 undertaking, shall be chargeable to the tax expenditure fund provided in the General
2 Appropriations Act.

3
4 Donations made to the PNP to be used actually, directly, and exclusively for its
5 modernization and capability enhancement program shall be exempt from donor's tax
6 and the same shall be considered as allowable deduction from gross income of the
7 donor for purposes of computing taxable income in accordance with the provisions of
8 the National Internal Revenue Code of 1997, as amended. Likewise, donations from
9 foreign sources shall be exempt from value-added tax and customs duties.

10
11 **SEC. 14. *Local Government Support Through Local Development Plans.*** – In the
12 formulation of their respective socio-economic local development programs, all
13 provincial, city, and municipal development councils shall allocate in their
14 comprehensive land use plans such adequate, suitable, and accessible lands for the
15 establishment of basic police infrastructure and support facilities within their areas of
16 jurisdiction.

17
18 Regional Development Councils shall ensure that allocation of such lands for use
19 of local police forces and other police support units are included in the approved socio-
20 economic local development programs of provinces and cities prior to integration into
21 their respective Regional Development Plans and subsequent submission to the National
22 Economic and Development Authority.

23
24 Within one hundred twenty (120) days from the effectivity of this Act, the Chief
25 of the PNP shall submit to the NAPOLCOM such guidelines and parameters governing
26 the allocation of land for the police, for approval and implementation.

27
28 In effecting land allocation for local police forces and other police support units,
29 local government units may exercise the inherent power of eminent domain, in
30 accordance with existing laws.

31
32 **SEC. 15. *Congressional Oversight Committee.*** – There is hereby created a
33 Congressional Oversight Committee to receive the Modernization and Capability
34 Enhancement Program of the Chief of the PNP, as endorsed by the NAPOLCOM, for
35 information, monitoring, and overseeing of the Speaker of the House of Representatives
36 and the Senate President.

1 It shall be composed of four (4) members from the House of Representatives
2 and four (4) members from the Senate with the Chairpersons of the Committee on
3 Public Order and Safety and the Committee on Public Order and Dangerous Drugs of
4 each Chamber, respectively, as Joint Chairpersons. The three (3) other members, with
5 the inclusion of the Chairperson of the Committee on Dangerous Drugs, representing
6 the House of Representatives, shall be designated by the Speaker of the House of
7 Representatives, while the three (3) other members from the Senate shall be designated
8 by the Senate President. The Minority shall have at least one (1) representative from
9 both Chambers. The Committee shall regularly monitor and oversee the implementation
10 of the provisions of this Act.

11
12 **SEC. 16. Program Modification.** – In the exigency of service or whenever
13 necessary to address unforeseen emergencies to curb transnational crime; emerging
14 forms of criminality; insurgency, terrorism and other serious threats to national security,
15 or to satisfy delivery of public safety services, the Chief of the PNP may modify, through
16 substitution or revision, a component project in the Modernization and Capability
17 Enhancement Program, subject to the favorable endorsement of the NAPOLCOM, and
18 upon the approval of the President of the Philippines. Within thirty (30) days from such
19 approval, the Chief of the PNP shall report such program modification to Congress,
20 through the Congressional Oversight Committee.

21
22 **SEC. 17. Annual Reports.** – Not later than the end of the first quarter of every
23 year of implementation, the PNP shall submit to the President and Congress, through
24 the Secretary of the Interior and Local Government, and the Chairman of the National
25 Police Commission an annual report containing the progress of the implementation of
26 the PNP modernization program under this Act.

27
28 **SEC. 18. Sunset Review.** – After five (5) years following its effectivity, or as the
29 need arises, the Congressional Oversight Committee shall conduct a sunset review of
30 this Act, to systematically evaluate the accomplishments under the Modernization and
31 Capability Enhancement Program and its impact on the PNP organizational structure,
32 institutional mechanisms, and performance of functions, for purposes of determining
33 and effecting remedial legislation.

34
35 **SEC. 19. Implementing Rules and Regulations.** – Within sixty (60) days from the
36 approval of this Act, the PNP, in consultation with the NAPOLCOM and the DBM, shall

1 formulate the implementing rules and regulations for the effective implementation of
2 the law.

3

4 **SEC. 20. Separability Clause.** – If for any reason any part or provision of this Act
5 shall be deemed unconstitutional or invalid, the other sections or provisions hereof shall
6 not be affected and shall remain in force and effect.

7

8 **SEC. 21. Repealing Clause.** – All provisions of existing laws, orders and
9 regulations contrary to or inconsistent with this Act are hereby repealed or modified
10 accordingly.

11

12 **Sec. 22. Effectivity.** – This Act shall take effect fifteen (15) days after its
13 publication in the Official Gazette or in a newspaper of general circulation.

Approved,