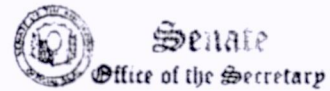


EIGHTEENTH CONGRESS OF THE)  
REPUBLIC OF THE PHILIPPINES )  
*First Regular Session* )



20 MAR -2 P4:59

**SENATE**

S.B. No. 1385

RECEIVED BY:

Introduced by **SENATOR IMEE R. MARCOS**

**AN ACT**  
**STRENGTHENING THE INTERNAL AFFAIRS SERVICE (IAS) OF THE**  
**PHILIPPINE NATIONAL POLICE (PNP), AMENDING FOR THE PURPOSE**  
**REPUBLIC ACT NO. 8551, OTHERWISE KNOWN AS THE "PHILIPPINE**  
**NATIONAL POLICE REFORM AND REORGANIZATION ACT OF 1998"**

EXPLANATORY NOTE

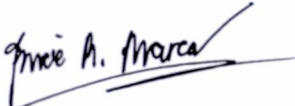
Article II, Section 5 of the Constitution provides that the maintenance of peace and order, the protection of life, liberty, and property, and the promotion of the general welfare are essential for the enjoyment by all the people of the blessings of democracy. The Philippine National Police (PNP) with its motto, "to serve and protect", plays a vital role in the government's efforts to pursue the said sacred mandate.

However, the PNP has been marred by accusations of graft and corruption and other irregularities. During the last quarter of the year 2019, the *Ninja Cops* controversy rocked the PNP. These *Ninja Cops* profit from drug raids by reporting only a portion of the confiscated drugs, thereafter, misappropriating, misapplying, and failing to account the seized or surrendered drugs. Equally alarming are the allegations of PNP officials who are meddling in the administrative cases of their subordinates.

Since the blow of the *Ninja Cops* controversy, the reorganization of the Internal Affairs Service (IAS) has become a pressing issue. The Internal Affairs Service (IAS) is the mandated institutional watchdog agency of the Philippine National Police (PNP) organization. It is the institution which discipline, monitor, investigate and adjudicate administrative cases of erring PNP personnel.

This bill seeks to strengthen the Internal Affairs Service of the PNP with emphasis on fiscal autonomy, expanded adjudicatory powers and capacity building of its personnel. The proposed amendments will boost the effectiveness of the IAS to implement a disciplinary mechanism on the PNP towards a common vision of maintaining an effective and upright police force.

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

  
**IMEE R. MARCOS**  
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. Declaration of Policy-** The Philippine National Police plays an  
2 important role in giving life to the mandate of the state of maintaining peace and order  
3 and in protecting life, liberty and property. The state recognizes the need to  
4 strengthen the Internal Affairs Service of the Philippine National Police to be an  
5 effective disciplinary mechanism of the police force and preserve its integrity. Towards  
6 this end, there is a need to introduce reforms in the Internal Affairs Service by  
7 formulating and implementing a capacity building program for its personnel, an  
8 upgraded recruitment process based on competency framework, an expanded  
9 adjudicatory powers and fiscal autonomy.

10  
11           **SEC. 2. Mandate of the Internal Affairs Service (IAS)**—The IAS shall be  
12 an independent, impartial, effective and efficient institutional guardian of integrity of  
13 the Philippine National Police (PNP). It shall be an essential part of the disciplinary  
14 mechanism of the PNP and shall be independent in all matters concerning the  
15 investigation and the discipline of uniformed personnel.

16  
17           **SEC. 3. Powers and Functions-** The IAS shall have the following powers  
18 and functions:

- 19  
20           a) Pro-actively conduct inspections and audits on PNP personnel and units;  
21           b) Investigate complaints and gather evidence in support of an open  
22           investigation;  
23           c) Conduct summary hearings on PNP members facing administrative charges;  
24           d) Submit a periodic report on the assessment, analysis, and evaluation of the  
25           character and behavior of PNP personnel and units to the Chief PNP and the  
26           Commission;  
27           e) File appropriate criminal cases against PNP members before the court as  
28           evidence warrants and assist in the prosecution of the case;

- 1 f) Conduct intelligence operations in aid of lifestyle checks and investigations;  
2 g) Provide assistance to the Office of the Ombudsman in cases involving the  
3 personnel of the PNP.  
4 h) Recommend to the Department of Justice for the protection of witnesses  
5 who are vital to the conduct of investigation and effective prosecution of  
6 PNP personnel facing administrative or criminal case.  
7

8 The IAS shall also conduct, *motu proprio*, automatic investigation of the  
9 following cases:  
10

- 11 a) Incidents where a police personnel discharges a firearm;  
12 b) Incidents where death, serious physical injury, or any violation of human  
13 rights occurred in the conduct of a police operation;  
14 c) Incidents where evidence was compromised, tampered with, obliterated, or  
15 lost while in the custody of police personnel;  
16 d) Incidents where a suspect in the custody of the police dies or is seriously  
17 injured; and  
18 e) Incidents where the established rules of engagement have been violated;  
19 f) All acts and omissions of PNP personnel which tend to discredit or tarnish  
20 the image of the PNP organization.  
21

22 Finally, the IAS shall provide documents or recommendations as regards to the  
23 promotion of the members of the PNP or the assignment of PNP personnel to any key  
24 position.  
25

26 **SEC. 4. Organization** – The IAS shall have national, regional, and provincial  
27 offices. The National Police Commission (NAPOLCOM) may establish such other offices  
28 that are deemed necessary upon the recommendation of the Inspector General.  
29

30 The Internal Affairs Service shall be headed by an Inspector General with a  
31 rank equivalent to an undersecretary of a department. He shall be assisted by a Deputy  
32 Inspector General with rank of Police Lieutenant General.  
33

34 The head of the Internal Affairs Service shall be a civilian who shall meet the  
35 requirements as provided herein.  
36

37 The regional offices shall be headed by a director with a rank of Police Brigadier  
38 General except for the director of the national capital region who shall be a Police  
39 Major General.  
40

41 The provincial internal affairs service offices shall be headed by a police colonel  
42 or a civilian of equivalent grade.  
43

44 Uniformed PNP personnel who joined or transferred to the internal affairs  
45 service shall be barred thereafter from joining or being appointed to any position in  
46 other units of the PNP.  
47

1           **SEC. 5. Staffing Pattern, Personnel Strength, Logistics and Financial**  
2 **System.** – The IAS shall establish a rationalized staffing pattern in accordance with  
3 its organizational structure.  
4

5           It shall have a separate recruitment quota for uniformed personnel and non-  
6 uniformed personnel subject to the approval of the NAPOLCOM.  
7

8           It shall have an allocation quota from the graduates of the Philippine National  
9 Police Academy (PNPA).  
10

11           The authorized strength of IAS shall not exceed five percent (5%) of the total  
12 strength of the PNP. The non-uniformed allocation shall not exceed forty percent  
13 (40%) of its strength.  
14

15           It shall have a separate financial and logistics management and services  
16 program subject to the approval of the NAPOLCOM.  
17

18           **SEC. 6. Capacity Building and Recruitment**—The Internal Affairs Service  
19 shall formulate and implement a career development program for its personnel to be  
20 able to effectively carry out its tasks and functions. Such program shall include a test  
21 to determine the merit and fitness of its personnel to carry out the functions of their  
22 respective position.  
23

24           The IAS shall formulate an upgraded criteria and qualifications based on competency  
25 framework, subject to the approval of NAPOLCOM, to fill-in available positions.  
26

27           **SEC. 7. Optional Retirement**—Within one (1) year from the effectivity of  
28 this Act, personnel of IAS may opt to retire or be separated from service and shall be  
29 entitled to any of the following applicable incentives:

- 30           (a) One hundred percent (100%) of the monthly basic salary for every year of  
31 government service computed starting from the first year for those who have  
32 rendered one (1) year to less than five (5) years of service;  
33           (b) One hundred fifty percent (150%) of the actual monthly basic salary for every  
34 year of government service computed starting from the first year for those  
35 who have rendered five (5) years of service but less than (10) years; or  
36           (c) Two (2) months of actual monthly basic salary for every year of government  
37 service computed starting from first year for those who have rendered ten (10)  
38 years or more of service.  
39

40           Personnel who are retired or are separated from the service shall not be re-  
41 employed in any agency of the National Government, including government-owned or  
42 controlled corporations for a period of five (5) years. The retired or separated  
43 personnel who are re-employed during the prohibited period shall refund, on a  
44 prorated basis, the separation incentives they received under this section.  
45

46           **SEC. 8. Appointments.** – The Inspector General shall be appointed by the  
47 President upon the recommendation of the Director General of the PNP and duly  
48 endorsed by the National Police Commission. Appointments of personnel who shall

1 occupy various positions shall be made by the Inspector General and shall be based  
2 on criteria and qualifications to be promulgated pursuant to section 6 of this Act.

3  
4 **SEC. 9. Term of Office and Qualifications of the Inspector General–**

5 The Inspector General shall serve for a term of seven (7) years without reappointment  
6 or extension.

7  
8 No person shall be appointed as Inspector General unless he is a citizen of the  
9 Philippines, a member of the Philippine bar in good standing with at least fifteen (15)  
10 years in the practice of law and with proven competence and expertise in handling  
11 administrative or criminal cases and not an active or retired member of the PNP.

12  
13 **SEC. 10. Entry Qualifications to IAS.** – Entry or transfer to the Internal  
14 Affairs Service shall be voluntary and subject to rigid screening where only PNP  
15 personnel who have at least five (5) years experience in law enforcement, police  
16 investigation and intelligence and who have no derogatory service records shall be  
17 considered for appointment: Provided, That members of the Bar may enter the service  
18 laterally.

19  
20 **SEC. 11. Rules of Procedure** - The IAS shall formulate and adopt its own  
21 rules and procedure in the hearing and resolution of cases filed or pending before it.  
22 Subject to the requirements of due process, the technicalities of law and procedure  
23 and the rules obtaining in the courts of law shall not strictly apply thereto.

24  
25 **SEC. 12. Decision of the IAS–** Where the penalty imposed is dismissal,  
26 demotion or suspension for a period exceeding ninety (90) days, or forfeiture of  
27 benefits equivalent to more than ninety (90) days pay, the decision of the IAS, with  
28 respect to 2<sup>nd</sup> level officers of the PNP, shall be executory after fifteen (15) days from  
29 receipt of the notice of decision by the respondent, without prejudice to the filing of  
30 an appeal. Such decision of the IAS as regards 1<sup>st</sup> level officers of the PNP shall  
31 be executory after fifteen (15) days from the notice of denial of the motion for  
32 reconsideration by the Office of the Chief PNP, without prejudice to the filing of an  
33 appeal.

34  
35 Where the penalty imposed is suspension for a period not exceeding ninety  
36 (90) days, or forfeiture of benefits not exceeding ninety (90) days pay, the decision  
37 shall be final and executory.

38  
39 The failure of any head of the PNP unit/office to implement the decisions of the  
40 IAS, within fifteen (15) days from receipt thereof, or who acts with abuse of discretion  
41 shall be liable for gross neglect of duty.

42  
43 Where a PNP member is convicted of a charge imposed with a penalty of  
44 demotion in rank, he/she shall be ineligible for promotion for a period of three (3)  
45 years from the effectivity thereof.

1           Where the penalty imposed is suspension for a period of more than thirty (30)  
2 days but not exceeding ninety (90) days, he/she shall be ineligible for promotion for  
3 a period of two (2) years from the effectivity thereof.  
4

5           Where the penalty imposed is suspension not exceeding thirty (30) days,  
6 he/she shall be ineligible for promotion for a period of one (1) year from the effectivity  
7 thereof.  
8

9           **SEC. 13. *Source of Funds***—The appropriations for the Office of the Internal  
10 Affairs Service shall be presented as a specific item in the budget of the Department  
11 of the Interior and Local Government in the Annual Appropriations Act.  
12

13           **SEC. 14. *Implementing Rules and Regulations***. - The Department of  
14 Interior and Local Government (DILG), National Police Commission (NAPOLCOM) and  
15 the Philippine National Police (PNP) shall jointly formulate the necessary rules and  
16 regulations within ninety (90) days from approval of this Act, for its effective  
17 implementation.  
18

19           **SEC. 15. *Separability Clause***. - If any provision of this Act is held invalid,  
20 the other provisions not affected shall remain in full force and effect.  
21

22           **SEC. 16. *Repealing Clause***. - All laws, decrees or rules inconsistent with this  
23 Act are hereby repealed or modified accordingly.  
24

25           **SEC. 17. *Effectivity***. - This Act shall take effect fifteen (15) days after the  
26 completion of its publication in the *Official Gazette* or in at least two (2) newspapers  
27 of general circulation.

*Approved,*