

13TH CONGRESS OF THE REPUBLIC)
OF THE PHILIPPINES)
First Regular Session)

'04 JUL -6 A11:18

SENATE
S. BILL NO. 1361

RECEIVED BY: _____

Introduced by Senator Ralph G. Recto

EXPLANATORY NOTE

Article XVI, Section 6 of the 1987 Constitution provides that "the State shall establish and maintain one police force which shall be national in scope and civilian in character to be administered and controlled by a national police commission. The authority of local executives over the police units in their jurisdiction shall be provided by law."

Thus, Congress passed Republic Act No. 6975, otherwise known as the Department of the Interior and Local Government (DILG) Act of 1990, placing the Philippine National Police (PNP) under the DILG and deputizing governors and mayors as representatives of the National Police Commission (NAPOLCOM). It provided that mayors may exercise operational supervision and control over the PNP, i.e., they shall have the power to "direct, superintend, oversee, inspect the police units or forces."

The implementing rules and regulations of the law emphasized the meaning of such provision as "the authority to prescribe general guidelines on the utilization of the members of the PNP". Clearly, the law seemingly disregarded the intent of the framers of the Constitution to put civilians in charge of the police. The governors and mayors are left to "deal only with answers to what, where and why, leaving the who and how to the PNP Chief of Police or Provincial Director."¹

This bill proposes certain amendments to the law which conform with constitutional provisions and give teeth to the powers of the local chief executives to maintain peace and order in their territorial jurisdictions. Specifically, the bill seeks to expand the powers of the mayors and governors over police units by:

1. Requiring the NAPOLCOM to include the assessment of the local chief executive of a police officer's performance based on NAPOLCOM standards;
2. Requiring the NAPOLCOM to include the endorsement from the Governor/Mayor as part of the promotion process;
3. Placing the People's Law Enforcement Board (PLEB) under the office of the mayor and allowing the mayor to chair the PLEB;
4. Empowering the local chief executives to manage the day-to-day operations of the PNP in their respective units; and

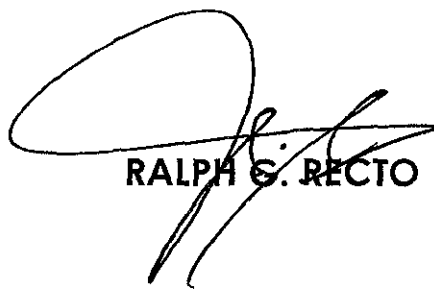
¹ "Authority of Local Executives Over the Philippine National Police," an occasional paper published by Governance and Local Democracy (GOLD) Project, No. 97-03

5. Giving them the authority to approve transfer of assignments and appointment of police officers within their territorial jurisdictions.

These broadened powers should not be construed as giving the local chief executives "absolute" control but only "effective" control. The *Governance and Local Democracy* paper indicates that what the mayors and governors need is "sufficient authority and power to effectively ensure that the local police perform satisfactorily and that civilian authority remains supreme over the police."

Reforming the PNP is a tall order but it has to start at some point. This bill serve as the proverbial first step of a long journey towards reinvigorating the police force, which, for all its faults and weakness, is admittedly a necessary institution in combating crime and lawlessness, and restoring peace and order in the country.

In view of the foregoing, the immediate approval of this proposed measure is strongly urged.




RALPH G. RECTO

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AN ACT
EXPANDING THE POWERS OF LOCAL CHIEF EXECUTIVES OVER LOCAL PHILIPPINE NATIONAL POLICE (PNP) FORCES, AMENDING FOR THE PURPOSE CERTAIN SECTIONS OF REPUBLIC ACT NUMBERED SIX THOUSAND NINE HUNDRED SEVENTY-FIVE (R.A. 6975), AS AMENDED

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

1 **SECTION 1.** Section 37 of Republic Act No. 6975, as amended, is
2 hereby amended to read as follows:

3

4 "SEC. 37. *Performance Evaluation. System.* -- There shall be
5 established a performance evaluation system which shall be
6 administered in accordance with the rules, regulations and
7 standards, and a code of conduct promulgated by the
8 Commission for members of the PNP. Such performance evaluation
9 system shall be administered in such a way as to foster the
10 improvement of individual efficiency and behavioral discipline as
11 well as the promotion of organizational effectiveness and respect
12 for the constitutional and human rights of citizens, democratic
13 principles and ideals and the supremacy of civilian authority over
14 the military.

15

16 "The rating system as contemplated herein shall be based on
17 standards prescribed by the Commission and shall consider the
18 results of annual physical, psychological and neuropsychiatric
19 examinations conducted on the PNP officer or member concerned.

20

1 "THE COMMISSION SHALL INCLUDE THE ASSESSMENT OF THE
2 GOVERNOR OR MAYOR, AS THE CASE MAY BE, OF A POLICE
3 OFFICER'S PERFORMANCE BASED ON THE STANDARDS SET BY THE
4 COMMISSION."

5

6 **SEC. 2.** Section 38 (a) of Republic Act No. 6975, as amended, is
7 hereby further amended to read as follows:

8

9 "SEC. 38. *Promotions.* – A member of the PNP shall not be
10 eligible for promotion to a higher position or rank unless he has
11 successfully passed the corresponding promotional examination
12 given by the Commission, or the Bar or corresponding board
13 examinations for technical services and other professions, and has
14 satisfactorily completed an appropriate and accredited course in
15 the PNPA or equivalent training institutions. In addition, no member
16 of the PNP shall be eligible for promotion unless he has been
17 cleared by the People's Law Enforcement Board (PLEB) of
18 complaints proffered against him, if any[.], AND ENDORSED BY THE
19 LOCAL CHIEF EXECUTIVE CONCERNED."

20

21 **SEC. 3.** Section 43 (a) and (b) of Republic Act No. 6975, as
22 amended, is hereby further amended to read as follows:

23

24 "SEC. 43. *People's Law Enforcement Board (PLEB).* -- (a)
25 *Creation and Functions.* – Within thirty (30) days from the
26 issuance of the implementing rules and regulations by the
27 Commission, there shall be created by the sangguniang
28 panglunsod/bayan in every city and municipality such number of
29 People's Law Enforcement Boards (PLEBs) as may be necessary,
30 WHICH SHALL BE UNDER THE OFFICE OF THE MAYOR: *Provided,* That
31 there shall be at least one (1) PLEB for every municipality and for
32 each of the legislative districts in a city. The PLEB shall have

1 jurisdiction to hear and decide citizens' complaints or cases filed
2 before it against erring officers and members of the PNP. There shall
3 be at least one (1) PLEB for every five hundred (500) city or
4 municipal police personnel."
5

6 "(b) *Compensation and Term of Office* -- The PLEB shall be
7 composed of the following:
8

9 "(1) X X X
10 "(2) X X X
11 "(3) X X X
12

13 "The MAYOR SHALL BE THE Chairman of the PLEB AND shall
14 [be elected from among its members] HAVE THE DUTY, POWER AND
15 AUTHORITY TO IMPLEMENT THE PLEB'S DECISIONS. The term of office
16 of the members of the PLEB shall be for a period of two (2) years
17 from assumption of office. Such member shall hold office until his
18 successor shall have been chosen and qualified."
19

20 **SEC. 4.** Section 51 (b)(1) of Republic Act. No. 6975, as amended, is
21 hereby amended to read as follows:
22

23 "SEC. 51. *Powers of Local Government Officials Over the PNP*
24 *units or forces.* -- Governors and mayors shall be deputized as
25 representatives of the Commission in their respective territorial
26 jurisdiction. As such, the local executives shall discharge the
27 following functions:
28

29 "(a) X X X
30

31 "(b) *City and Municipal Mayors* -- (1) *Operational*
32 *Supervision and Control.* The City and municipal mayors shall

1 exercise operational supervision and control over PNP units in their
2 respective jurisdictions except during the thirty (30) day period
3 immediately preceding and the thirty (30) days following any
4 national, local or barangay elections. During the said period, the
5 local police forces shall be under the supervision and control of the
6 Commission on Elections.

7
8 "The term "operational supervision and control" shall mean
9 the power to direct, superintend, oversee and [inspect] MANAGE
10 DAY-TO-DAY AFFAIRS OF the police units or forces.

11
12 "X X X
13
14 "X X X
15
16 "X X X"
17

18 **SEC. 5.** Section 51, paragraph (b)(4) of Republic Act. No. 6975, as
19 amended, is hereby amended to read as follows:

20
21 "SEC. 51. (1) X X X
22 "(2) X X X
23
24 "(3) X X X
25

26 "(4) *Other Powers.* – In addition to the aforementioned
27 powers, city and municipal mayors shall have the following
28 authority over the PNP units in their respective jurisdictions:

29
30 "(i) X X X
31

1 “(ii) Authority to [recommend] APPROVE the transfer,
2 reassignment or detail of PNP members outside of their
3 respective city or town residences; and
4

5 “(iii) Authority to [recommend] APPROVE, from a list of
6 eligibles previously screened by the peace and order council,
7 the appointment of new members of the PNP to be assigned
8 to their respective cities or municipalities without which no
9 such appointment shall be attested.”
10

11 **SEC. 6. *Implementing Rules and Regulations.*** - The Department of
12 Interior and Local Government (DILG) and the National Police
13 Commission (NAPOLCOM) shall promulgate the rules and regulations
14 necessary for the effective implementation of this Act.
15

16 **SEC. 7. *Repealing Clause.*** - All other laws, decrees, orders,
17 issuances and rules and regulations or parts thereof inconsistent with this
18 Act are hereby amended or repealed accordingly.
19

20 **SEC. 8. *Separability Clause.*** - The provisions of this Act are
21 hereby declared to be separable and, in the event any of such provisions
22 is declared unconstitutional, the order provision which is not affected
23 thereby shall remain in full force and effect.
24

25 **SEC. 9. *Effectivity.*** - This Act shall take effect upon approval by the
26 President.
27

28 Approved,
29