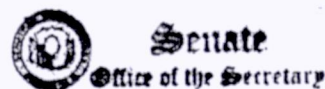


EIGHTEENTH CONGRESS OF THE)
REPUBLIC OF THE PHILIPPINES)
First Regular Session)



19 SEP 16 P1:37

SENATE

S. No. 1051

RECEIVED BY: 

Introduced by Senator Ralph G. Recto

AN ACT
TO ENSURE THE SECURITY OF MEMBERS, OFFICIALS, EMPLOYEES AND
GUESTS OF CONGRESS AND THE SAFETY OF CONGRESSIONAL PREMISES,
CREATING FOR THE PURPOSE THE CONGRESSIONAL POLICE FORCE,
APPROPRIATING FUNDS THEREFOR AND FOR OTHER PURPOSES

EXPLANATORY NOTE

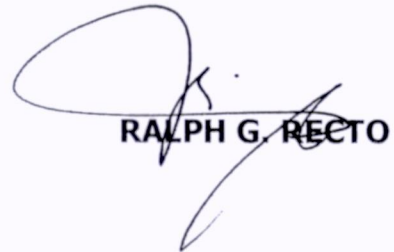
Congress has traditionally relied upon law enforcement agencies like the Armed Forces of the Philippines and the Philippine National Police to complement the Offices of Sergeant-at-Arms of the House of Representatives and the Senate in ensuring the security of Members and Officials of Congress as well as the safety of congressional premises. In more than one occasion, Congress has had to rely on the military and police officers to perform functions essential to legislation, such as serving *subpoenas*, contempt orders, and warrants of arrest. Such dependence on the executive agencies, while legally sanctioned, nonetheless impairs the independence of the Legislature and its capacity to establish its own security and operational protocols within its own premises.

This bill seeks to create a Congressional Police Force mandated to maintain peace and order, safety and security in Congress, and to perform tasks essential for Congress to carry out its legislative mandates. As the primary law enforcement agency concerned with the security of Congress, the Congressional Police shall be mandated to safeguard Members and Officials of Congress and members of their respective immediate families, as well as the employees and guests on congressional premises. As an agent of Congress, the Congressional Police is empowered to assist Members

and Officials of Congress in the performance of their constitutional duties, such as serving subpoenas and warrants, effecting arrests within congressional premises, and facilitating the processing of firearms licenses and permits.

Ultimately, this bill intends to protect a cornerstone of Philippine democracy – a safe, independent, open and functioning legislature.

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



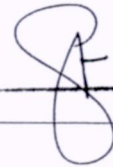
RALPH G. RECTO

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

1 Section 1. *Short Title.* – This Act shall be known as the “*Congressional Police*
2 *Force Act.*”

3 Sec. 2. *Declaration of Policy.* – It is hereby declared the policy of the State to
4 ensure that government agencies and instrumentalities perform their respective
5 constitutional and legal mandate in a safe, secure and open environment. Towards this
6 end, a law enforcement organization under the direct control and supervision of
7 Congress shall be organized to ensure the effective and unimpeded performance of the
8 Legislature of its constitutionally-enshrined duty to the Filipino People.

9 Sec. 3. *Definition of Terms.* – For the purpose of this Act:

10 a) *Congress* shall refer to the bicameral legislative body comprised of the House
11 of Representatives and the Senate;

12 b) *Congressional Premises* shall refer to any land, office, building or facility
13 acquired through lease, donation, purchase, inter-government transfer, or otherwise,
14 for the use of the House of Representatives and the Senate;

15 c) *Legislative Employees* shall refer to the following: permanent, contractual and
16 casual employees of the Secretariat of the House of Representatives or the Senate, *co-*
17 *terminus* staff of incumbent district and party-list representatives or senators, and

1 consultants with valid contract of service with any office, bureau or service under the
2 House of Representatives or the Senate;

3 d) *Members of Congress* shall refer to duly-elected representatives of legislative
4 districts and party-lists, and senators; and

5 e) *Officials of Congress* shall refer to the following: the Speaker of the House of
6 Representatives, Deputy Speakers of the House of Representatives, Majority Leader of
7 the House of Representatives, Minority Leader of the House of Representatives,
8 Secretary-General of the House of Representatives, Sergeant-at-Arms of the House of
9 Representatives, President of the Senate, President *Pro Tempore* of the Senate,
10 Majority Leader of the Senate, Minority Leader of the of the Senate, Secretary of the
11 Senate and Sergeant-at-Arms of the Senate, or any other official elected by a majority
12 of Members of the House of Representatives or the Senate;

13 Sec. 4. *Congressional Police Force*. – The Congressional Police Force is hereby
14 created for the purpose of effectively discharging the functions provided in this Act and
15 shall be composed of the Congressional Police Board and the Congressional Police. For
16 the purpose of administration and appropriation, the Congressional Police Force shall
17 be created as an attached agency to the Congress of the Philippines.

18 Sec. 5. *Congressional Police Board*. – The Congressional Police Board, hereinafter
19 referred to as the Board, is hereby created as an agency mandated to exercise
20 administrative control and operational supervision over the Congressional Police. The
21 Board shall be a collegial body composed of three regular commissioners composed of
22 the Sergeant-at-Arms of the House of Representatives, Sergeant-at-Arms of the Senate,
23 and the Chief of the Congressional Police.

24 Sec. 6. *Powers and Functions of the Board*. – The Board shall exercise the
25 following powers and functions:

26 a) Exercise administrative control over the Congressional Police;

27 b) Advise the Speaker of the House of Representatives and the President of the
28 Senate on all matters involving the security of Members and Officials of Congress and
29 the safety of congressional premises and legislative employees;

30 c) Foster and develop policies and promulgate rules and regulations, standards
31 and procedures to improve the capacity of the Congressional Police to perform its duties
32 and functions;

1 d) Prepare a congressional police manual prescribing rules and regulations for
2 efficient organization, administration, and operation, including personnel recruitment,
3 selection, promotion, separation and retirement;

4 e) Approve or modify plans and programs on education and training, logistical
5 requirements, communications, records, information systems, and other matters
6 pertinent to the operations of the Congressional Police;

7 f) Resolve any complaint filed against officials and members of the Congressional
8 Police, including the determination and imposition of appropriate punishment and
9 penalties;

10 g) Prescribe minimum standards for arms, equipment, and uniforms and, after
11 consultation with the National Historical Commission of the Philippines (NHCP), for
12 insignia of ranks, awards and medals of honor;

13 h) Issue *subpoena* and *subpoena duces tecum* on matters pertaining to the
14 administration of the Congressional Police; and

15 i) Perform such other duties and exercise all other functions as may be provided
16 by law or assigned by the Speaker of the House of Representatives or the President of
17 the Senate.

18 *Sec. 7. Summary Dismissal Powers of the Congressional Police Board and the*
19 *Chief of the Congressional Police.* – The Board and the Chief of the Congressional Police,
20 after due notice and summary hearings, may immediately remove or dismiss any
21 respondent Congressional Police member in any of the following cases:

22 a) When the charge is serious and the evidence of guilt is strong;

23 b) When the respondent is a recidivist or has been repeatedly charged and there
24 are reasonable grounds to believe that he is guilty of the charges; and

25 c) When the respondent is guilty of a serious offense involving conduct
26 unbecoming of a Congressional Police officer.

27 Any commissioned or non-commissioned officer of the Congressional Police who
28 shall be absent without official leave (AWOL) for a continuous period of thirty (30) days
29 or more may be dismissed immediately from the service. The activities and whereabouts
30 of the erring congressional police officer during the period shall be investigated and, if
31 warranted, prosecuted accordingly.

1 Sec. 8. *Congressional Police.* – The Congressional Police is hereby created as a
2 law enforcement organization dedicated to secure Members and Officials of Congress
3 and members of their respective families, legislative employees and guests, to ensure
4 safety of congressional premises, and to sustain the unimpeded performance of the
5 Legislature of its constitutional mandate. The Congressional Police shall be initially
6 comprised of employees under the Office of Sergeant-at-Arms of the House of
7 Representatives and the Senate engaged in the implementation of security rules,
8 regulations and protocols of Congress, protection of Members and Officials of Congress,
9 maintenance of peace, order, and safety within congressional premises, procurement
10 of logistics and other supplies, execution or serving of summons, warrants or *subpoena*,
11 and other similar duties and functions. Thereafter, commissioned and non-
12 commissioned officers of the Congressional Police shall be recruited in accordance with
13 the provisions of this Act.

14 Sec. 9. *Duties and Functions.* – The Congressional Police shall exercise the
15 following duties and functions:

16 a) Protect the person of any Member or Official of Congress, or any member of
17 their immediate family, in any location within the Philippines, upon the determination
18 of the Board that such protection is necessary;

19 b) Ensure the safety of legislative employees and guests within congressional
20 facilities;

21 c) Protect congressional offices, buildings and grounds and other facilities owned
22 or used by Congress;

23 d) Enforce all laws and ordinances relative to the protection of lives and
24 properties within congressional premises;

25 e) Maintain peace and order and take all necessary steps to ensure public safety
26 within congressional premises;

27 f) Effect the arrest, with or without warrant, for any offense against the Republic
28 of the Philippines committed in their presence, or for any felony as cognizable under
29 the Philippine laws committed or being committed within congressional premises;

30 g) Serve warrants and *subpoenas* that may be issued by or upon order of the
31 House of Representatives or the Senate;

1 h) Coordinate with other law enforcement agencies in providing physical security
2 for Members and Officials of Congress outside congressional premises and in collecting
3 and sharing intelligence pertinent in ensuring the security of congressional premises
4 and the safety of Members and Officials of Congress and the members of their
5 immediate family;

6 i) Procure and maintain firearms, ammunitions and other equipment and
7 facilities necessary for the performance of its duties and functions;

8 j) Facilitate the application and issuance of License to Own and Possess Firearms
9 (LTOPF) or Permit to Carry Firearms Outside Residence (PTCFOR) to Members and
10 Officials of Congress, members of the Congressional Police, and qualified legislative
11 employees; and

12 k) Perform such other duties and exercise all other functions as may be provided
13 by law or assigned by the Board.

14 Sec. 10. *Organization.* – The Congressional Police shall be headed by a Chief
15 who shall be assisted by two (2) deputy chiefs. The Chief and Deputy Chiefs of the
16 Congressional Police shall be appointed jointly by the Speaker of the House and the
17 President of the Senate.

18 Sec. 11. *Powers and Functions of the Chief of the Congressional Police.* – The
19 command and direction of the Congressional Police shall be vested in the Chief of the
20 Congressional Police who shall have the power to direct and control tactical as well as
21 strategic movements, deployment, placement, utilization of the Congressional Police or
22 any of its units and personnel, including its equipment, facilities and other resources.

23 Sec. 12. *Rank Classification.* – For purposes of efficient administration,
24 supervision and control, the rank classification of the members of the Congressional
25 Police shall be as follows:

26 Congressional Police Major General

27 Congressional Police Brigadier General

28 Congressional Police Colonel

29 Congressional Police Lieutenant Colonel

30 Congressional Police Major

31 Congressional Police Captain

32 Congressional Police Lieutenant

1 Congressional Police Executive Master Sergeant

2 Congressional Police Chief Master Sergeant.

3 Congressional Police Senior Master Sergeant

4 Congressional Police Master Sergeant

5 Congressional Police Staff Sergeant

6 Congressional Police Corporal

7 Congressional Patrolman/Patrolwoman

8 Sec. 13. *Qualifications.* – No person shall be appointed as officer or member of
9 the Congressional Police unless the prospective congressional police officer possesses
10 the following minimum qualifications:

11 a) A citizen of the Philippines;

12 b) A person of good moral conduct;

13 c) Must have passed the psychiatric/psychological, drug and physical tests to be
14 conducted by any government hospital for the purpose of determining physical and
15 mental health;

16 d) Must possess a formal baccalaureate degree from a recognized institution of
17 learning;

18 e) Must be eligible in accordance with the standards set by the Commission;

19 f) Must not have been dishonorably discharged from military employment or
20 dismissed for cause from any civilian position in the Government;

21 g) Must not have been convicted by final judgment of an offense or crime
22 involving moral turpitude;

23 h) Must be eligible in accordance with the standards set by the Board; and

24 i) For a new applicant, must not be less than twenty-one (21) nor more than
25 thirty (30) years of age:

26 *Provided,* That with the exception of the last qualification, the above-enumerated
27 qualifications shall be continuing in character and an absence of any one of them at any
28 given time shall be a ground for separation or retirement from the service.

29 Sec. 14. *Training Program.* – All uniformed members of the Congressional Police
30 shall undergo a training program involving actual experience in patrol operations,
31 executive protection and physical defense, emergency medical response, firearms and
32 marksmanship, intelligence gathering and investigation, search and seizure, disaster

1 and crisis response, and other relevant skills and proficiencies as a requirement for
2 permanency of their appointment. Commissioned and non-commissioned officers of the
3 Congressional Police shall undergo training and education in the Philippine Public Safety
4 College or any equivalent training institutions to be selected by the Board.

5 Sec. 15. *Salaries and Benefits.* – The uniformed personnel and civilian employees
6 of the Congressional Police shall receive salaries, benefits, and allowances authorized
7 for their respective positions pursuant to existing laws, rules and regulations.

8 Sec. 16. *Uniformed Personnel Promotion.* – Any commissioned or non-
9 commissioned officer of the Congressional Police shall be eligible for promotion upon
10 the satisfaction of all requirements for promotion prescribed by the Board: *Provided,*
11 That special or meritorious promotion may be extended, upon validation of the Board,
12 to any commissioned or non-commissioned officer of the Congressional Police for
13 actions demonstrating a deed of personal bravery, courage, gallantry, or self-sacrifice
14 above and beyond the call of duty.

15 Sec. 17. *Death and Disability Benefits.* – Commissioned or non-commissioned
16 officers of the Congressional Police and/or their legal beneficiaries shall be entitled to
17 all benefits relative to the death or permanent incapacity suffered in the performance
18 of their duty as provided for under this Act and other existing laws.

19 A commissioned or non-commissioned officer of the Congressional Police who is
20 permanently and totally disabled as a result of injuries suffered or sickness contracted
21 in the performance of the officer's duty shall, upon finding and certification by the
22 appropriate medical officer that the extent of the disability or sickness renders such
23 congressional police officer is unfit or unable to further perform the duties of the said
24 officer's position as duly certified by the Board, be entitled to one year's salary and to
25 lifetime pension equivalent to eighty percent (80%) of the officer's last salary, in
26 addition to other benefits as provided under existing laws.

27 Should such congressional police officer who has been retired under permanent
28 total disability under this section dies within five (5) years from the officer's retirement,
29 the officer's surviving legal spouse or, if there be none, the surviving dependent
30 legitimate children shall be entitled to the pension for the remainder of the five (5)
31 years guaranteed period.

1 Sec. 18. *Compulsory Retirement.* – Compulsory retirement shall be upon the
2 attainment of age fifty-six (56) years for commissioned and non-commissioned officers
3 of the Congressional Police.

4 Sec. 19. *Optional Retirement.* – A commissioned and non-commissioned officer
5 of the Congressional Police shall, at the officer's own request and with the approval of
6 the Commission, be retired from the service and entitled to receive benefits provided
7 for by law: *Provided*, That the commissioned and non-commissioned officer concerned
8 must accumulate at least twenty (20) years of satisfactory active service prior to the
9 application for optional retirement.

10 Sec. 20. *Retirement in the Next Higher Rank.* – Commissioned and non-
11 commissioned officers of the Congressional Police shall, for the purpose of retirement
12 pay, be retired in one (1) rank higher than the permanent rank last held: *Provided*, That
13 they have served for at least one (1) year of active service in the permanent rank.

14 Sec. 21. *Retirement Benefits.* – Monthly retirement pay shall be fifty percent
15 (50%) of the base pay and longevity pay of the retired rank in case of twenty (20)
16 years of active service, increasing by two and one-half percent (2.5%) for every year
17 of active service rendered beyond twenty (20) years to a maximum of ninety percent
18 (90%) for thirty-six (36) years of active service and over: *Provided*, That, the
19 commissioned and non-commissioned officers of the Congressional Police shall have
20 the option to receive in advance and in lump sum their respective retirement pay for
21 the first five (5) years: *Provided, further*, That payment of the retirement benefits in
22 lump sum shall be made within one (1) month from effectivity date of retirement and/or
23 completion: *Provided, finally*, That retirement pay of the commissioned and non-
24 commissioned officers of the Congressional Police shall be subject to adjustments based
25 on the prevailing scale of base pay of police personnel in the active service.

26 Sec. 22. *Uniformed Personnel Pension Fund.* – A Uniformed Personnel (U/P)
27 Insurance Fund, hereinafter referred to as U/P Insurance Fund, shall be created to
28 manage and finance the pension requirements of the uniformed personnel of the
29 Congressional Police.

30 The Government Service Insurance System (GSIS) shall be responsible for the
31 administration of the U/P Insurance Fund and the implementation of the pertinent
32 provisions of this Act: *Provided*, That the U/P Insurance Fund shall be administered and

1 reported separately from the GSIS Social Insurance Fund provided under Section 34 of
2 Republic Act No. 8291, otherwise known as "*The Government Service Insurance System*
3 *Act of 1997.*"

4 The U/P Insurance Fund shall not be used for purposes other than those provided
5 for under this Act. No portion of the U/P Insurance Fund or income thereof shall accrue
6 to the General Fund of the national government and its political subdivisions,
7 instrumentalities and other agencies including government-owned and controlled
8 corporations except as may be allowed under this Act.

9 Sec. 23. *Insurance Fund Generation.* – Congress shall, on a monthly basis,
10 contribute to the U/P Insurance Fund an amount equivalent to fifteen percent (15%)
11 of the monthly base pay of their uniformed personnel of the Congressional Police.
12 Uniformed personnel of the Congressional Police shall, on a monthly basis, contribute
13 to the U/P Insurance Fund an amount equivalent to six percent (6%) of their respective
14 monthly base pay.

15 The manner of collection and remittance of contributions to the U/P Insurance
16 Fund shall be in accordance with the relevant provisions of Republic Act No. 8291,
17 otherwise known as "*The Government Service Insurance System Act of 1997.*"

18 Sec. 24. *Insurance Fund Investments.* – The portions of the U/P Insurance Fund
19 which are not needed to meet any current obligation may be invested in accordance
20 with Section 36 of Republic Act No. 8291, otherwise known as "*The Government Service*
21 *Insurance System Act of 1997.*"

22 Sec. 25. *Grant of Additional Retirement and Separation Benefits.* – GSIS may,
23 upon determination of actuarial soundness, provide better pension benefits to qualified
24 uniformed personnel retirees covered by the U/P Insurance Fund.

25 Sec. 26. *Insurance Fund Exemptions from Tax, Legal Process and Lien.* – Any
26 provision of the law to the contrary notwithstanding, all contributions for the U/P
27 Insurance Fund and all accruals thereto and income or investment earnings therefrom
28 shall be exempt from any tax, assessment, fee, charge, or customs or import duty in
29 accordance with Section 39 of Republic Act No. 8291, otherwise known as "*The*
30 *Government Service Insurance System Act of 1997.*"

1 Sec. 27. *Insurance Fund Guarantee.* – The government of the Republic of the
2 Philippines hereby guarantees the fulfillment of the obligations of the GSIS to uniformed
3 personnel of the Congressional Police covered by the U/P Insurance Fund as and when
4 they fall due.

5 Sec. 28. *Cost of U/P Insurance Fund Administration.* – The U/P Insurance Fund
6 shall bear the costs of its administration and development, in such amounts and for
7 limits as the GSIS Board of Trustees may deem appropriate, but not exceeding ten
8 percent (10%) of the annual revenues from all sources: *Provided, That* the President
9 of the Philippines may, on the basis of actuarial and management studies, increase
10 allotment for the administrative and operational expenses for the U/P Insurance Fund.

11 Sec. 29. *Insurance Fund Audit.* – The audit of the U/P Insurance Fund shall be
12 conducted in accordance with Section 22 of Republic Act No. 8291, otherwise known as
13 "*The Government Service Insurance System Act of 1997.*"

14 Sec. 30. *Retirement and Separation of Non-Uniformed Personnel Employees of*
15 *the Congressional Police.* – The retirement and separation of non-uniformed personnel
16 of the Congressional Police shall be in accordance with existing civil service laws, rules
17 and regulations.

18 Sec. 31. *Rationalization of Retirement and Separation Benefits.* – The Board shall
19 formulate a rationalized retirement and separation benefits schedule and program
20 within one (1) year from the effectivity of this Act for approval by Congress: *Provided,*
21 *That* the approved schedule and program shall have retroactive effect in favor of
22 commissioned and non-commissioned officers of the Congressional Police retired or
23 separated from the time specified in the law, unless the retirement or separation is for
24 cause and the decision denies the grant of benefits.

25 Sec. 32. *Assistance of Agencies under the Executive Department.* – Upon the
26 request of the Board, government agencies and instrumentalities under the Executive
27 Department may extend assistance to the Congressional Police in the performance of
28 its duties and functions by providing services (including personnel), equipment, and
29 facilities on a temporary or permanent basis.

30 Sec. 33. *Organizational Structure and Staffing Pattern.* – Subject to the approval
31 of the Department of Budget and Management (DBM), the Board and the Congressional
32 Police shall determine its organizational structure and create new bureaus, divisions or

1 units as it may deem necessary, and shall appoint officers and personnel in accordance
2 with existing laws, rules, and regulations.

3 Sec. 34. *Transition Period.* – The transfer of the pertinent functions, assets,
4 funds, equipment, properties, records, transactions, and personnel, and the formulation
5 of the internal organic structure, staffing pattern, operating system, and budget for the
6 Congressional Police, shall be completed within six (6) months from the effectivity of
7 this Act, during which time, the existing personnel shall continue to assume their posts
8 in holdover capacities until new appointments are issued: *Provided,* That the Board, in
9 coordination with the DBM, shall determine and create new positions and its
10 corresponding funding requirements: *Provided, further,* That any permanent or regular
11 employee transferred to the Congressional Police shall not suffer any reduction,
12 diminution or withdrawal of salaries and benefits already enjoyed by the employee
13 concerned.

14 Sec. 35. *Appropriations.* – The amount necessary for the implementation of the
15 provisions of this Act shall be included in the annual General Appropriations Act
16 following its enactment into law.

17 Sec. 36. *Implementing Rules and Regulations.* – The House of Representatives
18 and the Senate, in consultation with the Civil Service Commission, DBM and GSIS, shall
19 jointly promulgate the necessary implementing rules and regulations within thirty (30)
20 days upon the effectivity of this Act.

21 Sec. 37. *Repealing Clause.* – All laws, decrees, orders, rules and regulations or
22 parts thereof inconsistent with any of the provisions of this Act are hereby repealed,
23 amended or modified accordingly.

24 Sec. 38. *Separability Clause.* - If, for any reason, any provision of this Act or any
25 part thereof shall be held unconstitutional and invalid, the other parts or provisions of
26 this Act, which are not affected thereby, shall remain in full force and effect.

27 Sec. 39. *Effectivity Clause.* – This Act shall take effect fifteen (15) days after its
28 complete publication in the *Official Gazette* or in at least two (2) newspapers of general
29 circulation.

Approved,