



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

'16 DEC 12 A9 59

SENATE
S. No. 1275

RECEIVED BY: _____

Introduced by **Senator Richard "Dick" J. Gordon**

**AN ACT
AMENDING REPUBLIC ACT NO. 8551, OTHERWISE KNOWN AS THE PHILIPPINE
NATIONAL POLICE REFORM AND REORGANIZATION ACT OF 1998, AND FOR
OTHER PURPOSES.**

EXPLANATORY NOTE

Based on the recommendations formulated during the investigation on extra-judicial killings heard jointly by the Senate Committee on Justice and Human Rights and the Committee on Public Order and Dangerous Drugs, there is a conclusion to strengthen the Internal Affairs Services of the Philippine National Police and the need for a creation of a legal defense service that will provide adequate legal service to police personnel charged with offenses in connection with the performance of their duties. The PNP will be mandated to report all killings to a Joint Congressional Oversight Committee which is also proposed in this bill. The strengthening of the Internal Affairs Service and the concomitant creation of a legal defense service and reportorial mechanism to Congress provide for a balanced mix for the prosecution of rogue police personnel as well as protection from suits intended to stymie police law enforcement efforts through legal maneuverings.

The following recommendations from resource persons are in order: (1) inclusion of a time frame for the conduct of *motu proprio* investigations of the IAS (2) provision of legal assistance for police personnel who may be charged with administrative, civil and criminal cases in the discharge of their official functions; and, (3) creation of a Joint Congressional Oversight Committee which will receive reports and updates on killings from the PNP. Once these are in place, investigations will be expedited and monitored and eventually, the public will be able to restore its trust in the justice system and in the effectiveness of the police and the government in ensuring public order.

With the inclusion of these recommendations culled from the committee hearings on the investigation of extra-judicial killings, it is the intention of the undersigned that the police force will be adequately equipped to enforce the law within its bounds, that killings will be diminished and past killings will be solved so that justice is served, and that the right of the people to life, liberty and property shall always be upheld.

RICHARD "DICK" J. GORDON
Senator



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OTHER PURPOSES.

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 “Strengthening the IAS
2 Act of 2016”.
- 3
- 4 Sec. 2. Sec. 39 of Republic Act (RA) No. 8551 is hereby amended to read, as
5 follows:
- 6 **“Section 39. *Creation, Powers, and Functions.*** – An Internal Affairs Service (IAS) of
7 the PNP is hereby created which shall:
- 8 a) pro-actively conduct inspections and audits on PNP personnel and units;
- 9 b) investigate complaints and gather evidence in support of an open
10 investigation;
- 11 c) conduct summary hearings on PNP members facing administrative charges;
- 12 d) submit a periodic report on the assessment, analysis, and evaluation of the
13 character and behavior of PNP personnel and units to the Chief PNP and the
14 Commission;
- 15 e) file appropriate criminal cases against PNP members before the court as
16 evidence warrants and assist in the prosecution of the case;
- 17 f) provide assistance to the Office of the Ombudsman in cases involving the
18 personnel of the PNP.

19 The IAS shall also conduct, motu proprio, automatic investigation of the following cases:

- 1 a) incidents where a police personnel discharges a firearm;
- 2 b) incidents where death, serious physical injury, or any violation of human rights
3 occurred in the conduct of a police operation;
- 4 c) incidents where evidence was compromised, tampered with, obliterated, or
5 lost while in the custody of police personnel;
- 6 d) incidents where a suspect in the custody of the police was seriously injured;
7 and
- 8 e) incidents where the established rules of engagement have been violated.

9 [Finally, the IAS shall provide documents or recommendations as regards to the
10 promotion of the members of the PNP or the assignment of PNP personnel to any key
11 position].

12 **SECTION 39-A. CONDUCT OF IAS MOTU PROPRIO INVESTIGATIONS.** THE IAS
13 SHALL INVESTIGATE, ON ITS OWN OR UPON COMPLAINT, THE CONDUCT OF
14 ALL POLICE OPERATIONS. IN CASES WHERE DEATH, PHYSICAL INJURY,
15 ALLEGED VIOLATION OF HUMAN RIGHTS OR VIOLATIONS OF ESTABLISHED
16 RULES OF ENGAGEMENT OCCURRED AS A RESULT OF POLICE OPERATIONS,
17 THE IAS SHALL REPORT THE INCIDENT TO THE CHIEF AND TO THE
18 COMMISSION WITHIN FIVE (5) DAYS FROM ITS OCCURRENCE AND WITHIN
19 FIFTEEN (15) DAYS FROM THE TIME OF THE INCIDENT, CONDUCT AN
20 INVESTIGATION, EVALUATE ALL EVIDENCE AND DETERMINE WHETHER OR
21 NOT TO FILE AN ADMINISTRATIVE CASE AGAINST THE POLICE INVOLVED IN
22 THE INCIDENT. THE RECOMMENDATION REPORT WHICH WILL DETAIL THE
23 IRREGULARITIES COMMITTED IN THE CONDUCT OF THE POLICE OPERATIONS
24 OR THE REASONS FOR DISMISSING THE CASE AGAINST THE POLICE SHALL BE
25 RELEASED WITHIN FIFTEEN (15) DAYS FROM THE START OF THE
26 INVESTIGATION."

27 **SECTION 39-B. IAS RECOMMENDATION ON PERSONNEL MANAGEMENT.** THE
28 IAS SHALL, WITH RESPECT TO THE PROMOTIONS AND ASSIGNMENTS OF PNP
29 PERSONNEL AND FOR SUCH OTHER PURPOSES AS MAY THEREAFTER ARISE
30 RELATED TO PERSONNEL MANAGEMENT, SHALL PROVIDE THE LATEST
31 STATUS OF THE INVESTIGATIONS AND CASES FILED AGAINST A PNP
32 PERSONNEL AND SUCH OTHER RELEVANT INFORMATION WITH REGARD TO

1 THE ASSESSMENT AND ANALYSIS OF THE CHARACTER AND BEHAVIOR OF PNP
2 PERSONNEL AND UNITS TO THE CHIEF PNP AND THE COMMISSION.

3 Sec. 3. A new Section 70 shall be inserted to read as follows:
4

5 "SEC. 70. *INFORMATION DISSEMINATION.* – THE DEPARTMENT OF
6 INTERIOR AND LOCAL GOVERNMENT (DILG), IN COORDINATION WITH THE
7 NATIONAL POLICE COMMISSION AND THE APPROPRIATE LOCAL GOVERNMENT
8 UNITS, SHALL UNDERTAKE AN INFORMATION DISSEMINATION CAMPAIGN FOR
9 PURPOSES OF ENRICHING PUBLIC KNOWLEDGE ON PLEB, ITS FUNCTIONS
10 AND POWERS. THEY SHALL UNDERTAKE TO HIGHLIGHT PLEB'S ROLE AS A
11 DISCIPLINARY MECHANISM IN CITIZEN'S COMPLAINTS AGAINST MEMBERS OF
12 THE PNP.

13 TO THIS END, THE DEPARTMENT AND THE COMMISSION SHALL HOLD
14 SEMINARS, TRAININGS AND SUCH OTHER PUBLIC INFORMATION CAMPAIGN TO
15 ACHIEVE THIS PURPOSE."
16

17 Sec. 4. Sections 70 and 71 under RA 8551 shall be renumbered as Sections 71
18 and 72 respectively.
19

20 Sec. 5. A new Title X shall be inserted to read as follows:

21 **"TITLE X**

22 **CREATION OF POLICE LEGAL DEFENSE SERVICE**

23 **SECTION 73. *CREATION AND FUNCTIONS.*** – THERE SHALL BE A POLICE LEGAL
24 DEFENSE SERVICE (PLDS) THAT SHALL PROVIDE LEGAL ASSISTANCE TO
25 MEMBERS OF THE PNP FACING ANY ADMINISTRATIVE, CRIMINAL AND CIVIL
26 CASES IN CONNECTION WITH THE PERFORMANCE OF THEIR DUTIES.

27 **SECTION 74. *ORGANIZATION.*** – NATIONAL, REGIONAL, AND PROVINCIAL
28 OFFICES OF THE POLICE LEGAL DEFENSE SERVICE SHALL BE ESTABLISHED.
29 POLICE LEGAL DEFENSE SERVICE SHALL BE HEADED BY A POLICE CHIEF
30 COUNSEL WHO SHALL BE ASSISTED BY AN ASSISTANT POLICE COUNSEL. THE
31 AREA OFFICES SHALL BE HEADED BY A REGIONAL POLICE COUNSEL WHILE
32 THE PROVINCIAL OFFICES SHALL BE HEADED BY A PROVINCIAL POLICE
33 COUNSEL.

34 THE COMMISSION SHALL ESTABLISH A RATIONALIZED STAFFING PATTERN
35 NOT LATER THAN DECEMBER 31, 2017 BASED ON THE FOLLOWING CRITERIA:

1 (1) LEGAL EXPOSURE OF THE POLICE FORCE; AND (2) MANAGEABLE COUNSEL
2 TO POLICE PERSONNEL RATIO.

3 **SECTION 75. APPOINTMENTS.** – THE POLICE CHIEF COUNSEL SHALL BE
4 APPOINTED BY THE PRESIDENT UPON THE RECOMMENDATION OF THE
5 DIRECTOR GENERAL AND DULY ENDORSED BY THE COMMISSION.
6 APPOINTMENTS OF PERSONNEL WHO SHALL OCCUPY VARIOUS POSITIONS
7 SHALL BE MADE BY THE POLICE CHIEF COUNSEL AND SHALL BE BASED ON AN
8 ESTABLISHED CAREER PATTERN AND CRITERIA TO BE PROMULGATED BY THE
9 COMMISSION.

10 **SECTION 76. INITIAL APPOINTMENTS TO THE NATIONAL, DIRECTORIAL, AND**
11 **PROVINCIAL INTERNAL AFFAIRS SERVICE OFFICES.** – INITIAL APPOINTMENTS
12 OF THE HEADS OF THE OFFICES IN THE POLICE LEGAL DEFENSE SERVICE
13 SHALL BE MADE BY THE PRESIDENT UPON RECOMMENDATION BY THE
14 COMMISSION. THEREAFTER, APPOINTMENTS AND PROMOTIONS TO THE
15 SERVICE SHALL FOLLOW THE ESTABLISHED REQUIREMENTS AND
16 PROCEDURES.

17 **SECTION 77. PROMOTIONS.** – THE COMMISSION SHALL ESTABLISH THE
18 PROMOTION SYSTEM WITHIN THE PLDS WHICH SHALL FOLLOW THE GENERAL
19 PRINCIPLES OF THE PROMOTION SYSTEM IN THE PNP.

20 **SECTION 78. PROHIBITIONS.** – ANY PERSONNEL WHO JOINS THE PLDS MAY
21 NOT THEREAFTER JOIN THE IAS.

22 **SECTION 79. CAREER DEVELOPMENT AND INCENTIVES.** – (1) PERSONNEL OF
23 THE POLICE LEGAL DEFENSE SERVICE SHALL IN ADDITION TO OTHER
24 ALLOWANCES AUTHORIZED UNDER EXISTING LAWS BE GRANTED
25 OCCUPATIONAL SPECIALTY PAY WHICH SHALL NOT EXCEED FIFTY PERCENT
26 (50%) OF THEIR BASIC PAY. THIS PAY SHALL NOT BE CONSIDERED A
27 FORFEITURE OF OTHER REMUNERATION AND ALLOWANCES WHICH ARE
28 ALLOWED UNDER EXISTING LAWS.

29 (2) PLDS MEMBERS SHALL ALSO HAVE PRIORITIES IN THE QUOTA ALLOCATION
30 FOR TRAINING AND EDUCATION.”

31 Sec. 6. A new Title XI shall be inserted to read as follows:

32 “TITLE XI
33 CONGRESSIONAL OVERSIGHT COMMITTEE

1 **SECTION 80. CONGRESSIONAL OVERSIGHT COMMITTEE.** – THERE IS HEREBY
2 CREATED A JOINT CONGRESSIONAL OVERSIGHT COMMITTEE COMPOSED OF
3 SEVEN (7) MEMBERS FROM THE SENATE AND SEVEN (7) MEMBERS FROM THE
4 HOUSE OF REPRESENTATIVES. THE MEMBERS FROM THE SENATE SHALL BE
5 APPOINTED BY THE SENATE PRESIDENT BASED ON THE PROPORTIONAL
6 REPRESENTATION OF THE PARTIES OR COALITIONS THEREIN WITH AT LEAST
7 TWO (2) SENATORS REPRESENTING THE MINORITY, PROVIDED THAT THE
8 CHAIR OF THE COMMITTEE ON JUSTICE AND HUMAN RIGHTS SHALL BE AN
9 AUTOMATIC MEMBER. THE MEMBERS FROM THE HOUSE OF
10 REPRESENTATIVES SHALL BE APPOINTED BY THE SPEAKER, ALSO BASED ON
11 PROPORTIONAL REPRESENTATION OF THE PARTIES OR COALITIONS THEREIN
12 WITH AT LEAST TWO (2) MEMBERS REPRESENTING THE MINORITY, PROVIDED
13 THAT THE CHAIR OF THE COMMITTEE ON JUSTICE SHALL BE AN AUTOMATIC
14 MEMBER.

15 THE COMMITTEE SHALL BE HEADED BY THE CHAIRPERSON OF THE SENATE
16 COMMITTEE ON JUSTICE AND HUMAN RIGHTS, AND CO-CHAIRLED BY THE
17 HOUSE OF REPRESENTATIVES COMMITTEE ON JUSTICE.

18 **SECTION 81. POWERS AND FUNCTIONS OF THE OVERSIGHT COMMITTEE.** –
19 THE OVERSIGHT COMMITTEE, IN AID OF LEGISLATION, SHALL PERFORM THE
20 FOLLOWING FUNCTIONS, AMONG OTHERS:

21 (A) SET THE GUIDELINES AND OVERALL FRAMEWORK TO MONITOR AND
22 ENSURE THE STRENGTHENING OF THE IAS AND PLEB UNDER RA 8551
23 AND THIS ACT;

24 (B) ENSURE TRANSPARENCY AND REQUIRE THE SUBMISSION OF
25 REPORTS FROM GOVERNMENT AGENCIES CONCERNED ON THE
26 CONDUCT OF PROGRAMS, PROJECTS AND POLICIES RELATING TO THE
27 IMPLEMENTATION OF THIS ACT AND REPORTS ON EXTRA-JUDICIAL
28 KILLINGS;

29 (D) SUBMIT PERIODIC REPORTS TO THE PRESIDENT OF THE
30 PHILIPPINES AND CONGRESS ON THE IMPLEMENTATION OF THE
31 PROVISIONS OF THIS ACT;

32 (E) DETERMINE INHERENT WEAKNESSES IN THE LAW AND RECOMMEND
33 THE NECESSARY REMEDIAL LEGISLATION OR EXECUTIVE MEASURES;

1 (F) RECEVE REPORTS OR COMPLAINTS FROM THE PUBLIC
2 REGARDING THE CONDUCT OF THE POLICE RELATING TO THE
3 PERFORMANCE OF THEIR OFFICIAL DUTIES, EXTRA-JUDICIAL KILLINGS
4 AND OTHER CRIMES COMMITTED BY THE POLICE; AND,

5 (G) PERFORM SUCH OTHER DUTIES, FUNCTIONS AND RESPONSIBILITIES
6 AS MAY BE NECESSARY TO EFFECTIVELY ATTAIN THE OBJECTIVES OF
7 THIS ACT.

8 **SECTION 82. ADOPTION OF COMMITTEE RULES AND REGULATIONS, AND**
9 **FUNDING.** – THE OVERSIGHT COMMITTEE ON POLICE AND EXTRA-JUDICIAL
10 KILLINGS SHALL ADOPT ITS INTERNAL RULES OF PROCEDURE, CONDUCT
11 HEARINGS AND RECEIVE TESTIMONIES, REPORTS, AND TECHNICAL ADVICE,
12 INVITE OR SUMMON BY *SUBPOENA AD TESTIFICANDUM* ANY PUBLIC OFFICIAL,
13 PRIVATE CITIZEN, OR ANY OTHER PERSON TO TESTIFY BEFORE IT, OR
14 REQUIRE ANY PERSON BY *SUBPOENA DUCES TECUM* DOCUMENTS OR OTHER
15 MATERIALS AS IT MAY REQUIRE CONSISTENT WITH THE PROVISIONS OF THIS
16 ACT.

17 THE OVERSIGHT COMMITTEE ON POLICE AND EXTRA-JUDICIAL KILLINGS
18 SHALL BE ASSISTED BY A SECRETARIAT TO BE COMPOSED BY PERSONNEL
19 WHO MAY BE SECONDED FROM THE SENATE AND THE HOUSE OF
20 REPRESENTATIVES AND MAY RETAIN CONSULTANTS.

21 TO CARRY OUT THE POWERS AND FUNCTIONS OF THE OVERSIGHT
22 COMMITTEE ON THE STRENGTHENING OF IAS AND PLEB, THE INITIAL SUM OF
23 TWENTY-FIVE MILLION PESOS (P25,000,000.00) SHALL BE CHARGED AGAINST
24 THE CURRENT APPROPRIATIONS OF BOTH HOUSES OF CONGRESS.
25 THEREAFTER, SUCH AMOUNT NECESSARY FOR ITS CONTINUED OPERATIONS
26 SHALL BE INCLUDED IN THE ANNUAL GENERAL APPROPRIATIONS ACT.

27 THE OVERSIGHT COMMITTEE ON THE STRENGTHENING OF IAS AND PLEB
28 SHALL EXIST FOR A PERIOD OF TEN (10) YEARS FROM THE EFFECTIVITY OF
29 THIS ACT AND MAY BE EXTENDED BY A JOINT CONCURRENT RESOLUTION.”

30
31 Sec. 7. All subsequent Sections of Republic Act No. 8551, otherwise known as
32 the Philippine National Police Reform and Reorganization Act of 1998, shall hereafter
33 be renumbered accordingly.
34

1 Sec. 8. *Repealing Clause.* – All laws, decrees, orders, rules and regulations or
2 other issuances or parts thereof inconsistent with the provisions of this Act are hereby
3 repealed or modified accordingly.

4
5 Sec. 9. *Separability Clause.* – If any portion or provision of this Act is declared
6 unconstitutional, the remainder of this Act or any provision not affected thereby shall
7 remain in force and effect.

8
9 Sec. 10. *Effectivity.* – This Act shall take effect after fifteen (15) days following
10 the completion of its publication either in the Official Gazette or in a newspaper of
11 general circulation in the Philippines.

12
13 Approved,