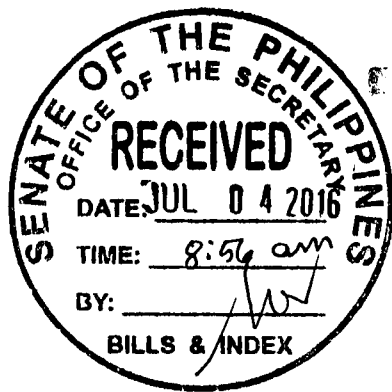


SEVENTEENTH CONGRESS OF THE REPUBLIC }
OF THE PHILIPPINES }
First Regular Session }



SENATE
S.B. No. 260

Introduced by SENATOR LACSON

EXPLANATORY NOTE

The passage of Republic Act Number 6975, otherwise known as "An Act Establishing the Philippine National Police (PNP) Under a Reorganized Department of the Interior and Local Government and for Other Purposes," has introduced significant changes in the organization of the country's police force.

Prior to the passage of the said law, control and supervision over the country's police force, firemen and jail guards fell under the shoulders of the Armed Forces of the Philippines (AFP). Under R.A. No. 6975, the Department of the Interior and Local Government (DILG) is given the power of supervision and control over the Bureau of Fire Protection (BFP) and the Bureau of Jail Management Penology (BJMP), while the National Police Commission (NAPOLCOM) exercises administrative control and supervision over the PNP. Meanwhile, the power to supervise the affairs of the AFP remains with the Department of National Defense (DND).

In light of the meaningful reforms brought about by the implementation of R.A. No. 6975, it has become imperative for the Congress of the Philippines to likewise introduce corresponding amendments to existing laws affecting the country's police organization. One of these laws is R.A. No. 6963, otherwise known as "An Act Granting Special Financial Assistance and Benefits to the Family of Beneficiary of any Police or Military Personnel 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" which seeks to grant financial assistance to members of the military and police as well as firemen killed or permanently incapacitated in the line of duty.

Under R.A. No. 6963, the AFP and BFP share in the allocation of funds from the license fees of firearms collected by the PC-INP Firearms and Explosives Office (FEO) to support the educational program of their dependents. This arrangement was feasible at the time because the police was still under the AFP. But when R.A. No. 6975 was enacted, it resulted in the creation of a PNP separate from the AFP and BFP. It becomes logical therefore that the proceeds of the fees collected by the PNP through the FEO should redound solely to its benefits. Besides, the strength of the PNP is almost equal to that of the AFP and therefore, the amount generated out of the proceeds of the license fees will just be enough to support the needs of the PNP. Additionally, the AFP and the BFP have their own funding sources

[Signature]

since they too have their own revenue generating activities to support their programs.

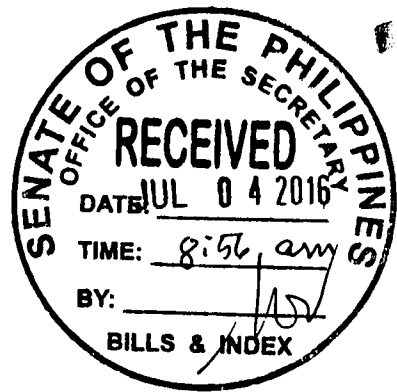
This proposed measure intends to amend the provisions of R.A. No. 6963 to reflect the development brought about by the passage of R.A. No. 6975. The important features of this proposed measure are the following:

- a. The proceeds of the firearms license fees being collected by the PNP FEO, which is the source of educational funds under R.A. No. 6963 shall be allocated solely for the use of the qualified dependents of the PNP;
- b. The educational benefits shall also extend to qualified dependents of non-uniformed personnel of the PNP;
- c. The PNP shall manage the amount collected as educational funds for the dependents of PNP; and
- d. The Chief, PNP shall be authorized to utilize the educational funds for other purposes in the PNP.

It is high time that we provide the much-needed boost to our police personnel by showing our concern amidst the challenging role they play in our present society. One way of showing our concern is by giving support to the educational benefits of qualified dependents of police personnel. Certainly, this will help alleviate the economic condition of our personnel. While we are quick to condemn the scalawags in uniform, we must also be fast to reward the deserving.

In view of the foregoing, the immediate approval of this measure is earnestly sought.


PANFILO M. LACSON
Senator



SENATE
S.B. No. 260

Introduced by SENATOR LACSON

**AN ACT
AMENDING REPUBLIC ACT No. 6963, ENTITLED "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 "Sec. 1. The family or beneficiary of any PERSONNEL
4 OF THE PHILIPPINE NATIONAL POLICE (PNP), ARMED
5 FORCES OF THE PHILIPPINES (AFP), BUREAU OF FIRE
6 PROTECTION (BFP) AND BUREAU OF JAIL
7 MANAGEMENT AND PENOLOGY (BJMP) [police or military
8 personnel, including any fireman assisting in a police or
9 military action], who is killed or becomes permanently
10 incapacitated while in the line of duty or by reason of his office
11 or position, provided he/she has not committed any crime or
12 human rights violation by final judgement on such occasion,
13 shall be entitled to the special financial assistance provided for
14 in this Act in addition to whatever compensation, donation,

1 insurance, gift, pension, grant, or any form of benefit which
2 said deceased or permanently incapacitated person or his/her
3 family may receive or be entitled to."

4 Section 2. Section 2 of Republic Act No. 6963 is hereby amended to
5 read as follows:

6 "Sec. 2. DEFINITION OF TERMS.

- 7 a. "PERSONNEL" - AS USED IN THIS ACT SHALL REFER
8 TO THE UNIFORMED PERSONNEL OF THE PNP, AFP,
9 BFP, OR BJMP;
- 10 b. the term "family" OR "BENEFICIARY" [as used in this
11 Act] shall refer to the surviving legal spouse and his/her
12 legitimate children, or parents, or brothers and sister, or
13 aunts and uncles, in that respective order: Provided That, if
14 the PNP, AFP, BFP, OR BJMP [police or military]
15 personnel [or fireman] is ESPOUSING a MUSLIM [Muslim]
16 FAITH, the pertinent provisions of the Code of Muslim
17 Personal Laws (Shari' a) shall apply; and
- 18 c. DEATH OR INJURY IN THE LINE OF DUTY - AS USED
19 IN REFERENCE TO THE DEATH OR INJURY SUFFERED
20 BY ANY MEMBER OF THE PNP, AFP, BFP, OR BJMP,
21 THE PHRASE "IN THE LINE OF DUTY" SHALL BE
22 CONSTRUED TO MEAN THAT THE DEATH OR INJURY
23 WAS CAUSED WHILE IN THE PERFORMANCE OF ANY
24 POLICE, MILITARY, FIRE OR JAIL DUTY, AS THE
25 CASE MAY BE, OR OCCASIONED BY A FORTUITOUS
26 EVENT, FORCE MAJEURE, OR ANY OTHER ACT OF A
27 THIRD PARTY WITHOUT FAULT OR NEGLIGENCE

1 ATTRIBUTABLE TO THE PERSONNEL CONCERNED.
2 PROVIDED, THAT, WHERE THE DEATH OR INJURY
3 WAS DUE TO HIS/HER OWN ACT, THE LATTER MUST
4 BE LAWFUL AND SUCH DEATH OR INJURY MUST
5 NOT BE SELF-INFLICTED OR ABETTED BY HIS/HER
6 GROSS NEGLIGENCE, ALCOHOLISM, DRUG
7 ADDICTION, OR ABUSE OF AUTHORITY. PROVIDED,
8 FURTHER, THAT THE PHRASE "LINE OF DUTY"
9 SHALL INCLUDE GOING TO AND COMING FROM
10 HIS/HER OFFICE OR WHILE ON LEAVE OR ON
11 ADMINISTRATIVE MISSION. PROVIDED, FINALLY,
12 THAT ANY DOUBT AS TO WHETHER OR NOT THE
13 DEATH OR INJURY SUSTAINED BY ANY PNP, AFP,
14 BFP, OR BJMP PERSONNEL IS IN THE LINE OF DUTY
15 OR BY REASON OF HIS/HER OFFICE OR POSITION
16 SHALL BE DECIDED IN HIS/HER FAVOR."

17 Section 3. Section 3 of Republic Act No. 6963 is hereby amended to
18 read as follows:

19 "Sec. 3. The special financial assistance referred to in
20 Section one hereof shall be that which is equivalent to the
21 average six (6) months salary, including allowances and
22 bonuses, during the last twelve (12) months preceding the death
23 or permanent incapacity of the PERSONNEL [officer] which
24 shall not be considered as part of the estate of the deceased and
25 which shall be exempt from attachment, garnishment or
26 execution and from income and other taxes."

1 Section 4. Section 4 of Republic Act No. 6963 is hereby amended to read as
2 follows:

3 "Sec. 4. It shall be the duty of the cashier from whom the
4 deceased PERSONNEL OF THE POLICE, MILITARY, FIRE
5 OR JAIL BUREAU [or permanently incapacitated police or
6 military personnel or fireman] used to receive his/her salary,
7 within three (3) days from receipt of a written certification
8 from the station or unit commander of the fact of death and the
9 circumstances thereof, to deliver to the beneficiaries such
10 special financial assistance as stated in Section Three hereof.
11 In case of permanent disability, a certification by the proper
12 medical officer designated by the CHIEF OF THE PNP, OR the
13 CHIEF OF STAFF OF THE AFP, OR THE DIRECTOR OF THE
14 BFP, OR THE DIRECTOR OF THE BJMP, [the Chief of Staff
15 of the Armed Forces of the Philippines or the Director General
16 of the Integrated National Police] as the case may be, is
17 necessary for the payment of the aforesaid special financial
18 assistance. After said payment, a report with the formal
19 certificate of death or permanent incapacity shall be submitted
20 to the CHIEF OF THE PNP, OR the CHIEF OF STAFF OF THE
21 AFP, OR THE DIRECTOR OF THE BFP, OR THE DIRECTOR
22 OF THE BJMP [Secretary of National Defense or the Director
23 General of the Integrated National Police]."

24 Section 5. Section 5 of Republic Act No. 6963 is hereby amended to
25 read as follows:

26 "Sec. 5. In order to assure the payment of the special
27 financial assistance referred to in this Act, without any need of

1 any appropriation act or ordinance, the payment shall come
2 from the expected salary, allowances and bonuses of the
3 deceased or permanently incapacitated POLICE, MILITARY,
4 FIRE OR JAIL PERSONNEL [police or military personnel or
5 fireman] for the next six (6) months after his/her death or
6 permanent incapacity: Provided That, the position left vacant
7 by the deceased or permanently incapacitated POLICE,
8 MILITARY, FIRE OR JAIL PERSONNEL [police or military
9 personnel or fireman] on account of his/her death incapacity
10 shall not be filled during that period of six (6) months:
11 Provided, further, That if the public welfare and interest so
12 demand, as determined by the CHIEF OF THE PNP, IN THE
13 CASE OF POLICE PERSONNEL; OR THE CHIEF OF STAFF
14 OF THE AFP, IN CASE OF MILITARY PERSONNEL; OR
15 THE DIRECTOR OF THE BFP, IN THE CASE OF FIRE
16 PERSONNEL; OR THE DIRECTOR OF THE BJMP, IN THE
17 CASE OF JAIL PERSONEL, [municipal or city mayor or
18 provincial governor, in the case of a police personnel or
19 fireman, or the Secretary of National Defense, in the case of
20 military personnel] the position left vacant by the deceased or
21 permanently incapacitated personnel may be filled without
22 waiting for the expiration of the six months period earlier
23 mentioned, in which case, the funds out of which the special
24 financial assistance already received by the family of the
25 deceased or permanently incapacitated personnel shall be
26 replenished out of the emergency savings of the CONCERNED
27 BUREAU, UPON THE DIRECTION IN WRITING BY THEIR

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

12 Section 6. Section 6 of Republic Act No. 6963 is hereby amended to
13 read as follows:

14 "Sec. 6. If any POLICE, MILITARY, FIRE OR JAIL
15 PERSONNEL [police or military personnel or fireman] is
16 injured or wounded while in the performance of his/her official
17 duties, the hospitalization expenses of such [police or military]
18 personnel [or fireman] shall be shouldered by the office where
19 he/she belongs, chargeable against the salary savings of such
20 office without the need of any appropriation act or ordinance."

21 Section 7. Section 7 of Republic Act No. 6963 is hereby amended to
22 read as follows:

23 "Sec. 7. The surviving spouse of the deceased or
24 permanently incapacitated POLICE, MILITARY, FIRE OR
25 JAIL PERSONNEL [police, military, fire or jail personnel]
26 shall be given priority in employment in a government agency
27 or office where his/her qualifications are fitted: Provided That,

1 if the spouse is already employed or not employable or if
2 he/she waives his/her employment privilege, then an
3 employable son or daughter shall be granted the said privilege."

4 Section 8. Section 8 of Republic Act No. 6963 is hereby amended to
5 read as follows:

6 "Sec. 8. AT MOST, FOUR (4) CHILDREN OF THE
7 DECEASED OR PERMANENTLY INCAPACITATED POLICE,
8 MILITARY, FIRE OR JAIL PERSONNEL SHALL BE
9 EXTENDED SHOLARSHIP UP TO COLLEGE IN AN
10 EDUCATIONAL INSTITUTION AS MAY BE DETERMINED
11 BY THEIR RESPECTIVE BUREAUS, SUBJECT TO THE
12 POLICIES ON THE TUITION OF SAID INSTITUTION;
13 PROVIDED THAT, ONLY ONE (1) CHILD OF THE
14 PERSONNEL IN ACTIVE DUTY MAY BE ENTITLED TO
15 THE SCHOLARSHIP; PROVIDED, FURTHER, THAT IF
16 FUNDS ARE NOT SUFFICIENT TO SUPPORT THE
17 SCHOLARSHIP OF ALL QUALIFIED CHILDREN, PRIORITY
18 SHALL BE GIVEN TO THE CHILDREN OF THE DECEASED
19 OR PERMANENTLY INCAPACITATED PERSONNEL OF
20 THE PNP, THE AFP, THE BFP, AND THE BJMP THAN THE
21 CHILDREN OF THEIR ACTIVE UNIFORMED PERSONNEL;
22 PROVIDED, FINALLY, THAT, IN CASES OF SINGLE
23 AND/OR UNMARRIED PERSONNEL, THE SCHOLARSHIP
24 SHALL BENEFIT ONLY ONE (1) BROTHER OR SISTER
25 WHO IS UNMARRIED AND UNEMPLOYED. [All surviving
26 children of the deceased or permanently incapacitated police or
27 military personnel or fireman shall be extended scholarship up

1 to college in a nonexclusive institution, subject to the policies
2 on tuition of said institution. The scholarship privilege shall be
3 limited to the National Police Commission or the Department of
4 National Defense, as the case may be, upon presentation to it of
5 the approved enrollment or registration form.]"

6 Section 9. Section 9 of Republic Act No. 6963 is hereby amended to
7 read as follows:

8 "Sec. 9. THE LICENSE FEES COLLECTED BY THE
9 FIREARMS AND EXPLOSIVES OFFICE OF THE PHILIPPINE
10 NATIONAL POLICE SHALL BE USED SOLELY FOR THE
11 SCHOLARSHIP PROGRAM OF THE PNP; PROVIDED, THAT
12 THE CHIEF OF THE PNP, MAY UTILIZE PART OR SOME
13 AMOUNT OF THE SAID FUNDS FOR OTHER NEEDS OF
14 THE PNP; PROVIDED, FURTHER, THAT THE CHIEF OF
15 THE PNP MAY GENERATE ADDITIONAL SOURCE FOR
16 THE SCHOLARSHIP PROGRAM COMING FROM OTHER
17 FEES WHICH THEY ARE AUTHORIZED TO COLLECT TO
18 FURTHER INCREASE THE FUNDS.

19 THE SCHOLARSHIP PROGRAMS OF THE AFP, THE
20 BFP AND THE BJMP SHALL BE FUNDED BY SUCH
21 INTEREST INCOME AS MAY BE EARNED BY THE
22 AMOUNT OF THEIR SAVINGS GENERATED OUT OF THE
23 TOTAL SCHOLARSHIP FUNDS SO FAR RECEIVED FROM
24 THE PNP; PROVIDED THAT; THE AFP, THE BFP, AND THE
25 BJMP MAY GENERATE ADDITIONAL SOURCES OF FUNDS
26 THAT WILL SUPPORT THEIR SCHOLARSHIP PROGRAMS.
27 PROVIDED FURTHER THAT, SAID ADDITIONAL SOURCES

1 OF FUNDS SHALL INCLUDE, BUT SHALL NOT BE
2 LIMITED TO, EXISTING TRUST FUNDS ESTABLISHED
3 FOR THEIR BENEFIT; OTHER NON-APPROPRIATED
4 FUNDS THEY ARE LEGALLY AUTHORIZED TO
5 GENERATE; AND SUCH FEES AND CHARGES THEY MAY
6 BE LEGALLY AUTHORIZED TO COLLECT. [The amounts
7 necessary to fund the scholarship assistance mentioned above
8 shall be taken from the proceeds of the license fees for firearms
9 collected by the Philippine Constabulary: Provided, that the
10 collection from the said license fees for one year following the
11 approval of this Act shall constitute the initial fund reserve for
12 the purpose of this Act, to be replenished or enhanced by
13 collections in the succeeding years.]"

14 Section 10. Section 10 of Republic Act No. 6963 is hereby amended to
15 read as follows:

16 "Sec. 10. The said funds collected from the firearms
17 licensing fees shall be MANAGED AND ADMINISTERED BY
18 THE PNP THROUGH A SCHOLARSHIP BOARD COMPOSED
19 OF A CHAIRMAN AND FOUR (4) MEMBERS WHO SHALL
20 BE DESIGNATED BY THE CHIEF OF THE PNP. THE CHIEF
21 OF THE PNP IS AUTHORIZED TO INVEST SO MUCH OF
22 THE FUND FOR THE PURPOSE OF GENERATING
23 ADDITIONAL REVENUE FOR THE BENEFIT OF THE
24 SCHOLARSHIP PROGRAM; PROVIDED THAT, WITH
25 RESPECT TO THE SCHOLARSHIP FUNDS OF THE AFP,
26 THE MANNER OF ITS ADMINISTRATION AND
27 MANagements EXISTING PRIOR TO THE ENACTMENT

1 OF THIS ACT SHALL PREVAIL; PROVIDED FURTHER
2 THAT, AT THE OPTION OF THE DIRECTOR OF THE BFP
3 AND DIRECTOR OF THE BJMP, A SCHOLARSHIP BOARD
4 SIMILAR TO THAT PROVIDED FOR UNDER THIS SECTION
5 MAY BE CREATED FOR THE PURPOSE OF MANAGING
6 AND ADMINISTERING THEIR RESPECTIVE SCHOLARSHIP
7 FUNDS; PROVIDED FINALLY THAT, THE DIRECTORS OF
8 BOTH BUREAUS SHALL ALSO HAVE THE AUTHORITY TO
9 INVEST SO MUCH OF THEIR SCHOLARSHIP FUNDS FOR
10 PURPOSES OF REVENUE-GENERATION." [turned over to
11 the National Police Commission which shall administer the
12 same for the purpose of this Act in the case of Integrated
13 National Police members and firemen, and the Department of
14 National Defense in the case of military personnel.

15 Section 11. Sec. 12 of Republic Act No. 6963 is hereby amended to
16 read as follows:

17 "Sec. 12 Nothing in this Act shall be construed to
18 prejudice and diminish whatever benefits a POLICE,
19 MILITARY, FIRE OR JAIL PERSONNEL [member of the
20 military establishment or the Integrated National Police] is
21 entitled to receive under existing laws."

22 Section 12. The National Police Commission (NAPOLCOM) jointly
23 with the Department of the Interior and Local Government (DILG) and the
24 Department of National defense (DND) shall prepare and issue the necessary
25 rules and regulations for the effective implementation of this Act.

1 Section 13. All acts, laws, decrees, executive orders and rules and
2 regulations which are contrary to or inconsistent with this Act are hereby
3 repealed, and/or modified accordingly.

4 Section 14. This Act shall effect fifteen (15) days after the completion
5 of its publication in two (2) newspapers of general circulation.

6 *Approved,*