

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



Senate
Office of the Secretary

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SENATE
Senate Bill No. 1310

Introduced by **SENATOR LACSON**

**AN ACT
TO STRENGTHEN THE INTERNAL AFFAIRS SERVICE OF THE PHILIPPINE
NATIONAL POLICE, AMENDING FOR THE PURPOSE CERTAIN
PROVISIONS OF REPUBLIC ACT NO. 6975 AS AMENDED BY REPUBLIC
ACT NO. 8551, AND FOR OTHER PURPOSES**

EXPLANATORY NOTE

Republic Act No. 8551, otherwise known as the Philippine National Police (PNP) Reform and Reorganization Act of 1998 established the Internal Affairs Service (IAS) as the mandated institutional watchdog agency for the PNP organization.

A study¹ on the role of police in democracies starts with a thesis question, "how can the citizens of a democracy control their police?" Its response runs parallel to the functions of IAS as an oversight office: democratic policing must be accountable when they violate rules, laws and civil rights. Police must be accountable for both their behavior and the protection of public safety, and they must be accountable to multiple mechanisms.

In order for IAS to fulfill said functions, it is crucial that the pertinent provisions of the law guarantee that the organization is capacitated and empowered in instilling discipline and enhancing performance of personnel and units of the police force at all levels of its command.

However, while the performance of IAS in its almost two decades of existence is commendable, it is without a doubt that much is still to be desired. In light of the drug war being implemented by the current administration, this is an opportune time to revisit the structure, powers and functions of the IAS with the end in view of strengthening and making it more effective and efficient.

One of the highlights of this measure is the provision of a mandatory period by which an investigation conducted by the IAS must be concluded. Accordingly, internal

¹ Christopher Stone and Heather H. Ward. (7 May 2010). *Democratic Policing: A Framework for Action*, 1-3. Retrieved from http://archive.vera.org/sites/default/files/resources/downloads/stone_ward.pdf

affairs investigations shall be completed in a period not exceeding thirty (30) days after which the appropriate administrative and/or criminal charges shall be filed immediately thereafter. The IAS shall have at most thirty (30) days to resolve the administrative case against any erring member of the PNP.

The IAS is also given the power to formulate and adopt its own disciplinary rules and mechanism. The provisions of the AFP Military Justice System may also be applied by analogy or in a suppletory character whenever practical and convenient, in disciplinary cases against PNP uniformed personnel.

In addition, the decisions of the IAS with respect to cases under its jurisdiction shall be final and executory. To bolster its fiscal independence, the IAS shall have an automatic, direct, full and regular release of funds based on the approved annual general appropriations.

Further, this bill expands the *motu proprio* investigation powers of the IAS to cover all acts and omissions, which tend to discredit the institution and hinder it from performing its tasks effectively and efficiently.

Through mechanisms and policies institutionalized by IAS, we can assure that we uphold the precepts of democratic policing, in such a way that,

“police shall uphold the law; they are accountable to democratic oversight institutions and to the communities they serve; they are transparent in their activities; they are representative of the community they serve; they give highest operational priority to protecting the safety and rights of individuals and to protecting human rights; they treat their personnel decently, and seek to build professional skills and conditions of service that support efficient and respectful service delivery to the public.”³

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


PANFILO M. LACSON
Senator

³ USAID program brief: *Anticorruption and Police Integrity Security Sector Reform Program* (May 2007), 2. Retrieved from http://pdf.usaid.gov/pdf_docs/Pnadm948.pdf

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CERTAIN PROVISIONS OF REPUBLIC ACT NO. 6975 AS AMENDED
BY REPUBLIC ACT NO. 8551, AND FOR OTHER PURPOSES

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

1 **SECTION 1. Statement Policy.** The Internal Affairs Service (IAS)
2 of the Philippine National Police shall be the primary instrument to measure,
3 enhance and instill performance and discipline among all units and individuals in
4 the institution. The IAS shall conduct its investigation and prosecution in an
5 impartial, independent, expeditious and professional manner thereby ensuring the
6 citizenry of unbiased results.

7 **SECTION 2. Organization of the Internal Affairs Service.** The
8 IAS shall have a National, Regional, District, Provincial and City Offices where
9 applicable, which shall be established by the Inspector General and approved by
10 the PNP Chief

11 **SECTION 3. The Inspector General.** The head of the IAS shall be
12 the Inspector General (IG) with a rank of a Police Deputy Director General. He
13 will be assisted by a Deputy Inspector General for Administration (DIGA); and a
14 Deputy Inspector General for Operations (DIGO); both with the rank of Police
15 Director. The Inspector General of the IAS shall exercise administrative and
16 operational control and supervision over the IAS. The IG, his deputies, Chief of
17 Staff of the IG Staff, and the Directors of the Regional Internal Affairs Service
18 shall be appointed by the President. Appointments of other personnel who shall

1 occupy various positions shall be made by the IG and shall be based on an
2 established career pattern and criteria to be promulgated by the NAPOLCOM.

3 **SECTION 4. The Inspector General Staff.** The IG Staff shall be
4 headed by the Chief of the IG Staff (CIGS) with a rank of Police Director. For
5 purposes carrying out its duties and powers are provided for in this Act, the IAS
6 shall have the following Services, namely: Human Resource and Management;
7 Intelligence and Investigation; Operations; and Finance and Logistics.

8 **SECTION 5. The Directors of Regional Internal Affairs Service**
9 **Offices (RIAS).** The Directors of the RIAS shall have the rank of Police Chief
10 Superintendent. The organizational structure of the RIAS offices shall follow
11 closely the pattern of the IAS National Headquarters.

12 **SECTION 6. The Provincial and City IAS Offices.** The Provincial and
13 City Offices of the IAS shall be headed by a Police Senior Superintendent. The
14 organizational structure of said offices shall also follow closely the pattern of the
15 IAS National Headquarters.

16 **SECTION 7. Qualification Standards for IAS Personnel - Uniformed**
17 **Personnel.** In general, entry into IAS is voluntary and requires high standards of
18 integrity, morality, education and training. PNP personnel transferring to IAS,
19 except the Inspector General must have at least five (5) more years in the service
20 before reaching compulsory retirement, must have satisfactorily completed at
21 least a basic investigation and/or intelligence training and have no derogatory
22 service records.

23 **SECTION 8. Qualifications of the Inspector General.** In addition to the
24 general qualifications for appointment mentioned in R.A. No. 8551, the Inspector
25 General of the IAS must be an active duty commissioned officer of the PNP, a
26 member of the Philippine Bar in good standing and a holder of either a Police
27 Executive Service Eligibility (PESE), Career Service Executive Eligibility (CSEE)
28 or Career Executive Service Eligibility (CESE).

29 **SECTION 9. Non-Uniformed Personnel (NUP).** The NUP of IAS shall
30 be selected from among the very best human resource available, preferably with at
31 least a Masters Degree in their fields of training. Lawyers may enter the IAS
32 laterally under existing PNP policies.

1 **SECTION 10. Personnel Strength.** The strength of the IAS shall be
2 pegged at five percent (5%) of the total strength of the PNP: Provided, That the
3 NUPs shall comprise not more than ten percent (10%) of the total IAS strength.

4 **SECTION 11. Prohibitions** –Any personnel who joins the IAS may not
5 thereafter join any other unit of the PNP. Neither shall any personnel of the IAS be
6 allowed to sit in a committee deliberating on the appointment, promotion, or
7 assignment of any PNP personnel.

8 **SECTION 12. Applicability of Sec. 39 of RA 8551** – The IAS shall
9 exercise all the powers and functions provided under Section 39 of R.A. No.
10 8551, insofar as they are applicable and not in conflict with any provision of this
11 Act: Provided, That the IG may direct *motu proprio* investigations of all acts and
12 omissions of PNP personnel which tend to discredit or tarnish the image of the
13 PNP organization.

14 **SECTION 13. Operational Functions of the IAS.** The IAS shall, as part
15 of its integrity development functions, conduct character building and other
16 activities that would enhance its capacity for resisting graft and corruption;
17 conduct intelligence operations in aid of lifestyle checks and investigations; and,
18 strengthen investigations of PNP personnel who are subject to its jurisdiction. It
19 shall also impose restrictions, file appropriate criminal cases against PNP
20 members before the regular courts as evidence warrants and actively assist in the
21 prosecution of such cases.

22 It shall generally conduct summary proceedings and hearings of PNP
23 members facing administrative charges for violation of rules and regulations
24 governing the PNP, the Civil Service rules and regulations, and such other existing
25 laws relative to or in connection with, the official duty of a police officer including
26 misconduct, dereliction of duty, insubordination, conduct unbecoming of a police
27 officer, abuse of power or authority, conviction by final judgment for any crime or
28 offense and other similar acts and decide such cases; and establish partnerships
29 and other synergies with the community and other stakeholders. It shall coordinate
30 efforts to require personnel who have undergone its adjudication processes to
31 undergo psychological sessions before they are deployed back to the PNP.

1 The PNP shall cooperate fully with the IAS in order to accelerate the
2 conduct of its investigation with the view to exonerate innocent officers quickly and
3 prosecute the guilty swiftly. Internal affairs investigation shall be completed as
4 rapidly as is reasonably necessary which in no case shall exceed thirty (30) days
5 after which the appropriate administrative and/or criminal charges shall be filed
6 immediately thereafter. The IAS shall have at most thirty (30) days to resolve the
7 administrative case against any erring member of the Philippine National Police.

8 **SECTION 14. Special Functions of the IAS.** The IAS shall file cases
9 against any police personnel who shall break the provisions of restrictive custody
10 including the custodian of the personnel under restrictive custody and any other
11 act and/or omission made by a police personnel detrimental to the image of PNP.
12 The IAS shall issue clearances and other requisite documents including
13 recommendations for promotion, transfer or appointment to any position, and for
14 financial transactions of PNP personnel.

15 **SECTION 15. Deputization.** The IG may deputize the Directors of the
16 PNP Directorates or any of the Regional Directors of the Police Regional Offices
17 as Inspectors and Auditors of the IAS, subject to the approval of the PNP Chief.

18 **SECTION 16. IAS Infrastructure and Other Resources.** The PNP shall
19 provide the infrastructure, camp requirements, technology and other resources of
20 the IAS that will enable it to perform its mandated powers and functions:
21 Provided, That additional funding requirements may be appropriated under the
22 General Appropriations Act.

23 **SECTION 17. IAS Inspections and Audits.** The inspections and audits
24 of all PNP units and personnel shall be conducted by IAS pro actively and shall
25 form part of the performance evaluation rating of the latter; Provided, That the
26 framework of inspections and audit shall be based on existing NAPOLCOM and
27 PNP Circulars and approved by the Commission.

28 **SECTION 18. Finality of Decision.** The decisions of the IAS in cases
29 falling under its jurisdiction shall be final and executory without prejudice,
30 however, to the filing of an appeal with the Secretary of the Department of Interior
31 and Local Government (DILG) where the penalty imposed upon the erring PNP

1 personnel is dismissal, demotion or suspension for a period exceeding ninety (90)
2 days; or forfeiture of benefits equivalent to more than ninety (90) days pay.

3 **SECTION 19. IAS Character Studies.** At the end of every quarter IAS
4 shall submit a general observation/assessment of the general character of the PNP
5 personnel and units to the Chief of the PNP and NAPOLCOM.

6 **SECTION 20. Source of Funds.** The appropriation for the Office of the
7 Internal Affairs Service, including funds for the Occupational Specialty Pay
8 (OSP), shall be under a specific item in the annual General Appropriations Act
9 (GAA). This shall include Personnel Services (PS), Maintenance and Other
10 Operating Expenses (MOOE) and Capital Outlay (CO).

11 **SECTION 21. Financial Independence.** In order to strengthen its fiscal
12 independence, the Internal Affairs Service shall have an automatic, direct, full and
13 regular release of funds based on the approved annual general appropriations
14 subject to the existing rules, practices and regulations on auditing and accounting
15 of the Commission on Audit. The IAS shall have a distinct and separate budget
16 from the PNP.

17 **SECTION 22. Disciplinary Mechanism.** The IAS shall formulate and
18 adopt its own disciplinary rules and mechanisms taking into account pertinent
19 laws, rules and regulations on the matter: Provided, That the applicable provisions
20 of the AFP Military Justice System may also be applied by analogy or in a
21 suppletory character whenever practical and convenient, in disciplinary cases
22 against PNP uniformed personnel; Provided, Further, That the applicable
23 guidelines promulgated by the Civil Service Commission shall govern the non-
24 uniformed personnel.

25 **SECTION 23. Separability Clause.** If any provision of this Act shall be
26 declared invalid or unconstitutional, the remaining part or provisions not otherwise
27 affected shall remain in force.

28 **SECTION 24. Repealing Clause.** Any law, decree, ordinance,
29 administrative circulars not consistent with any provision of this Act is hereby
30 amended, repealed or modified accordingly.

1 **SECTION 25. Effectivity Clause.** This Act shall take effect fifteen (15)
2 days after its complete publication in the Official Gazette or in at least two (2)
3 newspapers of general circulation.

4 *Approved,*