

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



Senate
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SENATE
S. No. 1274

RECEIVED BY: _____

Introduced by Senator Richard "Dick" J. Gordon

AN ACT
ESTABLISHING THE POLICE LAW ENFORCEMENT COURTS, GRANTING THESE
EXCLUSIVE ORIGINAL JURISDICTION OVER VIOLATIONS OF CONSTITUTIONAL
RIGHTS AND PNP RULES OF ENGAGEMENT COMMITTED BY THE POLICE,
AMENDING BATAS PAMBANSA BILANG 129, AS AMENDED, OTHERWISE
KNOWN AS "THE JUDICIARY REORGANIZATION ACT OF 1980",
APPROPRIATING FUNDS THEREFOR AND FOR OTHER PURPOSES

EXPLANATORY NOTE

The obligation of the government to protect the people is a duty so sacrosanct, it is fundamental to the legitimacy of the establishment of the state.

The spate of controversial reports on alleged extra-judicial killings and the report on the existence of alleged death squads, attributing some murders to government-sanctioned killings fueled the filing of two Senate Resolutions that prompted the Committee on Justice to investigate, in aid of legislation, the alleged recent and rampant killings in the country. Although the Committee did not find any proof that there exists a state-sponsored policy authorizing extra-judicial killings, the Committee found that unabated killings have been continuing for some 20 years already, crossing several administrations, and yet measures taken by the police authorities to prevent and investigate such have not resulted in a significant impact on bringing down such killings. Throughout these years, the only constant in the equation is the existence of the police and its concomitant duty to prevent, and if not preventable, then investigate these killings.

With the recent strong campaign against illegal drugs and criminality initiated by the incumbent President, there is a growing need to ensure that the police's execution of its duty follows its rules of engagement and is within the purview of the law. While we expect the police to do their job with palpable vigor in enforcing the law and carrying out the President's orders, such "presidential encouragement" does not give the police the license to violate the constitutional rights of suspects.

Under the social contract theory, the police must realize that they draw their authority to carry guns and enforce the law from the citizens. Thus, they are expected to enforce the law to the letter. Should the police use their guns against innocent civilians or, should they summarily execute people, they must be punished and removed from service with dispatch, without sacrificing due process, to preserve the trust of the people in its government. This bill seeks to shield the citizenry from the use by the police of unbridled power, leading to violation of constitutional rights, by providing a special court that will provide speedy and impartial trial of all complaints against the police in the performance of their duties.

RICHARD "DICK" J. GORDON
Senator

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

1 **SECTION 1. Short Title.** – This Act shall be known as the "Police Court Act of
2 2016".

3 **Sec. 2. Declaration of Policy.** – It is the policy of the State to value the dignity of
4 every human person and guarantee full respect for human rights. To uphold this duty,
5 the State shall prosecute police elements through a special court that will provide the
6 public fair, impartial and speedy disposition of complaints for violations of constitutional
7 rights and PNP Rules of Engagement committed by the members of the Philippine
8 National Police.

9 **Sec. 3. Establishment of Police Law Enforcement Court. ("Police Court").** -
10 There shall be established a Police Law Enforcement Court ("Police Court") in every
11 province and city in the country. In case where the city is the capital of the province, the
12 Police Law Enforcement Court shall be established in the municipality which has the
13 highest population.

14 **Sec. 4. Qualification and Training of Judges for the Police Law**
15 **Enforcement Courts** - Sec. 15 of Batas Pambansa Blg. 129, as amended, is hereby
16 further amended to read as follows

17 "Sec. 15. (a) *Qualification.* – No person shall be appointed a Regional Trial Judge
18 or a Presiding Family Court OR A POLICE LAW ENFORCEMENT COURT JUDGE,
19 unless he is a natural-born citizen of the Philippines, at least thirty-five (35) years of
20 age, and, for at least ten (10) years, has been engaged in the practice of law in the
21 Philippines or has held a public office in the Philippines requiring the admission to the
22 practice of law as indispensable requisite.

23 (b) *Training of Family Court Judges.* - xxx

1 (c) **TRAINING OF POLICE LAW ENFORCEMENT COURT ("POLICE COURT")**

2 **JUDGES.** - THE SUPREME COURT SHALL PROVIDE A PERIODIC AND
3 CONTINUING PROGRAM FOR THE PRESIDING JUDGE AND THE COURT
4 PERSONNEL OF THE POLICE COURTS ON POLICE PROTOCOLS, TACTICS AND
5 RULES OF ENGAGEMENT INCLUDING PHILIPPINE AND INTERNATIONAL HUMAN
6 RIGHTS LAWS TO CAPACITATE THE POLICE COURT TO UPHOLD THE DUTY OF
7 THE STATE TO PROMOTE PEACE AND ORDER THROUGHOUT THE COUNTRY
8 WHILE PROTECTING CONSTITUTIONAL RIGHTS OF THE CITIZENS."

9 **Sec. 5. Jurisdiction of Police Law Enforcement Courts ("Police Courts").**

10 (a) The Police Courts shall have exclusive original jurisdiction to hear and decide
11 the following cases:

12 1) all civil and criminal cases arising out of the violation of a member of the
13 Philippine National Police of its rules of engagement and other police protocols
14 designed to protect the rights of the accused;

15 2) all complaints for violation of constitutional rights where one of the accused is
16 a member of the Philippine National Police;

17 3) issuance of writ of habeas corpus where there is evidence that the victim is
18 held under the custody of any of the members of the Philippine National Police.

19 (b) Police Courts shall have exclusive appellate jurisdiction to hear appeals over
20 the decision/resolution of the National Police Commission in administrative cases –

21 **Sec. 6. Appeals.** - Decisions and orders of the Police Courts shall be appealed
22 in the same manner and subject to the same conditions as appeals from the ordinary
23 Regional Trial Courts.

24 **Sec. 7. Special Rules of Procedure.** - The Supreme Court shall promulgate
25 special rules of procedure for the transfer of cases to the new courts during the
26 transition period and for the disposition of police cases with the aim of providing the
27 public fair, impartial and speedy disposition of complaints for violations of PNP Rules of
28 Engagement and constitutional rights of citizens committed by the members of the
29 Philippine National Police.

30 **Sec. 8. Use of Income.**- All Police Courts shall be allowed to use ten percent
31 (10%) of their income derived from filing and other court fees under Rule 141 of the
32 Rules of Court for research and other operating expenses including capital outlay.

33 The Supreme Court shall promulgate the necessary guidelines to effectively
34 implement the provisions of this Section.

35 **Sec. 9. Appropriations.** - The amount necessary to carry out the provisions of
36 this Act shall be included in the General Appropriations Act of the year following its
37 enactment into law and thereafter.

1 **Sec. 10. *Transitory Provision.***- Pending the establishment of such Police
2 Courts, which should be established not more than 3 years after the promulgation of this
3 law, the Supreme Court shall designate from among the branches of the Regional Trial
4 Court at least one Police Court in each of the cities of Manila, Quezon, Pasay,
5 Caloocan, Makati, Pasig, Mandaluyong, Muntinlupa, Laoag, Baguio, Santiago,
6 Dagupan, Olongapo, Cabanatuan, San Jose, Angeles, Cavite, Batangas, Lucena,
7 Naga, Iriga, Legaspi, Roxas, Iloilo, Bacolod, Dumaguete, Tacloban, Cebu, Tagbilaran,
8 Surigao, Butuan, Cagayan de Oro, Davao, General Santos, Oroquieta, Ozamis,
9 Dipolog, Zamboanga, Pagadian, Iligan, and in other places as the Supreme Court may
10 deem necessary.

11 Additional cases other than those provided in Section 5 of this Act may be
12 assigned to Police Courts when their dockets permit: Provided, That such additional
13 cases shall not be heard on the same day police cases are heard.

14 **Sec. 11. *Repealing Clause.*** – All laws, decrees, orders, rules and regulations or
15 other issuances or parts thereof inconsistent with the provisions of this Act are hereby
16 repealed or modified accordingly.

17 **Sec. 12. *Separability Clause.*** – If any portion or provision of this Act is declared
18 unconstitutional, the remainder of this Act or any provision not affected thereby shall
19 remain in force and effect.

20 **Sec. 13. *Effectivity.*** – This Act shall take effect after fifteen (15) days following
21 the completion of its publication either in the Official Gazette or in a newspaper of
22 general circulation in the Philippines.

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24 Approved,