

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

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SENATE

S. No. 406

Introduced by Senator S. R. Osmeña III

EXPLANATORY NOTE

The maintenance of peace and order and the fight against crime all over the country are major concerns of any administration, and for this reason, although government resources are limited, the administration tries very hard to meet the needs of the military and police personnel, including the non-uniformed.

Under Republic Act 6975 administrative control and supervision over the country's police force, firemen and jail guards was transferred from the Armed Forces of the Philippines (AFP) to the National Police Commission (NAPOLCOM) and the Department of Interior and Local Government, respectively.

In the light of the reforms brought about by RA 6975, it has become imperative to enact amendments to existing laws affecting the country's police organization to serve as modest incentives to lift the economic status of men whose bravery, perseverance and devotion to duty deserve the highest public esteem. One of these laws is Republic Act No. 6963, otherwise known as "An Act Granting Special Financial Assistance and Benefits to the Family or Beneficiary of any Police or Military or Firemen Killed or Permanently Incapacitated while in the Performance of his duty or by reason of his Office or Position, and for other purposes".

This bill intends to amend the provisions of RA 6963 to make it conform to the developments brought about by the passage of RA 6975. The passage of this bill would be a big boost to the welfare and morale of the country's uniformed and non-uniformed personnel who have put their lives on the line to keep our homes safe, our cities and countryside secure, and free from those who wish ill to the nation.

S. Osmeña III
SERGIO OSMEÑA III
Senator

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AN ACT

AMENDING REPUBLIC ACT NO. 6963, OTHERWISE KNOWN AS "AN ACT GRANTING SPECIAL FINANCIAL ASSISTANCE AND BENEFITS TO THE FAMILY OR BENEFICIARY OF ANY POLICE OR MILITARY PERSONNEL OR FIREMAN KILLED OR PERMANENTLY INCAPACITATED WHILE IN THE PERFORMANCE OF HIS DUTY OR BY REASON OF HIS OFFICE OR POSITION, AND FOR OTHER PURPOSES

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

1 **SECTION 1.** – Section 1 of Republic Act No. 6963 is hereby amended to
2 read as follows:

3 "SECTION . 1. The family or beneficiary of any [police or military
4 personnel, including any fireman assisting in a police or military action]
5 PERSONNEL OF THE PHILIPPINE NATIONAL POLICE (PNP), ARMED
6 FORCES OF THE PHILIPPINES (AFP), BUREAU OF FIRE
7 PROTECTION (BFP) AND THE BUREAU OF JAIL MANAGEMENT AND
8 PENOLOGY (BJMP), who is killed or becomes TOTALLY AND
9 permanently incapacitated while in the [performance] LINE of [his] duty or
10 by reason of his office or position, provided he has not committed any
11 crime or human rights violations by final judgement on such occasion,
12 shall be entitled to the special financial assistance provided for in this Act
13 in addition to whatever compensation, donation, insurance, gift, pension,

1 grant, or any form of benefit which said deceased or permanently
2 incapacitated person or his family may received or be entitled to.

3 **SEC. 2.** – Section 2 of the law is hereby amended to read as follows:

4 “SEC. 2. The term “PERSONNEL” , AS USED IN THIS ACT,
5 SHALL REFER TO BOTH THE UNIFORMED AND NON-UNIFORMED
6 PERSONNEL OF THE PNP, AFP, BFP AND BJMP WHILE THE TERM
7 “family” OR “BENEFICIARY”, [as used in this Act] shall refer to the
8 surviving legal spouse and his legitimate children or parents, or brothers
9 and sisters, or aunts and uncles, in that respective order: Provided: That, if
10 the [police or military personnel or fireman] PNP, AFP, BFP OR BJMP
11 PERSONNEL is a Muslim, the pertinent provisions of the Code of Muslim
12 Personal Law (Shari'a) shall apply.

13 **SEC. 3.** – A new Section 2-A is hereby inserted as follows:

14 “SEC. 2-A. THE PHRASE “IN THE LINE OF DUTY OR BY
15 REASON OF OFFICE OR POSITION” AS USED IN REFERENCE TO
16 THE DEATH OR INJURY SUFFERED BY ANY PNP, AFP, BFP OR
17 BJMP PERSONNEL SHALL BE CONSTRUED TO MEAN THAT THE
18 DEATH OR INJURY WAS CAUSED WHILE IN THE PERFORMANCE OF
19 ANY POLICE, MILITARY, FIRE OR JAIL DUTY, AS THE CASE MAY BE,
20 OR ACCASIONED BY A FORTUITOUS EVENT, FORCE MAJEURE OR
21 ANY OTHER ACT OF A THIRD PARTY WITHOUT FAULT OR
22 NEGLIGENCE ATTRIBUTABLE TO THE PERSONNEL CONCERNED:
23 PROVIDED, HOWEVER, THAT WHERE THE DEATH OR INJURY WAS
24 DUE TO HIS OWN ACT, THE LATTER MUST BE LAWFUL AND SUCH
25 DEATH OR INJURY MUST NOT BE SELF-INFLICTED OR ABETTED BY
26 HIS GROSS NEGLIGENCE, ALCOHOLISM, DRUG ADDICTION OR
27 ABUSE OF AUTHORITY: PROVIDED, FURTHER THAT THE LINE OF
28 DUTY SHALL INCLUDE GOING TO AND COMING FROM HIS OFFICE
29 OR WHILE ON LEAFVE OR ON ADMINISTRATIVE MISSION. IN CASE

1 OF DOUBT AS TO WHETHER THE DEATH OF INJURY SUSTAINED BY
2 ANY MEMBER OF THE PNP, AFP, BFP OR BJMP PERSONNEL IS IN
3 THE LINE OF DUTY, IT SHALL BE DECIDED IN HIS FAVOR.

4 **SEC. 4.** – Section 3 of the same law is hereby amended to read as
5 follows:

6 “SEC. 3. The special financial assistance referred to in Section One
7 hereof shall be that which is equivalent to the average six (6) month’s
8 salary, including allowances and bonuses, during the last twelve (12)
9 months preceding the death OR PERMANENT INCAPACITY of the
10 [officer] PERSONNEL which shall not be considered a part of the estate of
11 the deceased and which shall be exempt from attachment, garnishment or
12 execution and from income and other taxes.

13 **SEC. 5.** – Section 4 of the same law is hereby amended to read as
14 follows:

15 “SEC. 4. It shall be the duty of the cashier from whom the deceased
16 or permanently incapacitated [police or military personnel or fireman]
17 PERSONNEL OF THE PNP, AFP, BFP OR BJMP used to receive his
18 salary, within three (3) days from receipt of a written certification from the
19 station or unit commander of the fact of death OR PERMANENT
20 INCAPACITY and the circumstances thereof to deliver to the beneficiaries
21 such special financial assistance as stated in Section Three hereof. In
22 case of permanent [disability] INCAPACITY, a certification by the proper
23 medical officer designated by the CHIEF OF THE PNP, OR THE Chief of
24 Staff of the [Armed Forces of the Philippine] AFP or the [Director General
25 of the Integrated National Police] DIRECTOR OF THE BFP, OR THE
26 DIRECTOR OF THE BJMP, as the case may be, is necessary for the
27 payment of the aforesaid SPECIAL financial assistance. After said
28 payment, a report with the formal certificate of death or permanent
29 incapacity shall be RESPECTIVELY submitted to the [Secretary of

1 National Defense or the Director General of the Integrated National Police]
2 CHIEF OF THE PNP, OR THE CHIEF OF STAFF OF THE AFP, OR
3 DIRECTOR OF THE BFP, AND THE DIRECTOR OF THE BJMP.

4 **SEC. 6.** – Section 5 of the same law is hereby amended to read as
5 follows:

6 “SEC. 5. In order to assure the payment of the special financial
7 assistance referred to in this Act, without any need of any appropriation
8 act or ordinance, the payment shall come from the expected salary,
9 allowances and bonusES of the deceased or permanently incapacitated
10 [police or military] personnel [or fireman] OF THE PNP, AFP, BFP OR
11 BJMP for the next six (6) months after his death or PERMANENT
12 incapacity: Provided, That the position left vacant by the deceased or
13 permanently incapacitated [police or military personnel or fireman]
14 PERSONNEL OF THE PNP, AFP, BFP OR BJMP on account of his death
15 or PERMANENT incapacity shall not be filled during that period of six (6)
16 months: Provided, further, That if the public welfare and interest so
17 demand, as determined by the [municipal of city mayor or provincial
18 governor] CHIEF OF THE PNP, in case of a [police] PNP personnel [or
19 fireman, or by the Secretary of National Defense], OR THE CHIEF OF
20 STAFF OF THE AFP, in case of a military personnel, OR THE DIRECTOR
21 OF BFP, IN CASE OF A FIRE PERSONNEL, OR THE DIRECTOR OF
22 BJMP, IN CASE OF A JAIL PERSONNEL the position left vacant by the
23 deceased [personnel,] or permanently incapacitated personnel may be
24 filed without waiting for the expiration of the six (6) months period earlier
25 mentioned, in which case, the funds out of which the special financial
26 assistance already received by the family of the deceased or permanently
27 incapacitated personnel shall be replenish out of the emergency savings
28 of the [municipality, city or province, or the department,] CONCERNED
29 BUREAUS upon the direction in writing by [the municipal or city mayor or

1 governor of the province, or department secretary,] THEIR RESPECTIVE
2 CHIEFS OR DIRECTORS to their respective treasurers or cashiers
3 [;Provided, finally, That, in the event of such emergency, no emergency
4 savings as provided herein exist, the regional commander or the provincial
5 commander, as the case may be, may draw augmentation personnel from
6 any municipality in the province or region to fill up the vacancy until such
7 time that the municipality where the vacancy occurred can fill up such
8 vacancy with regular personnel].

9 **SEC. 7.** – Section 6 of the same law is hereby amended to read as

10 follows:

11 “SEC. 6. If any [police or military] personnel [or fireman] of the PNP,
12 AFP, BFP OR BJMP is injured or wounded [or in any manner suffers any
13 injury] in the performance of his official duties, the hospitalization
14 expenses of such [police or military] personnel [or fireman] shall be
15 shouldered by the office where he belongs, chargeable against the salary
16 savings of such office without the need of any appropriation act or
17 ordinance.

18 **SEC. 8.** – Section 7 of the same law is hereby amended to read as

19 follows:

20 “SEC. 7. The surviving spouse of the deceased or permanently
21 incapacitated [police or military] personnel [or fireman] OF THE PNP,
22 AFP, BFP OR BJMP shall be given priority in employment in a
23 government or agency or office where her qualifications are fitted:
24 Provided, That if the spouse is already employed or not employable or if
25 she waives her employment privilege, then an employable son or daughter
26 shall be granted the said privilege.

27 **SEC. 9.** – Section 8 of the same law is hereby amended to read as

28 follows:

1 "SEC. 8. [All surviving children] AT MOST FOUR (4) LEGAL
2 DEPENDENTS of the deceased or permanently incapacitated [police or
3 military] personnel [or fireman] OF THE PNP, AFP, BFP, OR BJMP shall
4 be extended scholarship up to college in [a nonexclusive] AN
5 EDUCATIONAL institution, [subject to the policies on the tuition of said
6 institution] AS MAY BE DETERMINED BY THEIR RESPECTIVE
7 BUREAUS OR OFFICES. The scholarship privilege shall be limited to the
8 payment of tuition and miscellaneous fees payable to the school and shall
9 be remitted by the [National Police Commission] NAPOLCOM, IN THE
10 CASE OF THE PNP; or the Department of National Defense, IN THE
11 CASE OF THE AFP; OR THE DEPARTMENT OF INTERIOR AND
12 LOCAL GOVERNMENT, IN THE CASE OF BFP AND BJMP [, as the
13 case may be], upon THE presentation [to it] of the approved enrollment or
14 registration form [.]: PROVIDED, THAT ONLY ONE LEGAL DEPENDENT
15 OF THE PERSONNEL IN ACTIVE DUTY MAY BE ENTITLED TO THE
16 SCHOLARSHIP: PROVIDED, FURTHER, THAT IF FUNDS ARE NOT
17 SUFFICIENT TO SUPPORT THE SCHOLARSHIP OF ALL QUALIFIED
18 LEGAL DEFENDANTS PRIORITY SHALL BE GIVEN TO LEGAL
19 DEPENDENTS OF THE DECEASED OR INCAPACITATED MEMBER
20 PERSONNEL OF THE PNP, AFP, BFP OR BJMP THAN THE LEGAL
21 DEPENDENTS OF THEIR ACTIVE UNINFORMED OR NON-
22 UNINFORMED PERSONNEL: PROVIDED, FINALLY, THAT IN CASES
23 OF SINGLE AND/OR UNMARRIED PERSONNEL, THE SCHOLARSHIP
24 SHALL BENEFIT ONLY ONE (1) LEGAL DEPENDENT WHO IS
25 UNMARRIED OR UNEMPLOYED.

26 **SEC. 10.** – Section 9 of the same law is hereby amended to read as
27 follows:

28 "SEC. 9. The [amounts necessary to fund the scholarship
29 assistance mentioned above shall be taken from the proceeds of the]

1 FIREARMS license fees [for firearms] collected by the [Philippine
2 Constabulary] FIREARMS AND EXPLOSIVES OFFICE OF THE PNP
3 SHALL BE USED SOLELY BY THE PNP FOR THE AFORESAID
4 SCHOLARSHIP PROGRAM: Provided, That the [collection from the said
5 license fees for one (1) year following the approval of this Act shall
6 constitute the initial fund reserve for the purpose of this Act, to be
7 replenished or enhanced by collections in the succeeding years] CHIEF
8 OF THE PNP FOR THE AFORESAID SCHOLARSHIP PROGRAM:
9 Provided, That the [collection from the said license fees for one (1) year
10 following the approval of this Act shall constitute the initial fund reserve for
11 the purpose of this Act, to be replenished or enhanced by collections in
12 the succeeding years] CHIEF OF THE PNP, MAY GENERATE
13 ADDITIONAL SOURCES FOR THE SAME COMING FROM THE FEES
14 WHICH THE PNP IS AUTHORIZED TO COLLECT UNDER EXISTING
15 LAWS.

16 THE SCHOLARSHIP PROGRAMS OF THE PNP, AFP, BFP AND
17 BJMP SHALL BE FUNDED BY SUCH INTEREST INCOME AS MAY BE
18 EARNED FROM THE AMOUNT OF THEIR RESPECTIVE SAVINGS
19 GENERATED OUT OF THE TOTAL SCHOLARSHIP FUNDS SO FAR
20 RECEIVED BY THEM FROM THE FIREARMS LICENSE FEES
21 COLLECTED BY THE PNP: PROVIDED, THAT THE AFP, BFP AND
22 BJMP MAY GENERATE ADDITIONAL SOURCES OF FUNDS THAT
23 WILL SUPPORT THEIR SCHOLARSHIP PROGRAMS, SUCH AS, BUT
24 SHALL NOT BE LIMITED TO, EXISTING TRUST FUNDS ESTABLISHED
25 FOR THEIR BENEFIT.

26 **SEC. 11.** – Section 10 of the same law is hereby amended to read as
27 follows:

28 “SEC. 10. The [said] SCHOLARSHIP funds [collected from the
29 firearms licensing fees] shall be [turned over to the National Police

1 Commission which shall administer the same for the purpose of this Act in
2 the case of Integrated National Police members and firemen and the
3 Department of National Defense in the case of military personnel]
4 MANAGED AND ADMINISTERED BY THE CHIEF OF THE PNP, THE
5 CHIEF OF STAFF OF THE AFP, THE DIRECTOR OF THE BFP, AND
6 THE DIRECTOR OF THE BJMP THROUGH THEIR RESPECTIVE
7 SCHOLARSHIP BOARDS COMPOSED OF A CHAIRMAN AND FOUR
8 (4) MEMBERS. THE MEMBERSHIP OF THE BOARD SHALL BE
9 DESIGNATED BY THE CHIEF OF THE PHILIPPINE NATIONAL POLICE.

10 **SEC. 12.** – Section 11 of the same law is hereby amended to read as
11 follows:

12 “SEC. 11. Any person who unduly delays, refuses or in any
13 manners prevents the payment of the special Financial assistance OR
14 THE SCHOLARSHIP ASSISTANCE [defined] AS PROVIDED in this Act
15 to the person or persons entitled thereto shall be dismissed from office if
16 found guilty in an appropriate administrative case.

17 **SEC. 13.** – Section 12 of the same law is hereby amended to read as
18 follows:

19 “SEC. 12. Nothing in this Act shall be construed to prejudice and
20 diminish whatever benefits a [member of the military establishment or the
21 Integrated National Police] PERSONNEL OF THE PNP, AFP, BFP AND
22 BJMP is entitled to receive under existing laws.”

23 **SEC. 14.** The National Police Commission (NAPOLCOM) in coordination
24 with the Department of Interior and Local Government (DILG) and the
25 Department of National Defense (DND) shall prepare and issue the necessary
26 rules and regulations for the effective implementation of this Act.

27 **SEC. 15.** All laws, executive orders, letter of instructions, rules and
28 regulations, or provisions thereof which are inconsistent with the provisions of
29 this Act are hereby repealed, amended or modified accordingly.

1 **SEC. 16.** This Act shall take effect fifteen (15) days after the completion of
2 its publication in at least two (2) newspapers of general circulation.

Approved,