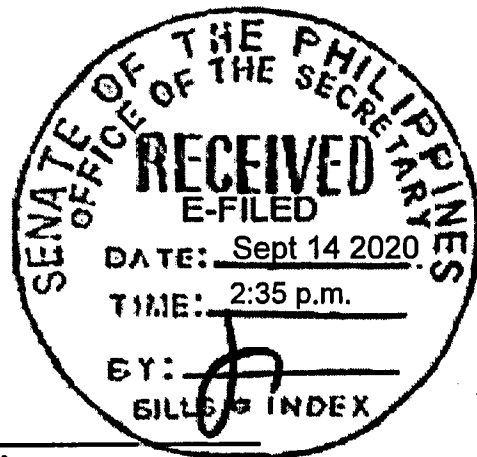


EIGHTEENTH CONGRESS OF THE)
REPUBLIC OF THE PHILIPPINES)
Second Regular Session

SENATE
S.B. No. 1828



Introduced by Senator Richard "Dick" J. Gordon

**AN ACT ESTABLISHING THE POLICE LAW ENFORCEMENT COURTS,
GRANTING THESE JURISDICTION OVER CIVIL AND CRIMINAL CASES
ARISING FROM VIOLATIONS OF CONSTITUTIONAL RIGHTS AND PNP
RULES OF ENGAGEMENT COMMITTED BY THE POLICE, AMENDING BATAS
PAMBANSA BILANG 129, AS AMENDED, OTHERWISE KNOWN AS "THE
JUDICIARY REORGANIZATION ACT OF 1980," AND PD 1606 AS AMENDED
BY RA 10660 CREATING A SPECIAL COURT TO BE KNOWN AS
"SANDIGANBAYAN" APPROPRIATING FUNDS THEREFOR AND FOR OTHER
PURPOSES**

EXPLANATORY NOTE

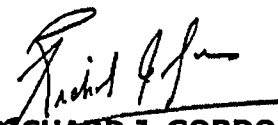
The obligation of the government to protect the people is a duty so sacrosanct, it is fundamental to the legitimacy of the establishment of the state.

The spate of controversial reports on alleged extra-judicial killings and the report on the existence of alleged death squads, attributing some murders to government-sanctioned killings fueled the filing of two Senate Resolutions in the 17th Congress that prompted the Committee on Justice to investigate, in aid of legislation, the alleged recent and rampant killings in the country. Although the Committee did not find any proof that there exists a state-sponsored policy authorizing extra-judicial killings, the Committee found that unabated killings have been continuing for some 20 years already, crossing several administrations, and yet measures taken by police authorities to prevent and investigate such have not resulted in a significant impact on bringing down such killings.

Throughout these years, the only constant in the equation is the existence of the police and its concomitant duty to prevent; and if it cannot be prevented, then investigate these killings. With the recent strong campaign against illegal drugs and criminality initiated by the President, there is a growing need to ensure that the police's execution of its duty follows its rules of engagement and is within the purview of the law. While we expect the police to do their job with palpable vigor in enforcing the

law and carrying out the President's orders, such "presidential encouragement" does not give the police the license to violate the constitutional rights of suspects.

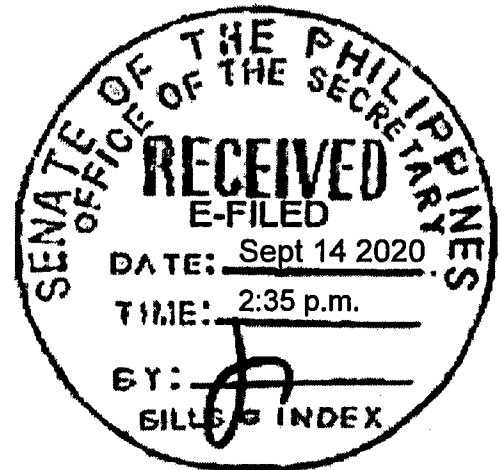
Under the social contract theory, the police must realize that they draw their authority to carry guns and enforce the law from the citizens. Thus, they are expected to enforce the law to the letter. Should the police use their guns against innocent civilians or, should they summarily execute people, they must be punished and removed from service with dispatch, without sacrificing due process, to preserve the trust of the people in its government. This bill seeks to shield the citizenry from the use of the police of unbridled power, leading to violation of constitutional rights, by providing a special court that will render speedy and impartial trial of all complaints against the police in the performance of their duties.



RICHARD J. GORDON
Senator

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

SENATE
S.B. No. **1828**



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

AN ACT ESTABLISHING THE POLICE LAW ENFORCEMENT COURTS, GRANTING THESE JURISDICTION OVER CIVIL AND CRIMINAL CASES ARISING FROM VIOLATIONS OF CONSTITUTIONAL RIGHTS AND PNP RULES OF ENGAGEMENT COMMITTED BY THE POLICE, AMENDING BATAS PAMBANSA BILANG 129, AS AMENDED, OTHERWISE KNOWN AS "THE JUDICIARY REORGANIZATION ACT OF 1980," AND PD 1606 AS AMENDED BY RA 10660 CREATING A SPECIAL COURT TO BE KNOWN AS "SANDIGANBAYAN" APPROPRIATING FUNDS THEREFOR AND FOR 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 "**Police Courts Act of**
2 **2020.**"

3 **SEC. 2. Declaration of Policy.** - It is the policy of the State to value the dignity of
4 every human person and guarantee full respect for human rights. To uphold this duty,
5 the State shall prosecute rogue police elements through a special court that will
6 provide the public fair, impartial and speedy disposition of complaints for violations
7 of constitutional rights and PNP operational procedures and code of ethical standards
8 committed by the members of the Philippine National Police free from the "kabaro
9 system."

10 **SEC. 3. Establishment of Police Law Enforcement Court ("Police Court") and**
11 **Appellate Police Law Enforcement Court ("Appellate Police Court").** - The Supreme
12 Court shall create a special court designated as the Police Law Enforcement Court
13 ("Police Court"), among existing Regional Trial Courts which shall handle all civil and
14 criminal cases involving allegations of abuse of authority whether in or off duty of the
15 members of the Philippine National Police including civil and criminal cases arising out

1 of the violation of a member of the Philippine National Police of its PNP operational
2 procedures and other police protocols designed to protect the rights of the accused.
3 The Supreme Court shall likewise designate an Appellate Police Court from among the
4 divisions of the Court of Appeals that shall handle all appeals coming from the Police
5 Courts.

6 **SEC. 4. Qualification and Training of Judges for the Police Law Enforcement**
7 **Courts. - Sec. 15 of Batas Pambansa Big. 129, as amended by Sec. 4 of RA 8369, is**
8 **hereby further amended to read as follows:**

9 "Sec. 15. (a) Qualification. - No person shall be appointed a Regional Trial Judge
10 or a Presiding Family Court OR A POLICE LAW ENFORCEMENT COURT JUDGE, unless
11 he is a natural-born citizen of the Philippines, at least thirty-five (35) years of age,
12 and, for at least ten (10) years, has been engaged in the practice of law in the
13 Philippines or has held a public office in the Philippines requiring the admission to the
14 practice of law as an indispensable requisite.

15 (b) Training of Family Court Judges.- The Presiding Judge, as well as the court
16 personnel of the Family Courts, shall undergo training and must have the experience
17 and demonstrated ability in dealing with child and family cases.

18 "The Supreme Court shall provide a continuing education program on child and family
19 laws, procedure and other related disciplines to judges and personnel of such courts."

20 (c) TRAINING OF POLICE LAW ENFORCEMENT COURT ("POLICE COURT")
21 JUDGES. - THE SUPREME COURT SHALL PROVIDE A PERIODIC AND CONTINUING
22 PROGRAM FOR THE PRESIDING JUDGE AND THE COURT PERSONNEL OF THE POLICE
23 COURTS ON POLICE PROTOCOLS, TACTICS AND RULES OF ENGAGEMENT AND PNP
24 OPERATIONAL PROCEDURES INCLUDING PHILIPPINE AND INTERNATIONAL HUMAN
25 RIGHTS LAWS TO CAPACITATE THE POLICE COURT TO UPHOLD THE DUTY OF THE
26 STATE TO PROMOTE PEACE AND ORDER THROUGHOUT THE COUNTRY WHILE
27 PROTECTING THE CONSTITUTIONAL RIGHTS OF THE CITIZENS."

28 **SEC. 5. Jurisdiction of Police Law Enforcement Courts ("Police Courts").**
29 **- The Police Courts shall have exclusive original jurisdiction to hear and decide the**
30 **following cases:**

1 1.) All civil and criminal cases whenever abuse of authority is alleged whether on
2 or off duty filed against the members of the PNP; *Provided*, that in cases under
3 the exclusive original jurisdiction of the Sandiganbayan, Police Courts shall have
4 exclusive original jurisdiction where the information: (a) does not allege any
5 damage to the government or any bribery; or (b) alleges damage to the
6 government or bribery arising from the same or closely related transactions or
7 acts in an amount not exceeding One million pesos (P1,000,000.00).

8 2.) All civil and criminal cases including the revised penal code and special penal
9 laws arising out of the violation of a member of the Philippine National Police
10 of its rules of PNP Operational Procedure, rules of engagement and other police
11 operational protocols;

12 3.) All civil and criminal cases for violation of constitutional rights where one of the
13 accused is a member of the Philippine National Police;

14 The Police Courts shall have concurrent original jurisdiction in the issuance of writ
15 of habeas corpus where there is evidence that the victim is held under the custody of
16 any of the members of the Philippine National Police.

17 **SEC. 6. *Notice on Transfer/Re-assignment of Police Personnel.*** - In order to ensure
18 continuous prosecution and trial of the case, upon filing of a civil or criminal case
19 before a prosecutor for preliminary investigation or the Police Court for trial, the Chief
20 of the PNP and the NAPOLCOM shall be informed in writing of a case filed against any
21 member of the Philippine National Police. The PNP shall seek approval from the
22 appropriate prosecutor or the Police Court to which the case is assigned of any
23 transfer/reassignment of the accused police personnel subsequent to the filing of the
24 complaint. The PNP shall ensure the attendance of its accused personnel in all hearings
25 before the prosecutor and the Police Court.

26 **SEC. 7. *Jurisdiction of the Appellate Police Law Enforcement Courts ("Appellate
27 Police Courts").*** - Appellate Police Courts shall have exclusive appellate jurisdiction to
28 hear appeals over the Decisions/Resolutions of the Police Courts;

29 In cases where jurisdiction falls within the exclusive appellate jurisdiction of the
30 Sandiganbayan and the Appellate Police Courts, the Appellate Police Courts shall
31 exercise exclusive appellate jurisdiction only on cases decided by the Police Courts.

1 Section 4 of PD 1606 as amended by Section 2 of RA 10660 giving the
2 Sandiganbayan exclusive appellate jurisdiction over final judgments, resolutions or
3 orders of regional trial courts whether in the exercise of their own original jurisdiction
4 or of their appellate jurisdiction are hereby amended accordingly.

5 **SEC. 8. Appeals.** - Decisions and orders of the Police Courts shall be appealed in
6 the same manner and subject to the same conditions as appeals from the ordinary
7 Regional Trial Courts.

8 **SEC. 9. Special Rules of Procedure.** - The Supreme Court shall promulgate special
9 rules of procedure for the transfer of cases to the new courts during the transition
10 period and for the disposition of police cases with the aim of providing the public fair,
11 impartial and speedy disposition of complaints.

12 **SEC. 10. Use of Income.** - The Supreme Court shall be allowed to use ten percent
13 (10%) of the income derived from filing and other court fees under Rule 141 of the
14 Rules of Court for research and other operating expenses including capital outlay.

15 **SEC. 11. Appropriations.** - The amount necessary to carry out the provisions of
16 this Act, including the creation of new courts as may be determined by the Supreme
17 Court whenever the need for more Police Court and Appellate Police Courts so warrant,
18 shall be included in the General Appropriations Act of the year following its enactment
19 into law and thereafter.

20 **SEC. 12. Transitory Provision.** - Pending the issuance of implementing rules and
21 regulations, the Supreme Court shall designate from among existing branches of the
22 Regional Trial Court at least one Police Court in each judicial region.

23 **SEC. 13. Separability Clause** - If any provision of this Act is declared
24 unconstitutional, such sections or parts not affected thereby shall remain in full force
25 and effect.

26 **SEC. 14. Repealing Clause** - all laws, decrees, executive orders, rules and
27 regulations or parts thereof inconsistent with the provisions of this Act are hereby
28 repealed or modified accordingly.

29 **SEC. 15. Effectivity Clause** - This Act shall take effect fifteen (15) days after its
30 publication in the Official Gazette or in at least two (2) national newspaper of general
31 circulation.

32 *Approved,*