

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

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SENATE
S. No. 17

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Introduced by Senator Flavier

EXPLANATORY NOTE

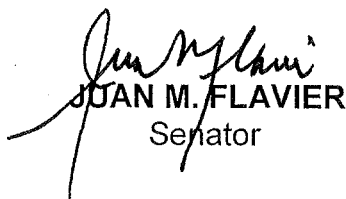
The recent spate of sensational crimes hogging the headlines has revealed disturbing observations that mainly focused on the organizational and technical weaknesses of the law enforcement agencies, particularly the Philippine National Police which has been the object of sarcastic criticism by the people. These charges and accusations virtually question its integrity as a law enforcement agency.

However, there can be no doubting the fact that government policy is geared toward the establishment of a highly efficient and competent police force that is national in scope and civilian in character. Hence, there is a need to revitalize the Philippine National Police by instituting programs to support this government policy.

While government policy demands the delivery of basic services from the Philippine National Police, there is an equally important obligation for government to lay down the framework and mechanism by which this may be done.

This measure will basically lay down the framework for the modernization of the Philippine National Police and will focus on several aspects, such as organizational development, crime prevention and control doctrines development, human resource development, internal security and counterinsurgency capability development.

The approval of this measure is thus earnestly urged.


JUAN M. FLAVIER
Senator

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**AN ACT
PROVIDING FOR THE PHILIPPINE NATIONAL POLICE MODERNIZATION
PROGRAM, AND FOR OTHER PURPOSES**

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

SECTION 1. Short Title. -- This Act shall be known as the "Philippine National Police Modernization Act".

SEC. 2. Declaration of Policy. -- It is hereby declared the policy of the State to establish a highly efficient and competent police force which is national in scope and civilian in character. The Philippine National Police (PNP) is the primary government agency that is entrusted to promote peace and order, ensure public safety and effectively discharge its mandate of performing police functions. The PNP will primarily be a service-oriented agency responsible for internal security operations.

Toward this end, a truly professional, efficient and highly motivated PNP shall actively employ mechanisms to engage the support of the people at the community-level, as well as the support of the other pillars of the criminal justice system and shall be realized through the PNP modernization programs under this Act, the thrusts of which shall be:

- a) The acquisition and upgrading of basic police equipment and law enforcement facilities;

- b) The acquisition, construction, improvement and upgrading of buildings, facilities and/or offices as centers or headquarters for police operations in the local government units;
- c) The undertaking of reforms in the recruitment, training, employment and management of PNP personnel;
- d) The development, validation or modification of PNP doctrines;
- e) The acquisition and upgrading of appropriate technology and equipment; and
- f) The promotion of a PNP National Strategic Action Plan (NSAP) which will focus on the following key result areas (KRA):
 - 1) Prevention and control of crimes primarily through the Community-oriented Policing System (COPS);
 - 2) Peace and order maintenance, internal security and peacekeeping;
 - 3) Enforcement of the rule of law;
 - 4) Community support;
 - 5) Coordination and cooperation with other government agencies, NGOs and the international police community; and
 - 6) Efficiency and effectiveness in the development and management of human and material resources.

SEC. 3. Objectives of the PNP Modernization Program. -- The PNP modernization program shall be implemented in accordance with the following objectives:

- a) To transform and develop the PNP into a service-oriented agency in the performance of its police and internal security functions;
- b) To enable the PNP to develop capabilities to foster human and ecological security;

- c) To enhance its capability to assist other agencies in the enforcement of domestic and foreign policies, as well as international covenants in coordination with the international law enforcement agencies;
- d) To enhance the PNP's capability to assist the Armed Forces of the Philippines in the performance of the AFP's mandate; and
- e) To develop its capability to support national development.

SEC. 4. Components of the PNP Modernization Program. -- The PNP Modernization Program shall consist of the following components:

1. Organizational Development -- The PNP modernization program on organizational development shall consist of the restructuring and streamlining of units and offices for economy and efficiency to avoid the overlapping of functions, simplify procedures and improve response time for crime prevention and control: *Provided*, That an Internal Affairs mechanism shall be devised which shall be insulated from unwarranted interference from within the organization: *Provided, further*, That it shall conduct pro-active investigation on prospective and existing personnel to include the assessment, analysis and evaluation of character, behavior and other potential problems which may arise in the performance of their duties.

The organizational development program shall likewise undertake the effective implementation of the manning levels mandated in R.A. No. 6975.

2. Human Resource Development -- This component of the PNP modernization program pertains to the professionalization of its human resource, the transformation of its personnel into pro-country, pro-people, pro-environment and pro-God proponents with a high level of spiritual and moral values and sincere regard

for human rights. Correspondingly, this program shall have the following objectives:

- a. To strengthen the civil service consciousness and respect for the rule of law; and
 - b. To develop and transform the PNP into a primarily community-oriented and service-oriented police force.
3. Doctrine Development -- This requires the rationalization of systems, standards and procedures in the administration of the PNP. Thus, towards this end, the NAPOLCOM and the Office of the PNP Chief shall be responsible for the generation, evaluation, consolidation and formalization of doctrines, and the conduct of periodic review of doctrines through field application, testing and exercises, as well as the discrimination of approved doctrine at all levels of command.
 4. Infrastructure Development -- This refers to the basic systems and support systems required to ensure that efficient police services are rendered. The modernization program includes the acquisition and upgrading of basic facilities, such as police stations to support facilities for administrative and operational services such as training, crime laboratory, information management systems, communications systems, medical and dental services, care in hospitals and dispensaries and housing.
 5. Equipment and facilities acquisition and modernization -- This program involves the acquisition and upgrading of contemporary, modern and state-of-the-art equipment and systems to enhance the capabilities of the police organization in the performance of its mandate.

The Secretary of the Department of Interior and Local Government, in coordination with the Chairman of the National

Police Commission, shall formulate guidelines to implement this section in accordance with the objectives of the modernization program enumerated in the preceding section.

SEC. 5. Priority Measures for Modernization. -- In the performance of its duties and functions mandated by law, the PNP shall undertake the Modernization Program in the context of a PNP National Strategic Action Plan (NSAP), consistent with Sections 3 and 4 of this Act, and shall specifically gear towards the improvement and development of the criminalistics aspect of its police functions. The following areas of activity shall thereafter be given priority:

- a) Community-Oriented Policing Systems (COPS) – The rationalization of the police operations into a pro-active and community-based policing system in place of the current reactive, precinct-based 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 the 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 necessary 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 institutional capabilities to deal with terrorist activities as may be defined by law.
- f) Disaster Relief and Rescue Operations – The improvement of institutional capability to prepare and respond to all types of disasters or national emergencies, as well as the development of capabilities for

the coordinated efforts with other government agencies and relief organizations in responding to the same;

- g) VIP and Airport Security – The development and upgrading of airport security measures and doctrines to world-class standards, to include the creation of cooperation and coordination mechanisms with domestic and international law enforcement agencies;
- h) Maritime Patrol – The development concerning the performance of its duties of environment protection and conservation as well as ensuring ecological security. It shall likewise include the conduct of operations against illegal activities in the maritime areas, such as illegal fishing, piracy, smuggling, illegal trafficking of contraband and the like;
- i) Aerial Surveillance and Air Transport – The acquisition and upgrading of a modest air transport air 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, evacuation, detection, among others;
- j) Drug Abuse Suppression – The development of its capability in the enforcement of laws relating to drug abuse and the increased coverage in drug abuse suppression operations;
- k) Integrated Communication System – The acquisition and/or upgrading of a centralized communication system for faster coordination, command and control of operational and administrative activities;
- l) Intelligence Operations – The development and enhancement of the capability for information collection, processing and dissemination;
- m) Integrated Logistics Support – The enhancement of PNP logistics capability for sustained law enforcement, public security and internal security operations throughout the country;

- n) Internal Security Operations – The preparation and development of the capability to conduct internal security operations in anticipation of the eventual transfer from the AFP by statutory directive, the executive implementation of a statutory directive or by operation of law;
- o) Firearms Control and Private Security Agency Regulation – The development and enhancement of an electronic information management system and the standardization of training for security guards. The development of a comprehensive firearms control regulation mechanisms shall be undertaken to address the proliferation of unlicensed and unregistered firearms;
- p) Traffic Law Enforcement – The development of a traffic law enforcement and management system for an improved capability for traffic control.

SEC. 6. Period of Implementation. -- The modernization program under this Act shall be implemented over a period of five (5) years: *Provided,* That payments for amortization of outstanding multi-year contract obligations incurred under this Act may extend beyond this period.

SEC. 7. Congressional Approval. –

- a) The Secretary of Interior and Local Government, pursuant to the PNP Modernization Program Projects and Appropriations approved by Congress, may, subject to the approval of the President, and consistent with the provisions of existing laws and regulations, including those of the Commission on Audit and under such terms and conditions most favorable to the Government, enter into multi-year contracts, and other contractual arrangements;
- b) For multi-year contracts, Congress shall upon certification by the President, make the corresponding appropriation for the ensuing fiscal year: *Provided,* That Congress shall appropriate only such funds as may be necessary to pay an unpaid amount where the funds

appropriated for the current fiscal year is not sufficient or available to meet such payment in full or in part;

- c) The Secretary of the Department of Interior and Local Government shall submit to the Chairman of the Senate Committee on National Defense and Security, the Secretary of Finance and the Chairman of the House Committees on National Defense and Appropriations, copies of these multi-year contracts and other agreements to enable Congress to appropriate funds: *Provided*, That the funds to be appropriated for the PNP Modernization Program under this Act shall be treated as a distinct and separate budget item from the regular appropriations for the Department of Interior and Local Government and the PNP, and shall be administered by the Secretary of the Department of Interior and Local Government.

SEC. 8. Self-Reliance Program. -- To implement modernization program, the PNP shall give preference to Filipino contractors and suppliers, and secondly to foreign contractors or suppliers, 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 the contract negotiation or bidding: *Provided, further*, That such product, equipment and technology standards shall conform to established standards in the international community: *Provided, finally*, That the spirit, intent and criteria set by the Flag Law shall be adopted in the determination of awards of contractual arrangements.

In order to generate local employment opportunities and enhance technology transfer to the Philippines and to minimize foreign exchange outflow, the Secretary of the Department of Interior and Local Government shall as far as feasible, incorporate in each contract/agreement, special foreign exchange

reduction schemes such as countertrade, in-country manufacture, co-production, or other innovative arrangements or combinations thereof.

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

SEC. 9. Procurement System. -- In addition to this provisions of existing laws, rules and provisions regarding the procurement and acquisition of real estate, buildings, facilities and equipment, the PNP shall strengthen said system and procedures taking into account the new requirements under the PNP modernization program.

SEC. 10. Annual Report. -- Not later than the end of the first quarter of the succeeding year, the Secretary of the Department of Interior and Local Government shall submit to the President and Congress an annual report containing the progress of the implementation of the modernization program under this Act to include the PNP program activities implemented prior to the approval of this act.

SEC. 11. Separability Clause. -- If any provision of this Act shall be held unconstitutional or invalid, the other provisions shall not be affected and shall remain in full force and effect.

SEC. 12. Repealing Clause. -- All laws, executive orders, rules and regulations inconsistent with or contrary to this Act are thereby deemed accordingly repealed or amended.

SEC. 13. Effectivity Clause. -- This Act shall take effect fifteen (15) days from the publication in at least two (2) newspapers of national circulation.

Approved,