

23 JAN 31 P4 :23

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

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SENATE
S.B. No. 1822

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

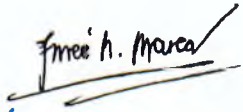
Article II, Section 5 of the Constitution provides that the maintenance of peace and order, the protection of life, liberty, and property, and the promotion of the general welfare are essential for the enjoyment by all the people of the blessings of democracy. The Philippine National Police (PNP) with 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. As of January 2, 2023, over 2,600 cops have faced sanctions, including suspension and dismissal from service, due to administrative cases as a direct result of violations of PNP rules and regulations, or involvement in criminal activities. Said delinquent cops have been found guilty of such offenses as going absent without leave, drug use, failure to attend court duty, violence against women, and involvement in criminal cases for murder, homicide, carjacking, illegal drugs, robbery, extortion and rape.

In a January 2023 televised briefing, PNP Public Information Office Chief Colonel Redrico Maranan announced that in 2023, the PNP expects that its personnel would be more disciplined as the agency strengthens its disciplinary machinery. The Internal Affairs Service (IAS) is the mandated institutional watchdog agency of the PNP. It is the institution which disciplines, monitors, investigates and adjudicates 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

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

1 **Section. 1. Declaration of Policy.** – The Philippine National Police (PNP) plays
2 an important role in giving life to the mandate of the state of maintaining peace and
3 order and in protecting life, liberty and property. The state recognizes the need to
4 strengthen the Internal Affairs Service of the PNP to be an effective disciplinary
5 mechanism of the police force and preserve its integrity. Towards this end, there is a
6 need to introduce reforms in the Internal Affairs Service by formulating and
7 implementing a capacity-building program for its personnel, an upgraded recruitment
8 process based on competency framework, an expanded adjudicatory powers, and
9 fiscal autonomy.

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

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

- 19
20 a) Pro-actively conduct inspections and audits on PNP personnel and units;

- 1 b) Investigate complaints and gather evidence in support of an open
2 investigation;
- 3 c) Conduct summary hearings on PNP members facing administrative charges;
- 4 d) Submit a periodic report on the assessment, analysis, and evaluation of the
5 character and behavior of PNP personnel and units to the Chief PNP and the
6 Commission;
- 7 e) File appropriate criminal cases against PNP members before the court as
8 evidence warrants and assist in the prosecution of the case;
- 9 f) Conduct intelligence operations in aid of lifestyle checks and investigations;
- 10 g) Provide assistance to the Office of the Ombudsman in cases involving the
11 personnel of the PNP.
- 12 h) Recommend to the Department of Justice for the protection of witnesses
13 who are vital to the conduct of investigation and effective prosecution of
14 PNP personnel facing administrative or criminal case.

15 The IAS shall also conduct, *motu proprio*, automatic investigation of the
16 following cases:

- 17 a) Incidents where a police personnel discharges a firearm;
- 18 b) Incidents where death, serious physical injury, or any violation of human rights
19 occurred in the conduct of a police operation;
- 20 c) Incidents where evidence was compromised, tampered with, obliterated, or lost
21 while in the custody of police personnel;
- 22 d) Incidents where a suspect in the custody of the police dies or is seriously
23 injured; and
- 24 e) Incidents where the established rules of engagement have been violated;
- 25 f) All acts and omissions of PNP personnel which tend to discredit or tarnish the
26 image of the PNP organization.
- 27

28 Finally, the IAS shall provide documents or recommendations with regard to the
29 promotion of the members of the PNP or the assignment of PNP personnel to any key
30 position.

31
32 **Sec. 4. Organization.** – The IAS shall have national, regional, and provincial
33 offices. The National Police Commission (NAPOLCOM) may establish such other offices
34 that are deemed necessary upon the recommendation of the Inspector General.
35

1 The Internal Affairs Service shall be headed by an Inspector General with a rank
2 equivalent to an undersecretary of a department. He shall be assisted by a Deputy
3 Inspector General with rank of Police Lieutenant General.

4
5 The head of the Internal Affairs Service shall be a civilian who shall meet the
6 requirements as provided herein.

7
8 The regional offices shall be headed by a director with a rank of Police Brigadier
9 General except for the director of the national capital region who shall be a Police
10 Major General.

11
12 The provincial internal affairs service offices shall be headed by a police colonel
13 or a civilian of equivalent grade.

14
15 Uniformed PNP personnel who joined or transferred to the internal affairs
16 service shall be barred thereafter from joining or being appointed to any position in
17 other units of the PNP.

18
19 **Sec. 5. Staffing Pattern, Personnel Strength, Logistics and Financial System.** –
20 The IAS shall establish a rationalized staffing pattern in accordance with its
21 organizational structure.

22
23 It shall have a separate recruitment quota for uniformed personnel and non-
24 uniformed personnel subject to the approval of the NAPOLCOM.

25
26 It shall have an allocation quota from the graduates of the Philippine National
27 Police Academy (PNPA).

28
29 The authorized strength of IAS shall not exceed five percent (5%) of the total
30 strength of the PNP. The non-uniformed allocation shall not exceed forty percent
31 (40%) of its strength.

32
33 It shall have a separate financial and logistics management and services
34 program subject to the approval of the NAPOLCOM.

35
36 **Sec. 6. Capacity Building and Recruitment.** – The Internal Affairs Service shall
37 formulate and implement a career development program for its personnel to be able
38 to effectively carry out its tasks and functions. Such program shall include a test to

1 determine the merit and fitness of its personnel to carry out the functions of their
2 respective position.

3
4 The IAS shall formulate an upgraded criteria and qualifications based on
5 competency framework, subject to the approval of NAPOLCOM, to fill-in available
6 positions.

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

- 11
12 a) One hundred percent (100%) of the monthly basic salary for every year of
13 government service computed starting from the first year for those who have
14 rendered one (1) year to less than five (5) years of service;
15 b) One hundred fifty percent (150%) of the actual monthly basic salary for
16 every year of government service computed starting from the first year for
17 those who have rendered five (5) years of service but less than (10) years;
18 or
19 c) Two (2) months of actual monthly basic salary for every year of government
20 service computed starting from first year for those who have rendered ten
21 (10) years or more of service.

22 Personnel who are retired or are separated from the service shall not be
23 reemployed in any agency of the National Government, including government-owned
24 or controlled corporations for a period of five (5) years. The retired or separated
25 personnel who are re-employed during the prohibited period shall refund, on a pro-
26 rated basis, the separation incentives they received under this section.

27
28 **Sec. 8. *Appointments***. — The Inspector General shall be appointed by the
29 President upon the recommendation of the Director General of the PNP and duly
30 endorsed by the National Police Commission. Appointments of personnel who shall
31 occupy various positions shall be made by the Inspector General and shall be based
32 on criteria and qualifications to be promulgated pursuant to section 6 of this Act.

33
34 **Sec. 9. *Term of Office and Qualifications the Inspector General***. — The Inspector
35 General shall serve for a term of seven (7) years without reappointment or extension.

36
37 No person shall be appointed as Inspector General unless he is a citizen of the
38 Philippines, a member of the Philippine bar in good standing with at least fifteen (15)

1 years in the practice of law and with proven competence and expertise in handling
2 administrative or criminal cases and not an active or retired member of the PNP.

3
4 **Sec. 10. Entry Qualifications to IAS.** - Entry or transfer to the Internal Affairs
5 Service shall be voluntary and subject to rigid screening where only PNP personnel
6 who have at least five (5) years' experience in law enforcement, police investigation
7 and intelligence and who have no derogatory service records shall be considered for
8 appointment: *Provided, That* members of the Bar may enter the service laterally.

9
10 **Sec. 11. Rules of Procedure.** - The IAS shall formulate and adopt its own rules
11 and procedure in the hearing and resolution of cases filed or pending before it.

12
13 Subject to the requirements of due process, the technicalities of law and
14 procedure and the rules obtaining in the courts of law shall not strictly apply thereto.

15
16 **Sec. 12. Decision of the IAS.** — Where the penalty imposed is dismissal,
17 demotion or suspension for a period exceeding ninety (90) days, or forfeiture of
18 benefits equivalent to more than ninety (90) days' pay, the decision of the IAS, with
19 respect to 2nd level officers of the PNP, shall be executory after fifteen (15) days from
20 receipt of the notice of decision by the respondent, without prejudice to the filing of
21 an appeal. Such decision of the IAS as regards 1st level officers of the PNP shall be
22 executory after fifteen (15) days from the notice of denial of the motion for
23 reconsideration by the Office of the Chief PNP, without prejudice to the filing of an
24 appeal.

25
26 Where the penalty imposed is suspension for a period not exceeding ninety (90)
27 days, or forfeiture of benefits not exceeding ninety (90) days' pay, the decision shall
28 be final and executory.

29
30 Any head of the PNP unit/office who fails to implement the decisions of the IAS,
31 within fifteen (15) days from receipt thereof, or who acts with abuse of discretion,
32 shall be liable for gross neglect of duty.

33
34 Where a PNP member is convicted of a charge imposed with a penalty of
35 demotion in rank, he/she shall be ineligible for promotion for a period of three (3)
36 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 a
3 period of two (2) years from the effectivity thereof.

4
5 Where the penalty imposed is suspension not exceeding thirty (30) days, he/she
6 shall be ineligible for promotion for a period of one (1) year from the effectivity thereof.

7
8 **Sec. 13. *Source of Funds.*** – The appropriations for the Office of the Internal
9 Affairs Service shall be presented as a specific item in the budget of the Department
10 of the Interior and Local Government in the Annual Appropriations Act.

11
12 **Sec. 14. *Implementing Rules and Regulations.*** – The Department of Interior
13 and Local Government (DILG), National Police Commission (NAPOLCOM), and the
14 Philippine National Police (PNP) shall jointly formulate the necessary rules and
15 regulations within ninety (90) days from approval of this Act, for its effective
16 implementation.

17
18 **Sec. 15. *Separability Clause.*** – If any provision of this Act is held invalid, the
19 other provisions not affected shall remain in full force and effect.

20
21 **Sec. 16. *Repealing Clause.*** – All laws, decrees or rules inconsistent with this
22 Act are hereby repealed or modified accordingly.

23
24 **Sec. 17. *Effectivity.*** – This Act shall take effect fifteen (15) days after its
25 publication in the Official Gazette or in a newspaper of general circulation in the
26 Philippines.

Approved,