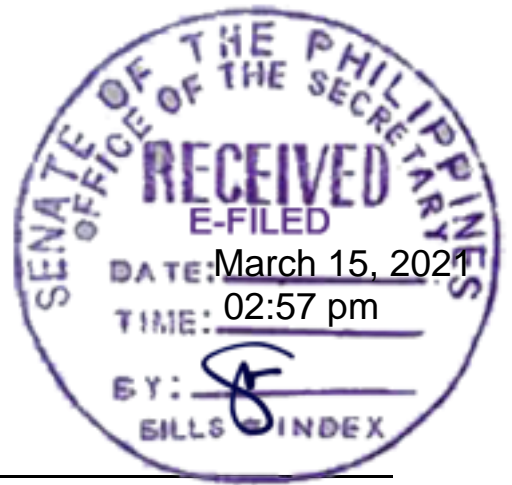


EIGHTEENTH CONGRESS OF THE )  
REPUBLIC OF THE PHILIPPINES )  
*Second Regular Session* )

**SENATE**  
S.B. No. 2104



---

Introduced by **SENATOR IMEE R. MARCOS**

---

**AN ACT PROVIDING FOR THE MODERNIZATION  
AND CAPABILITY ENHANCEMENT OF THE PHILIPPINE NATIONAL  
POLICE, APPROPRIATING FUNDS THEREFOR, AND FOR OTHER  
PURPOSES**

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."*

Accordingly, the Philippine National Police was created under Republic Act No. 6975 or the *"Department of Interior and Local Government Act of 1990"*, with the mandate to enforce all laws and ordinances relative to the protection of lives and properties and to maintain peace and order to ensure public safety, among others.

Nearly three decades after, the country is now confronted with various permutations of crimes and serious threats against national security, employing exceedingly sophisticated modes of planning and execution, surely not the kind yet contemplated when Republic Act No. 6975 was enacted into law.

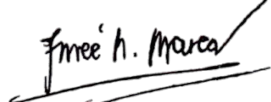
Just last August 2020, news of two back-to-back explosions in Jolo, Sulu shocked the entire country, killing fourteen (14) people while injuring seventy-five (7) others, sending out a clear message that even a global pandemic will not dampen the resolve of terrorists to wreak havoc in order to get what they want.

On the other hand, recent news on “misencounters” with and blatant violation of the laws committed by police officers have seriously cast a negative light on the image of the entire Philippine National Police (PNP).

Very recently, the death of Calbayog Mayor Ronald Aquino was believed to have been caused by “rouge elements” of the PNP. A few days prior to this, what was supposed to be a drug buy-bust operation led to the killing of four (4) people due to an alleged “misencounter” between the PNP and the Philippine Drug Enforcement Agency (PDEA).

In order to effectively address these concerns, this bill seeks to modernize various components of the PNP by upgrading its infrastructure and capability development. More importantly, this also includes human resources and doctrine development, in an effort to emphasize its core values -- *"maka-Diyos, maka-Bayan, maka-tao, at maka-kalikasan."*

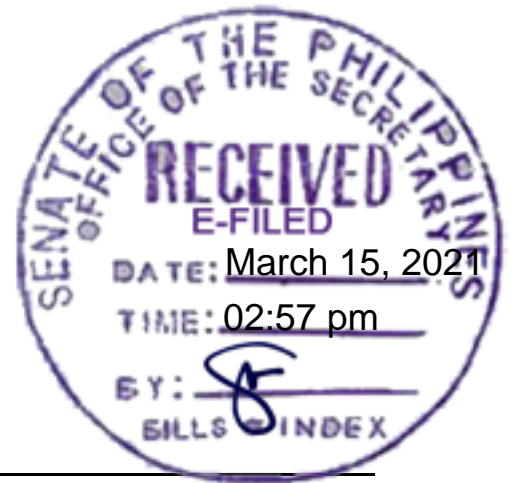
As such, the immediate passage of this bill is earnestly sought.



**IMEE R. MARCOS**

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

**SENATE**  
S.B. No. 2104



---

Introduced by **SENATOR IMEE R. MARCOS**

---

**AN ACT PROVIDING FOR THE MODERNIZATION  
AND CAPABILITY ENHANCEMENT OF THE PHILIPPINE NATIONAL  
POLICE, APPROPRIATING FUNDS THEREFOR, AND FOR OTHER  
PURPOSES**

*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 "*Philippine National*  
2           *Police Modernization and Capability Enhancement Act.*"

3  
4           **SEC. 2. Declaration of Policy.** – It is hereby declared the policy of the State  
5           to modernize the Philippine National Police (PNP) to a level where it can effectively  
6           and fully perform its constitutional mandate to promote peace and order, ensure  
7           public safety and internal security as well as to effectively carry out its mandate of  
8           police law enforcement.

9  
10           Towards this end, the State shall develop the capability of the PNP with a  
11           view of transforming it into a highly efficient, capable and competent police force  
12           with a service-oriented culture among its ranks based on integrity and love of  
13           country.

14  
15           The PNP shall uphold protect human rights.

16  
17           The thrusts of the PNP modernization shall be:

- 18  
19           a. The acquisition and upgrading of basic police equipment and law  
20           enforcement facilities;  
21           b. The acquisition, construction improvement and upgrading of buildings,  
22           facilities and/or offices as centers or headquarters for police  
23           operations in local government units;

- 1 c. The acquisition and upgrading of appropriate technology and
- 2 equipment;
- 3 d. The undertaking of reforms in the recruitment, training, employment,
- 4 and management of PNP personnel; and
- 5 e. The development, validation or modification of PNP doctrines.

6  
7 **SEC. 3. *PNP Modernization Thrusts.*** – As used in this Act, the term  
8 "*modernization*" shall be understood to mean the state of being enlivened or the  
9 condition of achieving a dynamic level of performing police functions, law  
10 enforcement operations, and frontline public safety services, and pursuing modern  
11 approaches against criminality with the end view of establishing and maintaining for  
12 all people a safe, secure, orderly, peaceful, and prosperous nation. Towards this  
13 aspiration, the PNP shall pursue the following modernization thrusts:

- 14
- 15 a. Fill-up of basic equipage and construction of standard police stations
- 16 and offices nationwide;
- 17 b. Acquisition of modern equipage;
- 18 c. Adoption of secured, modern, artificial intelligence (AI)-driven, real-
- 19 time information and communications technology (ICT) systems to
- 20 modernize and integrate police administration and operations;
- 21 d. Strengthening of police coordination and cooperation with the
- 22 citizenry, local governments, public safety agencies, other law
- 23 enforcement agencies and pillars of the criminal justice system, and
- 24 the regional and international police communities; and
- 25 e. Enhancing law enforcement approach and intensified operations
- 26 against transnational crime and emerging forms of criminality,
- 27 insurgency, terrorism, and other serious threats to national security.

28  
29 **SEC. 4. *Components of the Modernization and Capability Enhancement***  
30 ***Program.*** – The PNP modernization thrusts shall be realized through the  
31 implementation of a Modernization and Capability Enhancement Program.

32  
33 As used in this Act, the term police "*capability enhancement*" shall be  
34 understood to mean a measurable improvement in the performance of PNP  
35 mandates that translates into an enduring ability to enforce the law, prevent and  
36 control crimes, maintain peace and order, ensure public safety and internal security,  
37 and protect the country against threats to national security including terrorism.

38  
39 The Modernization and Capability Enhancement Program shall consist of the  
40 following components:

1           1) Human Resources Development – This pertains to the professionalization  
2 of its human resources, the transformation of its personnel into pro-country, pro-  
3 people, pro-environment and pro-God proponents with a high level of spiritual and  
4 moral values and sincere regard for human rights.

5  
6           2) Doctrine Development – This requires the rationalization of systems,  
7 standards and procedures in the administration of the PNP. Thus, towards this end,  
8 the National Police Commission and the Office of the Chief PNP shall be responsible  
9 for the generation, evaluation, consolidation and formalization of doctrines, and the  
10 conduct of periodic review of doctrines through field application, testing and  
11 exercises as well as dissemination of approved doctrines at all levels of command.

12  
13           3) Infrastructure and Facilities Development – The objectives of this  
14 component are:

15  
16           A. Establishment of Standard Infrastructure and Basic Facilities

17  
18                   i. Construction and upgrading of standard infrastructure that are  
19 accessible and suited to the peculiar topography of or weather  
20 conditions in the area, with provision for adequate perimeter fencing;

21  
22                   ii. Construction and upgrading of basic facilities for administrative,  
23 investigative, and operational functions, such as: crime laboratory;  
24 evidence rooms; storage rooms; records rooms; appropriate custodial  
25 facilities; communications systems; research and development  
26 centers; training institutions; hospitals and dispensaries for delivery  
27 of medical and dental services; and quartering and barracks facilities,  
28 in accordance with approved camp master development plans; and

29  
30                   iii. Construction and upgrading of facilities to provide repair and  
31 maintenance works, such as: regional or provincial motor pool and  
32 maintenance facilities for other mobility assets.

33  
34           B. Construction and upgrading of facilities to support regulatory  
35 functions;

36  
37           C. Development, procurement, and management of ICT systems and  
38 automated systems to ensure integration and effective coordination; and

39  
40           D. Real estate acquisition, titling, and management.

1  
2 4) Equipment Acquisition and Upgrading – The objectives of this component are  
3 judicious procurement, filling-up of basic equipage, and acquisition of modern  
4 equipage for enhanced PNP capabilities, such as: munitions and ordnance; firepower  
5 and weapons; transportation and mobility assets; communication, intelligence,  
6 investigative and forensic equipment.

7  
8 **SEC. 5. *Standard of Modernization.*** – In preparing and implementing the  
9 Police Capability Enhancement Program, the standard test to indicate modernity is  
10 the possession of latest attributes or innovative qualities of infrastructure, facilities,  
11 and equipment, over and above the basic and standard features. This would enable  
12 the PNP to better adapt to the needs of the present time, add value to services  
13 delivered, and achieve increased citizen satisfaction with the police.

14  
15 In endeavoring to modernize police infrastructure and facilities, the primary  
16 consideration shall be developing capabilities for command and direction, tactical  
17 and strategic control, effective communication, robust ICT and automated systems  
18 network, upholding the human rights and rule of law, and sustained police-  
19 community-relations.

20  
21 The acquisition of modern equipment shall be based on the results of  
22 operational needs assessment. For the purposes of this Act, the term "*operational*  
23 *needs assessment*" refers to the mandatory periodic evaluation of materiel and  
24 logistical capabilities with the end view of identifying deficiencies or limitations in  
25 existing resources and addressing significant impediments in achieving operational  
26 tasks and attaining organizational mission, through equipment acquisition.

27  
28 **SEC. 6. *Direct Negotiation.*** – The Chief of the PNP may directly negotiate  
29 with an agency or instrumentality of another country with which the Philippines has  
30 entered into a defense cooperation agreement or mutual logistics support and  
31 services and law enforcement and security cooperation agreement with, or  
32 otherwise maintains diplomatic relations, when the procurement involves modern  
33 equipage for enhanced PNP capabilities, upon concurrence of the following  
34 requisites:

35  
36 1) the Secretary of the Interior and Local Government/Chairman of the  
37 National Police Commission (NAPOLCOM) has deemed it necessary for the  
38 maintenance of peace and order, ensuring public safety, or curbing transnational  
39 crime; emerging forms of criminality; terrorism, insurgency, and other serious  
40 threats to national security;

41 2) the expertise or capability required is not locally available; and

1           3) the police equipment, law enforcement and security equipment, and  
2 related consultancy services to be procured under this modality are included in the  
3 PNP's Modernization and Capability Enhancement Program, prepared in accordance  
4 with Section 7 of this Act.

5  
6           **SEC. 7. *Submission of the PNP Modernization Program.*** – Within ninety (90)  
7 days from the effectivity of this Act, the Chief of the PNP, in consultation with the  
8 Chairperson of the NAPOLCOM and the Secretary of the Department of Budget and  
9 Management (DBM), shall prepare a Modernization and Capability Enhancement  
10 Program.

11  
12           After consultation, the Chief of the PNP shall submit the Modernization and  
13 Capability Enhancement Program to the NAPOLCOM, which shall endorse the same  
14 to Congress, through the Congressional Oversight Committee created under this  
15 Act, for monitoring and overseeing.

16  
17           The Program shall indicate the following:

18  
19           a. The police organizational structure and staffing pattern, authorized  
20 personnel strength, and logistics and facilities inventory during the various  
21 implementation stages;

22  
23           b. The capability enhancement programs, activities, and projects to be  
24 undertaken vis-à-vis the particular component and corresponding objectives and  
25 modernization thrusts they relate to;

26  
27           c. The priorities, schedules, and phases of implementation of the capability  
28 enhancement projects and activities;

29  
30           d. The estimated average cost of each project or activity to be undertaken;  
31 and

32  
33           e. The infrastructure and equipment acquisition, modernization, and  
34 human resource development of the NAPOLCOM.

35  
36           **SEC. 8. *Priority Programs for Modernization.*** – In the performance of its  
37 duties and functions mandated by law, the PNP shall undertake the Modernization  
38 Program in the context of its strategic plans and programs and consistent with  
39 Sections 2 and 3 of this Act, and shall specifically gear towards preventing and  
40 solving crimes and addressing new threats to national security, including cybercrime  
41 and violent extremism.

1 The following areas shall thereafter be given priority:  
2

3 a) *Community-Oriented Policing System (COPS)* –The rationalization of the  
4 police operations into a pro-active and community oriented policing system.  
5

6 b) *Criminal Investigation* – The enhancement of legal and scientific criminal  
7 investigation utilizing improved crime laboratory techniques, methodologies and  
8 responsive procedures.  
9

10 c) *Beat Patrol* – The improved patrol coverage through acquisition and  
11 upgrading of communications equipment and mobility equipage to improve  
12 response time and enhance crime prevention.  
13

14 d) *Civil Disturbance Control* –The development of civil disturbance doctrines  
15 consistent with the constitutional and statutory provisions on human rights as well  
16 as the acquisition of equipment and devices to implement these doctrines.  
17

18 e) *Anti-Terrorists Operations* – The promotion and utilization of the  
19 multilateral exchange of information with other police organizations, to include the  
20 improvement of its institutional capabilities to deal with terrorist activities as may  
21 be defined by law.  
22

23 f) *Disaster Response and Rescue Operations* – The improvement of the  
24 institutional capabilities to respond to all types disasters or national emergencies.  
25

26 g) *Aerial Surveillance and Air Transport*– The acquisition and upgrading of a  
27 modest air transport capability to convey its personnel and supplies over the entire  
28 length and breadth of the archipelago. This will necessitate the acquisition of multi-  
29 role aircrafts to function on public order and safety services such as observation,  
30 surveillance, detection, among others.  
31

32 h) *Illegal Drugs Suppression* – The development of its capability in the  
33 enforcement of laws relating to drug abuse and the increased coverage in illegal  
34 drugs suppression operations.  
35

36 i) *Intelligence Operations* –The development and enhancement of the  
37 capability for information collection, processing and dissemination.  
38

39 j) *Maritime Patrol* –The upgrading of the capability to conduct operations  
40 against illegal activities in rivers and coastal maritime areas such as illegal fishing,  
41 piracy, smuggling, illegal smuggling of contraband and the like. It shall include the  
42 enhancement of the capability to perform duties on maritime environmental  
43 protection and ecological security.  
44

45 k) *Firearms Control* – The development and enhancement of a  
46 comprehensive firearms control regulation mechanism to address the proliferation  
47 of unlicensed and illegal firearms.



1  
2 l) *Cybercrime Investigations* --The development of capabilities to implement  
3 and enforce pertinent laws on cybercrimes and pursue an effective anti-cybercrime  
4 campaign.

5  
6 **SEC. 9. *Self-Reliance Program.*** – To implement its modernization, the PNP  
7 shall give preference to Filipino contractors and suppliers and secondly to foreign  
8 contractors or suppliers willing or able to locate a substantial portion of, if not the  
9 entire production process of the item(s) involved, within the Philippines: Provided,  
10 That the PNP shall first determine and publish the minimum requirements and  
11 standards for products, equipment and technology before contract negotiation or  
12 bidding: Provided, further, That such product, equipment and technology standards  
13 shall conform to established standards in the international community.

14  
15 In order to generate local employment opportunities and enhance technology  
16 transfer to the Philippines and to minimize foreign exchange outflow, the Secretary  
17 of the Interior and Local Government, shall as far as feasible, incorporate in each  
18 contract/agreement, special foreign exchange reduction schemes such as counter-  
19 trade, in-country manufacture, co-production, or other innovative arrangements or  
20 combinations thereof.

21  
22 The PNP shall likewise ensure that in negotiating applicable contracts of  
23 agreements, provisions are incorporated respecting the transfer to the PNP of the  
24 principal technology involved as well as the training of the PNP personnel to operate  
25 and maintain such equipment or technology.

26  
27 **SEC. 10. *Procurement System.*** – In addition to the provisions of existing  
28 laws, rules and regulations regarding procurement and acquisition of real estate,  
29 buildings, facilities and equipment, the PNP shall strengthen said systems and  
30 procedures taking into consideration the following policies and procedures:

- 31
- 32 a. The PNP shall give preference to qualified domestic entities that participated  
33 in the procurement activities of the PNP; and
  - 34
  - 35 b. The PNP Uniform and Equipment Standardization Board shall determine the  
36 specific standards for items, products, equipment, and technology to be  
37 submitted for approval of National Police Commission. Except for justifiable  
38 circumstances, all specifications submitted to National Police Commission  
39 shall be acted upon within thirty (30) days from receipt thereof. Otherwise,  
40 it shall be deemed as duly approved. All items, products, equipment, and

1 technology standards must be responsive to the needs and requirements of  
2 the PNP.

3  
4 **SEC. 11.** *Period of Implementation.* – The Modernization and Capability  
5 Enhancement Program under this Act shall be implemented within ten (10) years:  
6 Provided, That payments for amortization of outstanding multi-year contract  
7 obligations incurred under the PNP Modernization and Capability Enhancement  
8 Program may be extended beyond this period.

9  
10 **SEC. 12.** *Appropriations for the Modernization and Capability Enhancement*  
11 *Program.* – The amount necessary to support the capability enhancement programs,  
12 activities and projects under the Program in relation to Section 7 shall be  
13 appropriated by Congress.

14  
15 Under the Program, an amount of at least Forty Billion Pesos  
16 (PhP40,000,000,000.00) shall be allocated for the first two (2) years of  
17 implementation, for basic equipage fill-up and establishment of standard  
18 infrastructure and basic facilities: Provided, That, Eleven Billion, Two Hundred Fifty  
19 Million Pesos (PhP 11,250,000,000.00) shall be appropriated every year thereafter:  
20 and Provided, further, That, the entire Program shall be based on a ceiling of One  
21 Hundred Thirty Billion Pesos (PhP130,000,000,000.00) budget requirement, for the  
22 full period of implementation.

23  
24 Whenever deemed necessary, in order to expedite full implementation of the  
25 program, the Chief of the PNP may, subject to the approval of the President and  
26 consistent with the provisions of existing laws, including Commission on Audit rules  
27 and regulations, under such terms and conditions most favorable to the  
28 government, enter into multi-year contracts and other contractual arrangements.  
29 The Chief of the PNP shall submit to the Congressional Oversight Committee, the  
30 Secretary of the Department of Budget and Management, and the Secretary of the  
31 Department of Finance, copies of these multi-year contracts and other contractual  
32 arrangements to enable Congress to appropriate funds. For this purpose, Congress  
33 shall, upon issuance of a multi-year obligation authority by the Department of  
34 Budget and Management and certification by the President, make the corresponding  
35 appropriations for the ensuing fiscal years, to cover multi-year obligations.

36  
37 Appropriations to support the Modernization and Capability Enhancement  
38 Program shall be treated as distinct and separate budget items from the regular  
39 appropriations for the PNP.

1           **SEC. 13. *Tax Treatment on PNP Purchases and Importation.*** – All internal  
2 revenue tax and duty obligations from the purchase and importation of munitions  
3 and ordnance, firepower and weapons, transportation and mobility assets,  
4 communication, intelligence, investigative and forensic equipment, and other  
5 equipment by the PNP, under the Modernization and Capability Enhancement  
6 Program, where such acquisition directly or exclusively relates to the performance  
7 of its police and law enforcement functions, or may be needed in public transactions,  
8 or in the pursuit of any government undertaking, shall be chargeable to the tax  
9 expenditure fund provided in the General Appropriations Act.

10  
11           Donations made to the PNP to be used actually, directly, and exclusively for  
12 its modernization and capability enhancement program shall be exempt from  
13 donor’s tax and the same shall be considered as allowable deduction from gross  
14 income of the donor for purposes of computing taxable income in accordance with  
15 the provisions of the National Internal Revenue Code of 1997, as amended.  
16 Likewise, donations from foreign sources shall be exempt from value-added tax and  
17 customs duties.

18  
19           **SEC. 14. *Local Government Support Through Local Development Plans.*** – In  
20 the formulation of their respective socio-economic local development programs, all  
21 provincial, city, and municipal development councils shall allocate in their  
22 comprehensive land use plans such adequate, suitable, and accessible lands for the  
23 establishment of basic police infrastructure and support facilities within their areas  
24 of jurisdiction.

25  
26           Regional Development Councils shall ensure that allocation of such lands for  
27 use of local police forces and other police support units are included in the approved  
28 socio-economic local development programs of provinces and cities prior to  
29 integration into their respective Regional Development Plans and subsequent  
30 submission to the National Economic and Development Authority.

31  
32           Within one hundred twenty (120) days from the effectivity of this Act, the  
33 Chief of the PNP shall submit to the NAPOLCOM such guidelines and parameters  
34 governing the allocation of land for the police, for approval and implementation.

35  
36           In effecting land allocation for local police forces and other police support  
37 units, local government units may exercise the inherent power of eminent domain,  
38 in accordance with existing laws.

39  
40           **SEC. 15. *Congressional Oversight Committee.*** – There is hereby created a  
41 Congressional Oversight Committee to receive the Modernization and Capability

1 Enhancement Program of the Chief of the PNP, as endorsed by the NAPOLCOM, for  
2 information, monitoring, and overseeing of the Speaker of the House of  
3 Representatives and the Senate President.

4  
5 It shall be composed of four (4) members from the House of Representatives  
6 and four (4) members from the Senate with the Chairpersons of the Committee on  
7 Public Order and Safety and the Committee on Public Order and Dangerous Drugs  
8 of each Chamber, respectively, as Joint Chairpersons. The three (3) other members,  
9 with the inclusion of the Chairperson of the Committee on Dangerous Drugs,  
10 representing the House of Representatives, shall be designated by the Speaker of  
11 the House of Representatives, while the three (3) other members from the Senate  
12 shall be designated by the Senate President. The Minority shall have at least one  
13 (1) representative from both Chambers.

14  
15 The Committee shall regularly monitor and oversee the implementation of  
16 the provisions of this Act.

17  
18 The amount of Twenty Million Pesos (PhP 20,000,000.00) shall be  
19 appropriated to the Congressional Oversight Committee annually to carry out its  
20 functions.

21  
22 **SEC. 16. *Program Modification.*** – In the exigency of service or whenever  
23 necessary to address unforeseen emergencies to curb transnational crime;  
24 emerging forms of criminality; insurgency, terrorism and other serious threats to  
25 national security, or to satisfy delivery of public safety services, the Chief of the PNP  
26 may modify, through substitution or revision, a component project in the  
27 Modernization and Capability Enhancement Program, subject to the favorable  
28 endorsement of the NAPOLCOM, for the President’s approval. Within thirty (30) days  
29 from such approval, the Chief of the PNP shall report such program modification to  
30 Congress, through the Congressional Oversight Committee.

31  
32 **SEC. 17. *Annual Reports.*** – Not later than the end of the first quarter of  
33 every year of implementation, the PNP shall submit to the President and Congress,  
34 through the Secretary of the Interior and Local Government, and the Chairman of  
35 the National Police Commission an annual report containing the progress of the  
36 implementation of the PNP modernization program under this Act.

37  
38 **SEC. 18. *Sunset Review.*** – After five (5) years following its effectivity, or as  
39 the need arises, the Congressional Oversight Committee shall conduct a sunset  
40 review of this Act, to systematically evaluate the accomplishments under the  
41 Modernization and Capability Enhancement Program and its impact on the PNP

1 organizational structure, institutional mechanisms, and performance of functions,  
2 for purposes of determining and effecting remedial legislation.

3  
4 **SEC. 19. *Implementing Rules and Regulations.*** – Within sixty (60) days of  
5 the approval of this Act, the PNP, in consultation with the NAPOLCOM and the DBM,  
6 shall formulate the implementing rules and regulations for the effective  
7 implementation of the law.

8  
9 **SEC. 20. *Separability Clause.*** – If any provision of this Act shall be held  
10 unconstitutional or invalid, the other provisions not otherwise affected shall remain  
11 in full force and effect.

12  
13 **SEC. 21. *Repealing Clause.*** – All laws, executive orders, rules and regulations  
14 inconsistent with or contrary to this Act, are hereby deemed repealed or modified  
15 accordingly.

16  
17 **SEC. 22. *Effectivity Clause.*** – This Act shall take effect after fifteen (15)  
18 days after its complete publication in the Official Gazette or in at least two (2)  
19 newspapers of national circulation.

*Approved,*