

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

04 JUN 20 10:14

SENATE

S. No. 695

RECEIVED BY: *Dele*

INTRODUCED BY HON. MANUEL B. VILLAR, JR.

EXPLANATORY NOTE

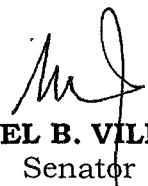
As a policy, the State is mandated to establish a highly efficient and competent police force.

In the previous years, there have been many attempts at modernizing the Philippine National Police. However, the attempts have never been enough to address the needs of the police force in terms of equipment, technology, facilities and benefits granted to its members.

Thus, this bill aims to:

1. Enhance police capability in professional law enforcement and in scientific detection, prevention and investigation of crimes;
2. Enhance the capability of the PNP to perform its police functions; and
3. Develop the PNP's capability in disaster preparedness.

In view of the foregoing, immediate passage of this bill is earnestly sought.



MANUEL B. VILLAR, JR.
Senator

THIRTEENTH CONGRESS OF THE
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OFFICE OF THE SECRETARY

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S. No. 695

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AN ACT
PROVIDING FOR THE MODERNIZATION OF THE PHILIPPINE NATIONAL POLICE
AND FOR OTHER PURPOSES

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

Section 1. *Short Title.* - This act shall be known as the "PNP Modernization Act of 2004."

Section 2. *Declaration of Policy.* - It shall be the policy of the State to establish a highly efficient and competent police force which is national in scope and civilian in character. The Philippines National Police (PNP) is the primary government agency that is entrusted to enforce the law, maintain peace and order, ensure public safety and internal security and other police functions as may be provided by law.

Toward a truly professional, efficient and highly motivated PNP with the active support of the community and other pillars of the criminal justice system. The modernization program under this Act shall have the following principal trusts:

- a. The development of an efficient and credible police force based on the proactive, community oriented policing system; a manpower and career development program to professionalize the PNP; and a responsive police organizational structure;
- b. The development of reforms in the management of human and material resources;
- c. The development, evaluation and application of appropriate police doctrines;
- d. The acquisition and upgrading of appropriate police equipment and technology; and,
- e. The acquisition, improvement and construction of police headquarters and other facilities.

Section 3. *Objectives of the PNP Modernization Program.* - The police modernization program shall be implemented to pursue the following objectives:

- a. To enhance police capability in professionalized law enforcement and in scientific detection, prevention and investigation of crimes;
- b. To develop its capabilities such as disaster preparedness, human and ecological security, suppression of white collar and transnational crimes and other; and

- c. To develop PNP capabilities such as national development.

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

- a. Organization Development. - The PNP modernization program shall entail the re-structuring and streamlining of units and offices for economy and efficiency; avoid overlapping of function; facilitate police deployment of influence situations; and simplify police procedures to speed-up responses.
- b. Human Resource Development. - The component of the modernization program shall consist of manpower development, and professional and career development programs. It shall have the following objectives:
- (1) To address the manpower needs of the PNP considering the ratio of one (1) police officer for every 500 inhabitants;
 - (2) To develop the PNP into a service and community oriented force;
 - (3) To develop a police force that is professional, pro-God, pro-country, pro-people, pro-environment with high level of spiritual and moral values; and,
 - (4) To develop a police force with sincere regard for human rights.
- c. Doctrines Development . - In view of fast changing environment, the PNP shall rationalize its systems, standards and procedures in both PNP shall rationalize its systems, standards and procedures in both administrative and operational aspects. This requires the review, evaluation and validation of doctrines for purposes of finalization and application. To realize this the Napolcom and the PNP headquarters shall be responsible for the generation, evaluation, consolidation and finalization of doctrines; the conduct of periodic review through field application, testing and exercises; and the dissemination of approved doctrines at all levels of units/offices.
- d. Equipment and Technology Development. - The PNP modernization program calls for the development of capabilities that can respond to current and future treats to peace and order: Provided, That the following measures shall be observes in the acquisition of equipment and technology systems:
- (1) Maximum utilization of existing inventory thru rehabilitation or upgrading to reduce the cost of acquisition;
 - (2) Each major mission - oriented equipment must have a doctrinal rationale for application, by itself or as part of weapons system mix. Acquisition must be synchronized with the phase-out of those obsolete and uneconomical equipment in the PNP inventory.
 - (3) Total equipment cost must include acquisition, training, maintenance, operation cost and inflation
 - (4) Enhance the self-reliance program;

- (5) Equipment to be purchased must be low cost but operationally-efficient;
- (6) Lower acquisition costs thru volume discounts;
- (7) Minimize fund outlays thru counter-trade agreements;
- (8) Only offers from suppliers who are themselves the manufacturers shall be entertained; and finally,
- (9) No supply contract shall be consummated unless such contract provides for in clear terms post-sale services and availability of spare parts.

e. Infrastructure and Support System Development- The PNP Modernization Program requires the construction and/or improvement of infrastructure and support facilities to ensure efficient police service. This includes police stations and headquarters, and facilities for administrative and operational services such as training complexes, crime laboratories, information management systems, communications systems, hospitals, dispensaries and housing units. And among those listed above, providing housing units for PNP personnel shall be given utmost priority and shall be mandatory so much so that the program for the same shall continually be an integral part of the major thrusts of the PNP leadership.

The NAPOLCOM shall formulate guidelines to implement this section in accordance with the objectives of the modernization program enumerated in the preceding section.

Section 5. *Priority Programs for PNP Modernization* - Consistent with the objectives of the PNP Modernization Program, the following programs/activities shall be given priority consideration:

- a. Manpower Development Program - This program is designed to build a personnel ceiling of 150,000 over a five (5) year period to approximate the police population ratio of 1:500. For the modernization program, it will require an annual recruitment of 10,400 policemen and 400 inspectors.
- b. Fixed-Term Appointment Program - This program applies only to newly recruited officers and members. Fixed term appointments shall be extended to PNP personnel and they can only be removed for cause. It shall be part of a comprehensive package of employment reforms to enable the PNP to meet the demands of constantly changing and emerging law enforcement priorities and responsibilities. The terms of appointment of the officers and members of the PNP shall be effected in the following manner:
 - (1) Probation period covers the six (6) month police recruit training and six (6) month patrol duty;
 - (2) First term covers the second to tenth year of police work;
 - (3) Second term covers the eleventh to fifteenth year of police service;

- (4) Third term covers the sixteenth to twentieth year of police service
- (5) Fifth term covers the twenty-sixth year to thirtieth year of police service onward to retirement age of fifty six.

The NAPOLCOM shall formulate guidelines to implement this section (b) accordingly with the objectives of the PNP Modernization Program.

- c. Performance Management Program - There shall be an administrative appraisal to determine whether a policeman should be reappointed upon completion of the term of appointment. The system shall incorporate integrity processes for continuous evaluation based on the prime criteria of efficiency, diligence and competence.

An evaluation committee shall be constituted composed of the NAPOLCOM Regional Director as Head and the following as members: one (1) representative of known probity and integrity each coming the clergy, academe, NGOs/civic organization and two (2) from the PNP organization. The NAPOLCOM shall formulate guidelines to implement this provision

- d. Career Management and Development Program - There shall be a career management and development program for commissioned and noncommissioned PNP officers designed to promote an equitable system of promotion and assignment in the PNP.
- e. Police Academy for PNCOs.
- f. Upgrading of Salary and Benefits.
- g. Early Retirement and Separation Program
- h. Community-Oriented Policing System (COPS) - The rationalization of police operations into a pro-active and community-based policing system in place of the current reactive, precinct-based policing system.
- i. Criminal Investigation- The enhancement of legal and scientific criminal investigation utilizing improved crime laboratory techniques, methodologies and responsive procedures.
- j. Integrated Communication System - The acquisition and/or upgrading of a centralized communication system for faster coordination, command and control of operational and administrative activities.
- k. Beat Patrol - Improved patrol coverage through acquisition and upgrading of communications equipment and mobilization equipage to improve response time and enhance crime prevention.
- l. Civil Disturbance Control - The development of civil disturbance control capabilities consistent with the Constitutional and statutory provisions on human rights as well as the acquisition of equipment and devices.
- m. Anti-Terrorist 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.
- n. 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 coordinated efforts with other government agencies and relief organizations in responding to the same.
 - o. 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.
 - p. Maritime Patrol - The development of capabilities concerning the performance of its duties of environmental protection and conservation as well as ensuring ecological security. It shall likewise include the conduct of operations against illegal activities in maritime areas such as illegal fishing, piracy, smuggling, illegal trafficking of contraband and the like.
 - q. 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 aircraft to function on public order and safety services such as observation, surveillance, evacuation, and detection, among others.
 - r. 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.
 - s. Intelligence Operations - The development and enhancement of the capability for information collection, processing and dissemination.
 - t. Covert Investigation and Operation - The development of capabilities on sleuthing, surveillance, investigation, identification, arrest, preservation and handling of evidence and giving court testimony in order to promote successful prosecution of cases in court.
 - u. Integrated Logistics Support - The enhancement of PNP logistics capability for sustained law enforcement, public security and internal security operations throughout the country.
 - v. Peace Keeping Operations in relation to Section 12 of RA No 6975 - The development of the capability to perform police functions in enhancing internal security of the country.
 - w. 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 mechanism shall be undertaken to address the proliferation of unlicensed and unregistered firearms.

- x. Traffic Law Enforcement - The development of a traffic law enforcement and management system for an improved capability for traffic control:

Section 6. *Discipline* - In consonance with Sections 3 and 4 of this Act the PNP

- a. Henceforth upon the effectivity of this Act- NAPOLCOM rules, regulations and issuances on discipline matters shall govern for all PNP members. For this purpose, Section 91 of RA No. 6975 in so far as the application of the Civil Service Law and its implementing rules and regulations on discipline for PNP is concerned is hereby accordingly modified.
- b. Internal Affairs Service - There is hereby created an office to be known as the Internal Affairs Service of the PNP to be headed by a Deputy Director General and assisted by a Chief Superintendent. The Internal Affairs Service shall investigate complaints referred to it by the National Police Commission against PNP personnel and perform such other duties and functions as directed by the Chief, PNP
- c. The Legal Services. - There is hereby created an office to be known as the Legal Service of the PNP to be headed by a police commissioned officer with the rank of Chief Superintendent who is a member of the Philippine National Bar and with at least ten (10) years service as legal officer. The Legal Service shall function as the legal counsel of the PNP and shall extend legal and investigative assistance to the Internal Affairs Service.
- d. Disciplinary Jurisdiction. -
 1. The authority to investigate complaints against members of the PNP who are non-presidential appointees shall be vested in the National Police Commission, with the discretion to refer the same to the Internal Affairs Service of the PNP as it may deem fit or necessary;
 2. The authority to hear cases against non-presidential appointees, under summary proceedings, shall be vested in the National Police Commission, with the discretion to involve and refer the same to the PNP Legal Service as it may deem fit or necessary.
 3. The National Police Commission shall have the authority to investigate complaints, hear and decide cases, under summary proceedings, against all members of the PNP who are presidential appointees: Provided, that any decision rendered by the Commission against a presidential appointee shall be subject to final approval by the President.
- e. Grounds for Disciplinary Action. - A complaint may be brought against a uniformed personnel of the PNP before the National Police Commission for violation of R.A. No. 3019, as amended, RA No. 1379, as amended, RA No.

6713, Revised Penal Code, and for such other offenses, acts or omissions as may be defined by the National Police Commission whether committed in relation to office or not.

- f. Preventive Disciplinary Action of Immediate Superior Officer or Duly Designated Supervisors and its Equivalent PNP Officers. - Concerned PNP officers, or duly designated supervisors and equivalent PNP personnel, for minor offenses, shall impose disciplinary punishment upon police personnel of his Command, service, unit or office, without the intervention of formal administrative or summary proceedings, unless the respondent personnel personally demands formal administrative or summary hearing. The preventive disciplinary action authorized by this Section may include reprimand, withholding of privileges not exceeding one week, restriction to certain specified limits not exceeding one week, but shall not include forfeiture of pay: Provided, that a concerned superior may also impose punishment on subordinate, suspension from duty, arrest or confinement to quarters not to exceed three (3) days.
- g. Suspension or Forfeiture of Salary. - The Chief of the Philippines National Police, Regional Directors and Directors of National Support Units shall have the power to impose disciplinary punishment of reprimand, suspension or forfeiture of salary or combination thereof for a period of not exceeding one hundred eighty (180) days: Provided, that a report of the same is submitted to the National Police Commission for its information and record.
- h. Summary Administrative Powers of the Chief, PNP, Regional Directors and Directors of the National Support Units. - The Chief of the Philippines National Police, the Regional Directors and the Directors of the different national support service units, after due notice and summary hearings, and after obtaining the clearance of the National Police Commission, may immediately remove or dismiss any respondent PNP member in any of the following cases:
- (1) When the charge is serious and the evidence of guilt is strong;
 - (2) 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;
 - (3) When the respondent is guilty of conduct unbecoming of a police officer; and,
 - (4) Conduct prejudicial to good order and the police service.
- i. Decision in Summary Dismissal Cases. - Decisions rendered by the Chief, PNP and the Directors of the different national services and support units in summary dismissal cases shall be appealed before the National Appellate Board of the National Police Commission. Decisions rendered by the

Regional Directors shall be appealed before the Regional Appellate Board of the Commission. In all cases, no motion for reconsideration shall be allowed from the decisions rendered by the C, PNP, Regional Directors and Directors of the National Services and Support Unit of the PNP.

Within thirty (30) days from the effectivity of this Act, the National Police Commission shall promulgate rules and regulations implementing this section under this Act.

Section 7. *Salary, Benefits and Social Welfare.* - To improve the quality of policemen and their families, the PNP Modernization Program requires the upgrading of their salaries and allowances; and entitlement to various benefits and social welfare privileges. Accordingly, the President is hereby authorized to upgrade the compensation of the officers and members of the PNP.

Towards this end, and among others, scholarship grants shall be extended to all the immediate descendants of PNP personnel who are studying or of school age and full hospitalization benefits shall be afforded them.

Section 8. *Retirement and Separation.*- The transformation of the PNP into a highly motivated, dynamic and professional police force requires the recruitment of a competent, dedicated and service-oriented workforce. In consonance, the PNP modernization program shall provide an early retirement and separation system as indicated hereafter:

- a. Coverage and Exemption. - The rationalize retirement system authorized under this Act shall apply to all uniformed PNP personnel, regardless of age, who shall have rendered at least (5) years of police service: Provided, that the last two (2) years of service before the application of retirement/separation must be consecutive and continuous: Provided, further, that the benefits herein authorized shall apply only to any uniformed personnel.
- b. Computation of Retirement/Separation Benefits. - The retirement/separation benefits shall be computed two (2) ranks higher from the rank last held by the applicant before the application was approved: Provided, that aside from the basic pay, the longevity pay of the applicant shall be included in the computation of the retirement/separation benefits.
- c. Early Retirement. - In the exigency of the service and on the basis of such factors as (a) service reputation, (b) physical and/or mental incapacity to perform police functions and duties, (c) service performance for the last two (2) rating periods, or (d) inefficiency, an officer or non-officer who has accumulated at least five (5) years of active service may be retired/separated with benefits under this Act upon the recommendation of the C, PNP and approval by the National Police Commission. Pendency of an administrative

or criminal case shall not be a bar to the retirement/separation of a PNP member. Provided, that the payment of retirement/separation and other benefits due him shall be held in abeyance pending the resolution of his case.

d. Rationalized Separation Benefits. - All PNP uniformed personnel covered in this Act who elect in writing to be retired/separated from the police service and whose retirement has been approved shall be paid a gratuity based on the number of years of their government service on the basis of the highest salary which they received in the course of their employment in the police service as follows:

- (1) 1 month basic salary for every year of the first (5) years of government service;
- (2) 1.25 months basic salary for every year of the first ten (10) years of government service or the nearest equivalent fraction thereof favorable to them;
- (3) 1.4 months basic salary for every year of service or the nearest equivalent fraction therefor favorable to them for those who have rendered over ten (10) years up to fifteen (15) years of service;
- (4) 1.6 months basic salary for every year of service of the nearest equivalent fraction thereof favorable to them for those who have rendered fifteen (15) years up to twenty (20) years of service;
- (5) 1.8 months basic salary for every year of service of nearest equivalent fraction thereof favorable to them for those who have rendered over twenty-five (25) years of service.

e. Rank of PNP Personnel Retiring after his Fifth Term. - A PNP personnel retiring after his fifth term of appointment, which covers twenty six (26) to thirty years (30) of police service onward to retirement age of fifty six (56), shall be given a designation two (2) ranks higher upon his retirement. In exceptional cases, as PNP personnel who adopts to retire may be designated

f. Exclusiveness of Benefits. - PNP uniformed personnel who retires or elects to be separated from the police services under this Act shall no longer be eligible for retirement under any existing retirement law.

g. Bonafide Separation of Personnel. - The National Police Commission (NAPOLCOM) may, upon recommendation of the chief, PNP, cause the rationalized retirement or bonafide separation of any concerned PNP personnel from the police service on grounds provided for under this Act but only after proper notice and summary hearing. Personnel of the PNP whose official status will be investigated and disposed of shall be given the option to apply for rationalized retirement or early separation under the provision of this Act: Provided, that if found innocent of any misconduct, they shall nevertheless be required to undergo neuro-psychiatric and psychological

examination, drug test and standard re-qualifying examination to be administered by PNP Testing Centers. In the event that they shall fail any of the required test or examination they shall be considered separated/disqualified to be employed in the police service, without, however forfeiting the privilege to apply for retirement/separation benefits under the provision of this Act within sixty (60) days upon receipt of the adverse result of his test/examination as the case may be.

- h. Discretion of the Agency Head in Acceptance of Application for Rationalized Retirement and Early Separation. - No PNP uniformed personnel shall be retired or separated under this Act unless his application for rationalized retirement or early separation shall be accepted by the National Police Commission (NAPOLCOM) upon recommendation of the Chief, PNP: Provided, that the application of those with pending administrative cases punishable by dismissal or removal shall be accepted but the benefits to which they are entitled to under this Act shall be withheld without prejudice to any pecuniary or civil liability that he incurs.
- i. PNP Retirement/Separation Benefit System. - Within six (6) months from the effectivity of this Act, the National Police Commission and the Philippine National Police shall establish a Retirement and Separation Benefit System for all PNP personnel: Provided, that whoever is the incumbent Chief PNP shall be ex-officio chairman of the Board of Trustees: Provided, further Chief of Operations, the Chief Directorial Staff, Director for Comptrollership and Director, Finance Service, shall be ex-officio members of the Board of Trustees and the Director, Legal Service, as ex-officio Legal Officer of the system.
- j. Period of Applicability and Effectivity of the Rationalized Retirement Scheme and Bonafide Separated.- Application for rationalized retirement and bonafide separation under the provisions of this Act shall be entertained only if filed within a period of six (6) months from the issuance by the National Police Commission of the rules and regulations implemental thereof.

Section 9. Period of Implementation. - The modernization program under this Act shall be implemented over a period of five (5) years; Provided, however, that payments for amortization of outstanding multi-year contract obligation incurred under this Act may extend beyond this period.

Section 10. *Submission of the PNP Modernization Program.*

- a. Within ninety (90) days from the effectivity of this Act, the President, upon the recommendation of the Secretaries of Interior and Local Government and Budget and Management, shall submit the PNP Modernization Program as

provided for this Act to Congress for its consideration and approval in a joint resolution of the House of Representatives and the Senate. The program shall indicate all the priority programs with their corresponding costs.

- b. In the event Congress approved the PNP modernization program, the joint resolution shall be the basis for the subsequent executive and legislative actions to implement the PNP modernization program from year to year until its complete and full realization.

Section 11. *Sources of Funds.* - The PNP Modernization Program shall be funded from the following:

- a. Budgetary savings in the General Appropriations Act;
- b. PNP share from the sale of Fort Bonifacio pursuant to R.A. No. 7917;
- c. Sale of PNP real estate properties, including, but not limited to Camp Ricardo Papa at Bicutan, Taguig, Metro Manila;
- d. Unclaimed prizes of lotto operations; and
- e. Five percent (5%) of the annual net income of the Land Bank of the Philippines (LBP) and the Developmental Bank of the Philippines (DBP)

The proposed program shall be based on a ceiling, for a period of five (5) years, of FORTY EIGHT BILLION THREE HUNDRED MILLION PESOS (P48,300,000.00): Provided, that thereafter, this amount may be increased commensurate to the increase in the Gross National Product (GNP).

Section 12. *Multi-Year Contracts and Other Contractual Arrangements.*

- a. The Secretary of the 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 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.

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

Section 13. *Procurement System.* - In addition to the 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.

Section 14. *Annual Report.* - Not later than the end of the first quarter of the succeeding year, the Secretary of the 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

Section 15. *Separability Clause.* - If any Provision of this Act shall be held unconstitutional or invalid, the other provisions shall not be affected thereby and shall remain in full force and effect.

Section 16. *Repealing Clause.* - All laws, executive orders, rules and regulations inconsistent with or contrary to this Act are hereby deemed accordingly repealed or amended.

Section 17. *Effectivity Clause.* - This Act shall take effect fifteen (15) days from its publication in at least two (2) newspapers of national circulation.

Approved,