

SIXTEENTH CONGRESS OF THE REPUBLIC)
OF THE PHILIPPINES)
Third Regular Session)



'16 JAN 28 P3:41

SENATE
S. No. 3162

RECEIVED BY: 

Introduced by Senator Miriam Defensor Santiago

AN ACT
AMENDING SECTION 51(a)(1), SECTION 51 (a)(2), SECTION 51(b)(4)(i), AND
SECTION 52 OF REPUBLIC ACT NO. 6975, AS AMENDED BY REPUBLIC ACT
8551, OTHERWISE KNOWN AS THE "DEPARTMENT OF THE INTERIOR AND
LOCAL GOVERNMENT ACT OF 1990"

EXPLANATORY NOTE

Pursuant to the principle of local autonomy, the Local Government Code vests the local government units, through their local chief executives, with operational supervision and control over the police force assigned to their respective jurisdictions. In recognition of this, Republic Act No. 6975, as amended by R.A. No. 8551, mandated that local chief executives shall be deputized representatives of the National Police Commission (NAPOLCOM). As deputized representatives of NAPOLCOM, they are given the prerogative to select their own provincial police director and chief of police from among a list of recommendees prepared by the NAPOLCOM. However, just before and after the 2007 national and local elections, conflicts arose between the local chief executives and the NAPOLCOM/PNP. Local chief executives objected to the appointment of an officer-in-charge (OIC) in their jurisdiction, and the manner by which their selectees were being summarily relieved from their assigned post without adequate consultation with them.

Thus, during the Fourteenth Congress, the Senate committees on local government and public order and illegal drugs conducted two public hearings (13 November 2007 and 27 May 2008) to determine the exercise and implementation of the powers of local chief executives under the Local Government Code, in relation to their automatic deputation

under the Department of Interior and Local Government Act and the Philippine National Police Reform and Reorganization Act.

On 22 December 2008, these committees, through Senator Gregorio B. Honasan II (public order and illegal drugs) and then Senator Benigno Simeon C. Aquino III (local government), jointly submitted Committee Report No. 242, recommending the following:

1. Provide clear guidelines on the appointment of an OIC. As stated in issue no. 5, while R.A No. 8551 fixed the period of time over which an OIC may hold office, it did not provided for clear-cut rules on the instances that may warrant the appointment of an OIC. Also, state in clear and categorical language if extension for the appointment of an OIC is allowed or not. While the law did not state that the extension of the 30-day period is allowed, it also did not completely prohibit such extension. Extension of the 30-day period within which an OIC may be designated has been openly abused by the PNP and the NAPOLCOM, as the investigation uncovered that as of 14 November 2007 there were 19 police provincial directors and three city chiefs of police who were serving in an OIC capacity.

2. Napolcom Memorandum Circular 2001-005 provided the mechanism on how conflict between the PNP regional director and the governor and the PNP provincial director and the mayor over the appointment of the provincial director and the chief of police may be resolved. This procedure in conflict resolution should be faithfully followed and the local chief executives sufficiently apprised of their rights in case of conflict with the PNP. This should be included in the PNP law itself.

3. While the appointment and designation procedure is sufficiently provided for in R.A Nos. 6975 and 8551 and in NAPOLCOM Memorandum Circulars No. 93-013 and 2001- 005, the removal or exit procedure of the designated officers from their local government post does not enjoy the same clarity as the procedure for appointment. Thus, the removal and transfer of provincial police directors and chiefs of police are left to the

sole discretion of the PNP and the NAPOLCOM. To put an end to the seemingly absolute discretionary authority of the PNP and the NAPOLCOM over the unilateral transfer and removal of an incumbent provincial police director and chief of police, it is recommended that the two-year tour of duty in the PNP manual be provided for and incorporated in R.A. No. 8551. Providing a fixed tour of duty for the provincial police director and the chief of police is not intended to limit the control of the PNP and the NAPOLCOM over the police force. It is intended to harmonize the relations of the local chief executives and the PNP and the NAPOLCOM to ensure that the peace and order condition of the local government units is at the core of this relationship. Also, prior consultation with the local chief executive concerned shall be made mandatory before any personnel action is undertaken by the PNP and the NAPOLCOM. It is highly irregular that the local chief executives are made part of the selection process of the chief of police and provincial director but are deprived of any participation in the removal process.

The committees also submitted the proposed bill which seeks to amend the Department of Interior and Local Government Act. The proposed amendments reflect the recommendations of the committees.¹


MIRIAM DEFENSOR SANTIAGO
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¹ This bill was originally filed during the Fifteenth Congress, First Regular Session.

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AN ACT
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SECTION 52 OF REPUBLIC ACT NO. 6975, AS AMENDED BY REPUBLIC ACT
8551, OTHERWISE KNOWN AS THE "DEPARTMENT OF THE INTERIOR AND
LOCAL GOVERNMENT ACT OF 1990"

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

1 SECTION 1. Section 51(a)(1) of Republic Act (R.A.) No. 6975, as amended by
2 R.A. No. 8551, is hereby further amended to read as follows:

3 (a) Provincial Governor – (1) Power to Choose the Provincial
4 Director. The provincial governor shall choose the provincial director from a
5 list of three (3) eligibles recommended by the PNP regional director. UPON
6 DUE RECEIPT BY THE GOVERNOR, THE LIST OF THREE (3)
7 ELIGIBLES SHALL NOT BE SUBJECT TO ANY AMENDMENT BY
8 THE PNP REGIONAL DIRECTOR. IN THE EVENT OF A
9 DISAGREEMENT BETWEEN THE GOVERNOR AND THE PNP
10 REGIONAL DIRECTOR, AN OFFICER-IN-CHARGE MAY BE
11 DESIGNATED FOR A PERIOD OF NOT MORE THAN THIRTY (30)
12 DAYS, EXTENDIBLE FOR ANOTHER THIRTY (30) DAYS.
13 THEREAFTER, NO FURTHER EXTENSION OF THE TERM
14 SHALL BE ALLOWED: *PROVIDED, FURTHER,* THAT THE
15 PROVINCIAL PEACE AND ORDER COUNCIL MAY, THROUGH
16 THE GOVERNOR, RECOMMEND THE RECALL OR
17 REASSIGNMENT OF THE PROVINCIAL POLICE DIRECTOR

1 WHEN, IN ITS PERCEPTION, THE LATTER HAS BEEN
2 INEFFECTIVE IN COMBATING CRIME OR MAINTAINING
3 PEACE AND ORDER IN THE PROVINCE: *PROVIDED, FINALLY,*
4 THAT SUCH RELIEF SHALL BE BASED ON DULY ESTABLISHED
5 GUIDELINES BY THE NATIONAL POLICE COMMISSION
6 (NAPOLCOM): *PROVIDED, HOWEVER,* THAT NO RECALL OR
7 REASSIGNMENT INITIATED BY THE PNP SHALL BE
8 EFFECTIVE WITHOUT CONSULTATION WITH THE
9 GOVERNOR CONCERNED.

10 SECTION 2. A new sub-item after Section 51 (a)(2) shall be incorporated to read
11 as follows:

12 (3) IN CASE OF CONFLICT BETWEEN THE PNP
13 REGIONAL DIRECTOR AND THE PROVINCIAL GOVERNOR,
14 EITHER OF THEM MAY REFER THE MATTER TO THE
15 NAPOLCOM REGIONAL DIRECTOR WHO SHALL RESOLVE
16 THE MATTER WITHIN FIVE (5) WORKING DAYS FROM
17 RECEIPT THEREOF. THE DECISION OF THE NAPOLCOM
18 REGIONAL DIRECTOR SHALL BE FINAL AND EXECUTORY
19 UNLESS APPEALED TO THE COMMISSION EN BANC WHICH
20 SHALL RESOLVE THE MATTER WITH FINALITY AND ORDER
21 THE IMPLEMENTATION WITHIN TEN (10) WORKING DAYS
22 FROM ACQUISITION OF JURISDICTION OVER THE ISSUE. A
23 MOTION FOR RECONSIDERATION/REVIEW OF THE EN BANC
24 DECISION SHALL NOT BE ALLOWED.

1 SECTION 3. Section 51(b)(4)(i) of R.A. No. 6975, as amended by R.A. No. 8551,
2 is hereby amended to read as follows:

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

6 (i) Authority to choose the chief of police from a list of five (5)
7 eligible recommended by the provincial police director, preferably from the
8 same province, city or municipality. **UPON DUE RECEIPT BY THE**
9 **CITY OR MUNICIPAL MAYOR, THE LIST OF FIVE (5)**
10 **ELIGIBLES SHALL NOT BE SUBJECT TO ANY AMENDMENT**
11 **BY THE PROVINCIAL POLICE DIRECTOR. IN THE EVENT OF A**
12 **DISAGREEMENT BETWEEN THE CITY OR MUNICIPAL**
13 **MAYOR AND THE PROVINCIAL POLICE DIRECTOR, AN**
14 **OFFICER-IN-CHARGE MAY BE DESIGNATED FOR A PERIOD**
15 **OF NOT MORE THAN THIRTY DAYS (30) EXTENDIBLE FOR**
16 **ANOTHER THIRTY (30) DAYS. THEREAFTER, NO FURTHER**
17 **EXTENSION OF THE TERM SHALL BE ALLOWED: *PROVIDED,***
18 ***FURTHER,* THAT THE LOCAL PEACE AND ORDER COUNCIL**
19 **MAY, THROUGH THE CITY OR MUNICIPAL MAYOR,**
20 **RECOMMEND THE RECALL OR REASSIGNMENT OF THE**
21 **CHIEF OF POLICE WHEN, IN ITS PERCEPTION, THE LATTER**
22 **HAS BEEN INEFFECTIVE IN COMBATING CRIME OR**
23 **MAINTAINING PEACE AND ORDER IN THE CITY OR**
24 **MUNICIPALITY: *PROVIDED, FINALLY,* THAT SUCH RELIEF**
25 **SHALL BE BASED ON DULY ESTABLISHED GUIDELINES BY**
26 **THE NAPOLCOM: *PROVIDED, HOWEVER,* THAT NO RECALL**

1 OR REASSIGNMENT INITIATED BY THE PNP SHALL BE
2 EFFECTIVE WITHOUT CONSULTATION WITH THE CITY OR
3 MUNICIPAL MAYOR CONCERNED.

4 SECTION 4. A new sub-item after Section 51(b)(4)(iii) shall be incorporated to
5 read as follows:

6 (IV) IN CASE OF CONFLICT BETWEEN THE PNP
7 REGIONAL DIRECTOR AND THE MAYOR, EITHER OF THEM
8 MAY REFER THE MATTER TO THE NAPOLCOM REGIONAL
9 DIRECTOR THROUGH THE PNP REGIONAL DIRECTOR WHO
10 SHALL RENDER A DECISION WITHIN FIVE (5) WORKING
11 DAYS FROM RECEIPT THEREOF. THE DECISION OF THE
12 NAPOLCOM REGIONAL DIRECTOR SHALL BE FINAL UNLESS
13 AN APPEAL IS SUBMITTED TO THE COMMISSION EN BANC
14 WHICH SHALL RESOLVE THE MATTER WITHIN TEN (10)
15 WORKING DAYS FROM ACQUISITION OF JURISDICTION
16 OVER THE ISSUE. NO MOTION FOR
17 RECONSIDERATION/REVIEW OF THE EN BANC DECISION
18 SHALL BE ALLOWED.

19 SECTION 5. Section 52 of R.A. No. 6975, as amended by R.A No. 8551, is
20 hereby amended to read as follows:

21 SEC. 52. Suspension or Withdrawal of Deputation. – Unless
22 reversed by the President, the Commission may, after MANDATORY
23 consultation with the provincial governor and congressman concerned,
24 suspend or withdraw the deputation of any local executive for any of the
25 following grounds:

1 (a) Frequent unauthorized absences;

2 (b) Abuse of authority;

3 (c) Providing material support to criminal elements; or

4 (d) Engaging in acts inimical to national security or which negate the
5 effectiveness of the peace and order campaign.

6 Upon good cause shown, the President may, directly or through the
7 Commission, *motu proprio* restore such deputation withdrawn from any local
8 executive.

9 SECTION 6. A new section SECTION 53-A shall be incorporated after Section 53
10 to read as follows:

11 **SECTION 53-A. TERM OF OFFICE OF CHIEF OF POLICE**
12 **AND PROVINCIAL POLICE DIRECTOR. - A DULY SELECTED**
13 **CHIEF OF POLICE AND PROVINCIAL DIRECTOR SHALL HAVE**
14 **A FIXED TOUR OF DUTY OF TWO (2) YEARS WITHOUT RE-**
15 **APPOINTMENT OR TERM EXTENSION BUT WITHOUT**
16 **PREJUDICE TO EARLY REMOVAL OR TRANSFER OF**
17 **ASSIGNMENT PURSUANT TO THE PROVISION OF SECTION**
18 **51(a)(1) and (b)(4)(i).**

19 SECTION 7. *Separability Clause.* - If any provision of this Act is held invalid or
20 unconstitutional, the same shall not affect the validity and effectivity of the other
21 provisions hereof.

22 SECTION 8. *Repealing Clause.* - All laws, decrees, orders, and issuances, or
23 portions thereof, which are inconsistent with the provisions of this Act, are hereby
24 repealed, amended or modified accordingly.

1 SECTION 9. *Effectivity Clause.* – This Act shall take effect fifteen (15) days after
2 its publication in the *Official Gazette* or in two (2) newspapers of general circulation.

Approved,

/clr7Dec2015