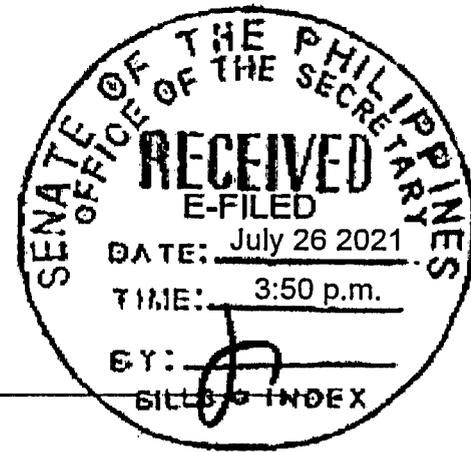


EIGHTEENTH CONGRESS OF THE)
REPUBLIC OF THE PHILIPPINES)
Third Regular Session)



SENATE

COMMITTEE REPORT NO. 278

Submitted jointly by the Committees on Justice and Human Rights; Public Order and Dangerous Drugs; and Finance on July 26 2021.

Re: Senate Bill No. 2331 Prepared by the Committees

Recommending its approval in substitution of Senate Bill No. 1828.

Sponsor: Senator Richard J. Gordon

MR. PRESIDENT:

The Committees on Justice and Human Rights; Public Order and Dangerous Drugs; and Finance, to which was referred **Senate Bill No. 1828**, introduced by Senator Richard J. Gordon, entitled:

**"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"**

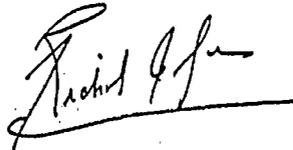
have considered the same and have the honor to report it back to the Senate with the recommendation that the attached **Senate Bill No. 2331**, prepared by the Committees, entitled:

**"AN ACT
ESTABLISHING THE POLICE LAW ENFORCEMENT COURTS, AMENDING BATAS PAMBANSA BILANG 129, AS AMENDED, OTHERWISE KNOWN AS "THE JUDICIARY REORGANIZATION ACT OF 1980," AND PRESIDENTIAL DECREE NO. 1606, AS AMENDED BY REPUBLIC ACT NO. 10660, CREATING A SPECIAL COURT TO BE KNOWN AS "SANDIGANBAYAN" APPROPRIATING FUNDS THEREFOR AND FOR OTHER PURPOSES"**

be approved in substitution of Senate Bill No. 1828 with Senators Gordon, Dela Rosa, and Angara as authors thereof.

Respectfully submitted:

Chairpersons



RICHARD J. GORDON

*Committee on Justice & Human Rights
Vice Chairperson, Committee on Finance
Member, Committee on Public Order & Dangerous Drugs*



With reservations on mere designation of police courts among existing courts as this will not insure speedy disposition of cases, and on the exclusion of other law enforcement agencies from the jurisdiction of the special courts

SONNY ANGARA

*Committee on Finance
Member, Committee on Justice
& Human Rights*

RONALD "BATO" M. DELA ROSA

*Committee on Public Order & Dangerous
Drugs
Member, Committees on Justice & Human
Rights; and Finance*

Vice-Chairpersons

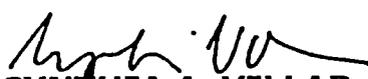


CHRISTOPHER BONG GO
Committees on Public Order & Dangerous Drugs; and Finance

PANFILO M. LACSON
Committees on Justice & Human Rights; Public Order & Dangerous Drugs; and Finance



PIA S. CAYETANO
Committee on Finance



CYNTHIA A. VILLAR
Committee on Finance

JOEL VILLANUEVA
Committee on Finance

WIN GATCHALIAN
Committee on Finance

IMEE R. MARCOS
Committee on Finance



RISA HONTIVEROS
Committee on Finance
Member, Committees on Justice & Human Rights; and Public Order & Dangerous Drugs



GRACE POE
Committee on Finance

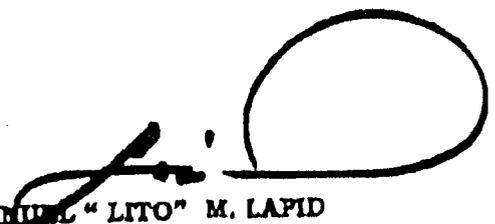
Members

FRANCIS "TOL" N. TOLENTINO
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*Committees on Public Order & Dangerous
Drugs; and Finance*

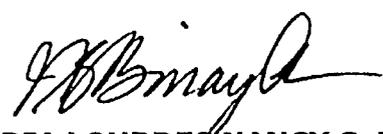


MANUEL "LITO" M. LAPID
*Committees on Justice & Human Rights; and
Finance*

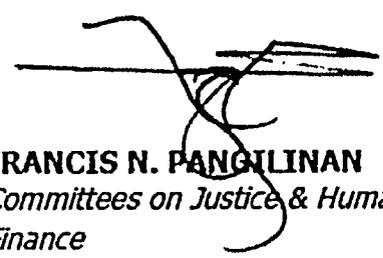
LEILA M. DE LIMA
*Committees on Public Order & Dangerous
Drugs; and Finance*



AQUILINO "KOKO" PIMENTEL III
*Committees on Justice & Human Rights; and
Finance*

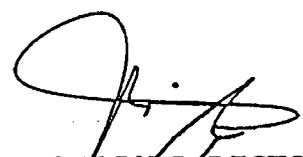


MARIA LOURDES NANCY S. BINAY
Committee on Finance



FRANCIS N. PANGILINAN
*Committees on Justice & Human Rights; and
Finance*

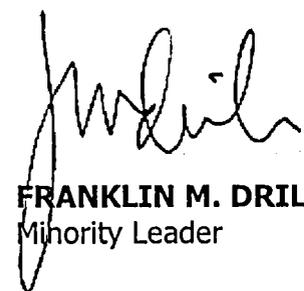
Ex-Officio Members



RALPH G. RECTO
President Pro-Tempore



JUAN MIGUEL F. ZUBIRI
Majority Leader



FRANKLIN M. DRILON
Minority Leader

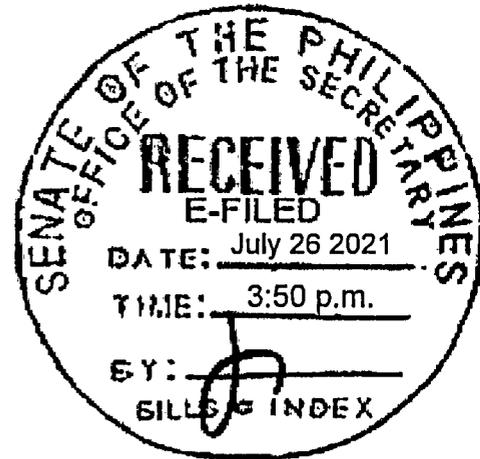
HON. VICENTE C. SOTTO III
Senate President

FOR THE COMMITTEE REPORT ENTITLED "AN ACT ESTABLISHING THE
POLICE LAW ENFORCEMENT COURTS, AMENDING BATAS PAMBANSA
BILANG 129, AS AMENDED, OTHERWISE KNOWN AS THE "JUDICIARY
REORGANIZATION ACT OF 1980," AND PRESIDENTIAL DECREE NO. 1606, AS
AMENDED BY REPUBLIC ACT NO. 10660, CREATING A SPECIAL COURT TO BE
KNOWN AS "SANDIGANBAYAN" APPROPRIATING FUNDS THEREFOR AND
FOR OTHER PURPOSES"

leiladelima
LEILA M. DE LIMA

*subject to interpellation
and proposed
amendments at the
proper time*

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



SENATE NO. 2331

(In Substitution of Senate Bill No. 1828)

Prepared by the Committees on Justice and Human Rights; Public Order and Dangerous Drugs; and Finance with Senators Gordon; Dela Rosa and Angara as authors

AN ACT

ESTABLISHING THE POLICE LAW ENFORCEMENT COURTS, AMENDING BATAS PAMBANSA BILANG 129, AS AMENDED, OTHERWISE KNOWN AS "THE JUDICIARY REORGANIZATION ACT OF 1980," AND PRESIDENTIAL DECREE NO. 1606, AS AMENDED BY REPUBLIC ACT NO. 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 **2021.**"

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 of
7 Constitutional rights and Philippine National Police (PNP) Operational Procedures and
8 Professional Code of Conduct and Ethical Standards committed by the members of the
9 PNP free from the "*kabaro system*."

10 SEC. 3. *Establishment of Police Law Enforcement Court ("Police Court") and*
11 *Appellate Police Law Enforcement Court ("Appellate Police Court")*. - The Supreme

1 Court shall designate a special court as the Police Law Enforcement Court ("Police
2 Court") among existing Metropolitan Trial Courts (METC), Municipal Trial Courts
3 (MTC), Municipal Circuit Trial Courts (MCTC) or Regional Trial Courts (RTC), which
4 shall handle all civil and criminal cases involving allegations of abuse of authority
5 whether in or off duty of the uniformed members of the PNP including civil and criminal
6 cases arising out of the violation of a uniformed member of the PNP of its PNP
7 Operational Procedures and other police protocols designed to protect the rights of
8 the accused. Any person involved in all civil and criminal cases filed against uniformed
9 members of the PNP under this Act, shall also be tried in the Police Courts.

10 The Supreme Court shall likewise designate an Appellate Police Court from among
11 the divisions of the Court of Appeals that shall handle all appeals coming from the
12 Police Courts.

13 *SEC. 4. Qualification and Training of Judges for the Regional Police Law*
14 *Enforcement Courts.* - Sec. 15(a) of Batas Pambansa Blg. 129, as amended, is hereby
15 further amended to read as follows:

16 "SEC. 15. (a) *Qualifications.* - No person shall be appointed **A** Regional
17 Trial Judge, **PRESIDING JUDGE OF THE FAMILY COURT**, Regional Trial
18 Judge-at-Large **OR A REGIONAL POLICE LAW ENFORCEMENT COURT**
19 **JUDGE**, unless he is a natural-born citizen of the Philippines, at least thirty-
20 five (35) years of age, and, for at least ten (10) years, has been engaged
21 in the practice of law in the Philippines or has held a public office in the
22 Philippines requiring the admission to the practice of law as an indispensable
23 requisite.

24

xxx

1 **(C) TRAINING OF POLICE LAW ENFORCEMENT COURT**
2 **("REGIONAL POLICE COURT") JUDGES. - THE SUPREME COURT**
3 **SHALL PROVIDE A PERIODIC AND CONTINUING PROGRAM FOR**
4 **THE PRESIDING JUDGE AND THE COURT PERSONNEL OF THE**
5 **REGIONAL POLICE COURTS ON POLICE PROTOCOLS, TACTICS**
6 **AND RULES OF ENGAGEMENT AND PNP OPERATIONAL**
7 **PROCEDURES INCLUDING PHILIPPINE AND INTERNATIONAL**
8 **HUMAN RIGHTS LAWS TO CAPACITATE THE REGIONAL POLICE**
9 **COURT TO UPHOLD THE DUTY OF THE STATE TO PROMOTE PEACE**
10 **AND ORDER THROUGHOUT THE COUNTRY WHILE PROTECTING**
11 **THE CONSTITUTIONAL RIGHTS OF THE CITIZENS."**

12 *SEC. 5. Qualification and Training of Judges for the Municipal/Metropolitan Police*
13 *Law Enforcement Courts. – Sec. 26 of Batas Pambansa Blg. 129, as amended, is*
14 *hereby further amended to read as follows:*

15 "SEC. 26. (a) *Qualifications.* - No person shall be appointed judge of a
16 Metropolitan Trial Court, Municipal Trial Court, Municipal Circuit Trial Court,
17 ~~[or a]~~ Municipal Trial Judge-at-Large, **OR MUNICIPAL/METROPOLITAN**
18 **POLICE LAW ENFORCEMENT COURT JUDGE** unless he is a natural-
19 born citizen of the Philippines, at least thirty (30) years of age, and, for at
20 least five (5) years, has been engaged in the practice of law in the
21 Philippines, or has held a public office in the Philippines requiring admission
22 to the practice of law as an indispensable requisite.

23 **(B) TRAINING OF POLICE LAW ENFORCEMENT COURT**
24 **("MUNICIPAL/METROPOLITAN POLICE COURT") JUDGES. - THE**

1 **SUPREME COURT SHALL PROVIDE A PERIODIC AND CONTINUING**
2 **PROGRAM FOR THE PRESIDING JUDGE AND THE COURT**
3 **PERSONNEL OF THE MUNICIPAL/METROPOLITAN POLICE**
4 **COURTS ON POLICE PROTOCOLS, TACTICS AND RULES OF**
5 **ENGAGEMENT AND PNP OPERATIONAL PROCEDURES INCLUDING**
6 **PHILIPPINE AND INTERNATIONAL HUMAN RIGHTS LAWS TO**
7 **CAPACITATE THE MUNICIPAL/METROPOLITAN POLICE COURT TO**
8 **UPHOLD THE DUTY OF THE STATE TO PROMOTE PEACE AND**
9 **ORDER THROUGHOUT THE COUNTRY WHILE PROTECTING THE**
10 **CONSTITUTIONAL RIGHTS OF THE CITIZENS."**

11 SEC. 6. *Jurisdiction of Police Law Enforcement Courts ("Police Courts").* - The Police
12 Courts shall have exclusive original jurisdiction to hear and decide the following cases:

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

20 2.) All civil and criminal cases including the Revised Penal Code and special penal
21 laws arising out of the violation of a uniformed member of the PNP of its rules
22 of PNP Operational Procedures, rules of engagement and other police
23 operational protocols;

1 3.) All civil and criminal cases for violation of Constitutional rights where one of the
2 accused is a uniformed member of the PNP.

3 Any person involved in all civil and criminal cases filed against uniformed members
4 of the PNP under this Act, shall also be tried in the Police Courts.

5 All criminal cases including the Revised Penal Code shall be deemed to necessarily
6 include the corresponding civil, and no reservation to file such civil action separately
7 shall be allowed or recognized.

8 The Police Courts shall have concurrent original jurisdiction in the issuance of *writ*
9 *of habeas corpus* where there is evidence that the victim is held under the custody of
10 any of the members of the PNP.

11 *SEC. 7. Notice on Transfer/Re-assignment of Police Personnel.* - In order to ensure
12 continuous prosecution and trial of a case, the Office of the Prosecutor or Office of
13 the Clerk of Court, as the case may be, shall inform the Chief of the PNP and the
14 National Police Commission in writing of a case filed against any member of the PNP.
15 The PNP shall seek approval from the appropriate prosecutor or the Police Court to
16 which the case is assigned of any transfer/reassignment of the accused police
17 personnel subsequent to the filing of the complaint. The PNP shall ensure the
18 attendance of its accused personnel in all hearings before the prosecutor and the
19 Police Court.

20 *SEC. 8. Jurisdiction of the Appellate Police Law Enforcement Courts ("Appellate*
21 *Police Courts").* - Appellate Police Courts shall have exclusive appellate jurisdiction to
22 hear appeals over the Decisions/Resolutions of the Regional Police Courts.

1 In cases where jurisdiction falls within the exclusive appellate jurisdiction of the
2 Sandiganbayan and the Appellate Police Courts, the Appellate Police Courts shall
3 exercise exclusive appellate jurisdiction in cases decided by the Regional Police Courts.

4 Section 4 of Presidential Decree No. 1606 as amended by Section 2 of Republic Act
5 No. 10660 giving the Sandiganbayan exclusive appellate jurisdiction over final
6 judgments, resolutions or orders of regional trial courts whether in the exercise of
7 their own original jurisdiction or of their appellate jurisdiction are hereby amended
8 accordingly.

9 The Regional Police Courts shall exercise exclusive appellate jurisdiction in
10 cases decided by the Municipal/Metropolitan Police Courts.

11 SEC. 9. *Appeals.* - Decisions and orders of the Police Courts shall be appealed in
12 the same manner and subject to the same conditions as appeals from the ordinary
13 Regional Trial Courts.

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

18 SEC. 11. *Use of Income.* - The Supreme Court shall be allowed to use ten percent
19 (10%) of the income derived from filing and other court fees under Rule 141 of the
20 Rules of Court for research and other operating expenses including capital outlay.

21 SEC. 12. *Appropriations.* - The amount necessary to carry out the provisions of this
22 Act, including the creation of new courts as may be determined by the Supreme Court
23 whenever the need for more Police Court and Appellate Police Courts so warrant, shall

1 be included in the General Appropriations Act of the year following its enactment into
2 law and thereafter.

3 SEC. 13. *Transitory Provision.* - Pending the issuance of implementing rules and
4 regulations, the Supreme Court shall designate from among existing branches of the
5 Metropolitan Trial Court, Municipal Trial Court, Municipal Circuit Trial Court or Regional
6 Trial Court at least one Police Court in each judicial region.

7 SEC. 14. *Separability Clause* - If any provision of this Act is declared
8 unconstitutional, such sections or parts not affected thereby shall remain in full force
9 and effect.

10 SEC. 15. *Repealing Clause* - All laws, decrees, executive orders, rules and
11 regulations or parts thereof inconsistent with the provisions of this Act are hereby
12 repealed or modified accordingly.

13 SEC. 16. *Effectivity Clause* - This Act shall take effect fifteen (15) days after its
14 publication in the Official Gazette or in at least two (2) national newspaper of general
15 circulation.

Approved,