

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

5 MAY 12 2016

SENATE
S. No. **2269**

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Introduced by Senator Miriam Defensor Santiago

EXPLANATORY NOTE

The socio-economic development of a country strongly rests on the degree of peace and order that is acceptable to investors. The degree of peace and order, in turn depends on the effectiveness of the police, in our country, the Philippine National Police. Finally, the effectiveness of the police depends on the quality of the agency that checks the police, the National Police Commission.

Therefore, it logically follows that the awesome responsibility of socio-economic development rests, in a way, on the shoulders of Napolcom. It is high time therefore, to exercise every step available to develop Napolcom's potential to the fullest. That is the *raison d'etre* of the bill.

This is a senate counterpart bill to the one filed in the House of Representatives by Rep. Rozzano Rufino B. Biazon.


MIRIAM DEFENSOR SANTIAGO
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FOURTEENTH CONGRESS OF THE REPUBLIC)
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MAY 12 2008

SENATE
S. No. 2269

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1 AN ACT
2 PROVIDING FOR THE REORGANIZATION OF THE NATIONAL POLICE COMMISSION,

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

5 SECTION 1. *Short Title.* – This Act shall be known as the “National Police Commission
6 Reorganization Act of 2008.”

7 SECTION 2. *Declaration of Policy and Principles.* – It is hereby declared to be the
8 policy of the State to concretize the abstract description of the police system as enunciated in
9 Section 6, Article XVI of the 1987 Constitution, in order to preclude any equivocal statutory
10 construction thereof. The provision that states that the National Police Commission shall
11 administer and control the Philippine National Police, which is national in scope and civilian in
12 character, should be construed within the context of the letter and intent of the Constitution. The
13 police force shall neither be absolutely national nor absolutely local in scope. "Scope" is hereby
14 defined as the "range of operation". While the Constitution speaks of a national range of
15 operation, it at the same time stipulates that the local executives shall exercise a degree of
16 authority over the same police force as far as their respective localities are concerned. Local
17 executives include both governors and mayors.

18 The National Police Commission shall strike a delicate balance between national and
19 local in line with the constitutional mandate for Napolcom to "control" the entire police system.
20 Control is hereby defined as "to exercise restraining or directing influence over; to dominate,
21 rule." The National Police Commission shall be the unifying element between the national and
22 local components.

23 SECTION 3. *Reorganization and Composition of the National Police Commission.* – To
24 effectively discharge the functions described in the Constitution and statutes, there is hereby

1 reorganized a National Police Commission, a collegial body under the Office of the President of
2 the Philippines composed of a Chairman and four (4) regular members. The Chairman and
3 members shall possess the qualifications enumerated under Section 13 of RA. No. 6975 which
4 shall remain in full force and effect.

5 SECTION 4. *Duties and Authority.* – The National Police Commission shall take charge
6 of police operation relating to the public safety of the nation, administer the affairs concerning
7 police education, police communication, criminal identification, criminal statistics, police
8 equipment, as well as coordinate the affairs concerning police administration.

9 In order to perform the duties provided for in the preceding paragraph, the National
10 Police Commission shall supervise, administer, and control the Philippine National Police with
11 respect to the following affairs:

- 12 a. Matters concerning planning and research on various systems relating to the police.
- 13 b. Matters concerning the national budget of the police.
- 14 c. Matters concerning police operation affecting national public safety, such as:
 - 15 1. Matters concerning large scale disaster which may cause general unrest;
 - 16 2. Matters concerning disturbance which may impair provincial tranquility.
- 17 d. Matters concerning the preparation and execution of plans to cope with a state of
18 national emergency;
- 19 e. Matters concerning traffic control on national highways;
- 20 f. Matters concerning international criminal investigation assistance;
- 21 g. Matters concerning international disaster relief activities;
- 22 h. Matters concerning the maintenance and management of police educational facilities
23 and other affairs relating to police education;
- 24 i. Matters concerning the maintenance and management of police communication
25 facilities and other affairs relating to police communication;
- 26 j. Matters concerning the maintenance and management of criminal identification
27 facilities and other affairs relating to criminal identification;
- 28 k. Matters concerning criminal statistics;

- 1 l. Matters concerning police equipment;
- 2 m. Matters concerning police examinations, both entrance and. promotional;
- 3 n. Matters concerning standards and attestation of appointment, performance of
- 4 duties and activities of police personnel;
- 5 o. Matters concerning police administration other than those provided for in the
- 6 preceding items;
- 7 p. Matters concerning necessary inspection relating to the performance of the
- 8 functions provided for in the preceding items;
- 9 q. Matters concerning PNP organizational structure and staffing pattern.

10 In addition to those provided fur in the preceding paragraph, the National Police
11 Commission shall take charge of the affairs which full under its jurisdiction pursuant to the
12 provisions of related laws (including ordinances authorized by laws).

13 In addition to those provided for in the preceding paragraph, the National Police
14 Commission shall take charge of the affairs which full under its jurisdiction pursuant to the
15 provisions of related laws (including ordinances authorized by laws).

16 SECTION 5. *Rank, Emoluments and Designations.* – The Chairman of the Commission
17 shall have a rank equivalent to Secretary of the Cabinet and shall have corresponding salary
18 appurtenant thereto. The members shall have a salary equivalent to that of an undersecretary.

19 The Chairman shall be the Executive Officer and shall preside and represent the National
20 Police Commission. The Chairman shall designate from among the members of the Commission
21 the Vice Chairman.

22 SECTION 6. *Appointment of Members of the Commission.* – The members of the
23 Commission shall be appointed by the President.

24 SECTION 7. *Term of Office of Members.* – The term of office of members of the
25 Commission shall be seven (7) years without reappointment. A member filling a vacancy shall

1 remain in office during the rest of the term of office of his predecessor. The current members of
2 the Commission may be reappointed by the President.

3 SECTION 8. *Dismissal of Members.* – A member of the Commission may be dismissed
4 fur a cause as provided for by law.

5 SECTION 9. *Performance of Duty, etc. of Members of the Commission.* – (A) The
6 provisions of Republic Act No. 6975, as amended by R.A. 8551, shall be applied, *mutatis*
7 *mutandis*, to the performance of duty of the Commission. No member of the Commission shall
8 become concurrently personnel in full time service of national or local public entities.

9 (B) Staff Services - the Staff Bureaus of the Commission, which shall be headed by
10 Assistant Commissioners, shall be as follows:

11 (1) The Crime Prevention, Planning and Research Bureau, which shall provide technical
12 services to the Commission in areas of overall policy formulation, strategic and
13 operational planning, management systems or procedures. evaluation and monitoring of
14 Commission's programs, projects and internal operations; and shall conduct thorough
15 research and analysis on social and economic conditions affecting peace and order in the
16 country including criminological researches and studies, formulate a national crime
17 prevention plan; develop a crime prevention and information program and provide
18 editorial direction for all criminology research and crime prevention publications;

19 (2) The Legal Affairs Bureau, which shall provide the Commission with efficient service
20 as legal counsel of the Commission; draft or study contracts affecting the Commission
21 and submit appropriate recommendations pertaining thereto; and render legal opinions
22 arising from the administration and operation of the Philippine National Police and the
23 Commission;

24 (3) The Personnel and Administrative Bureau, which shall perform personnel functions
25 for the Commission, administer the entrance and promotional examinations for
26 policemen, provide the necessary services relating to records, correspondence, supplies,
27 property and equipment, security and general services, and the maintenance and
28 utilization of facilities, and provide services relating to manpower, career planning and

1 development, personnel transactions and employee welfare including the conduct of
2 continuous inspection and management audit of personnel, facilities and operations at all
3 levels of command of the PNP, and monitor the implementation of the Commission's
4 programs and projects relative to law enforcement;

5 (4) The Installations and Logistics Bureau, which shall review the Commission's plans
6 and programs and formulate policies and procedures regarding acquisition, inventory,
7 control, distribution, maintenance and disposal of supplies and shall oversee the
8 implementation of programs on transportation facilities and installations and the
9 procurement and maintenance of supplies and equipment; (5) The Financial Bureau,
10 which shall provide the Commission financial matters, including the overseeing of the
11 processing and disbursement of funds pertaining to the scholarship program and
12 surviving children of deceased and/or permanently incapacitated PNP personnel; and

13 (5) The Financial Bureau, which shall provide the Commission financial matters,
14 including the overseeing of the processing and disbursement of funds pertaining to the
15 scholarship program and surviving children of deceased and/or permanently incapacitated
16 PNP personnel; and

17 (6) Internal Affairs Bureau, which shall be tasked as the disciplinary arm of the
18 Commission with powers to investigate and adjudicate administrative cases filed before it
19 including the monitoring and investigation of police anomalies and irregularities. The
20 powers and functions and organizational structure of the current No member of the
21 Commission shall become an executive member of a political party or any other political
22 body, or shall actively engage in political movements.

23 SECTION 10. *Meetings of the Commission.* – The National Police Commission shall be
24 convened by the Chairman of the Commission. The National Police Commission shall neither be
25 convened nor shall it make any decisions unless the Chairman and not less than two regular
26 members of the Commission are present.

27 The proceedings of the National Police Commission shall be decided by the majority of
28 regular members who are present, and in case of a tie, it shall be broken by the vote of the

1 Chairman. In case the Chairman is unable to perform his duties, the acting Chairman provided
2 for in paragraph 3, Section 5, shall perform the duties of the Chairman provided for in the
3 preceding two paragraphs, and as to counting the quorum to hold the conference and the
4 proceedings provided for in these paragraphs, he shall still be regarded as a member of the
5 Commission.

6 SECTION 11. *Expiration of the Term of Office of the Current Commissioners upon*
7 *Effectivity of this Act.* – The Commissioners whose term of office has not expired may be
8 allowed to continue serving the Commission until the expiration of their term of Office.

9 SECTION 12. *Ex-officio Member.* – The Chief of the Philippine National Police shall be
10 ex officio member of the National Police Commission and shall participate in the deliberations of
11 the Commission. He shall receive no compensation but shall be entitled to reimbursement of
12 actual expenses incurred in the performance of his duties.

13 SECTION 13. *Organizational Restructuring.* – The Internal Affairs Bureau shall be
14 subsumed into the Commission and shall be tasked as the disciplinary arm thereof with powers
15 to investigate and adjudicate administrative cases filed before it. The powers, functions and
16 organizational structure of the current Internal Affairs Service as provided for under R.A 8551
17 are hereby adopted to form part of this Act. All the personnel of the current IAS, as well as the
18 Inspection, Monitoring and Investigation Service (IMIS) of the Commission shall be absorbed as
19 members of the new IAS. The Commission shall consist of the following:

20 The Commission shall consist of the following:

21 (A) Commission Proper - This is composed of the offices of the Chairman and four (4)
22 Commissioners. Internal Affairs as provided for under R.A. 8551 is hereby adopted to form part
23 of this Act. Provided, that all the current personnel of the IAS, as well as the Inspection,
24 Monitoring and Investigation Service (IMIS) of the Commission shall be absorbed as members
25 of the IAB.

1 (B) Appellate Bodies - the National Appellate Board and Regional Appellate Boards, as
2 constituted under R.A. 6975, as amended by R.A. 8551, shall retain their functions. All their
3 decisions shall be appealable to the Chairman.

4
5 SECTION 14. *Regional, Provincial and District Directors.* – The Commission shall
6 establish, operate and maintain regional, provincial and district offices to be headed by regional,
7 provincial and district directors, respectively, who shall implement the policies and programs of
8 the Commission in their respective offices.

9
10 SECTION 15. *Qualification of Regional, Provincial and District Directors.* – The
11 qualifications of regional, provincial and district directors shall be established in the
12 Implementing Rules and regulations of this Act.

13 SECTION 16. *Career Development and Incentives.* – Personnel of the Commission shall
14 in addition to other allowances authorized under existing laws be granted occupational specialty
15 pay equivalent to fifty (50%) percent of their basic pay. This pay shall not be considered a
16 forfeiture of other remuneration and allowances which are allowed under existing laws.

17 SECTION 17. *Napolcom vis-a-vis Local Executives.* – The Mayor, as deputy of the
18 Napolcom, shall have the authority to order the Chief of Police in a way he sees fit to ensure
19 peace and order in his locality. The Chief of Police is duty bound to obey the legitimate orders of
20 the Mayor. However, should the Mayor attempt to abuse this authority, as when he attempts to
21 *make the police his private army or when he fails to maintain peace and order in his locality,*
22 then the National Police Commission shall withdraw the deputation of the mayor and forthwith
23 order the Chief, PNP to place the municipality or city concerned under the control of the
24 Governor. The Governor, as deputy of the Napolcom, shall have the authority to command the
25 *Provincial Director in a way he sees fit to ensure peace and order in the locality under the control*
26 *of the Governor.* The Provincial Director is duty bound to obey the legitimate orders of the
27 Governor. However, should the Governor attempt to abuse this authority or fails to maintain
28 peace and order in the locality concerned, then the Napolcom shall withdraw the deputation of
29 the Governor and forthwith order the Chief, PNP to have the Provincial Director restore, on his

1 own level, peace and order in the locality concerned, until such time that the Napolcom sees fit
2 to give back the power to the Mayor or after a new Mayor shall have been elected.

3 SECTION 18. *Implementing Rules and Regulations.* - The National Police Commission
4 shall promulgate rules and regulations for the effective implementation of this Act. Such rules
5 and regulations shall take effect upon their publication in three (3) newspapers of general
6 circulation.

7 SECTION 19. *Appropriations.* - For purposes of underwriting the operation of the
8 reorganized National Police Commission the sum of Fifty Million Pesos (P50,000,000.00) or so
9 much thereof as may be necessary is hereby appropriated out of any funds in the National
10 Treasury not otherwise appropriated, to include the present appropriations of the National Police
11 Commission. Thereafter, such amount as is necessary to carry out the provisions of this Act shall
12 be included in the annual General Appropriations Act.

13 SECTION 20. *Penal Clause.* - Any person who, in violation of the provisions of this Act
14 and/or Civil Service rules and regulations, unduly interferes in the execution thereof shall be
15 punished with imprisonment for not less than six months but not more than six years.

16 SECTION 21. *Repealing Clause.* - The provisions of Republic Act Number Six
17 Thousand Nine Hundred Seventy Five and Republic Act Numbered Eight Thousand, Five
18 Hundred Fifty One and of executive orders, rules and regulations, inconsistent with this Act are
19 hereby repealed or modified accordingly.

20 SECTION 22. *Separability Clause.* - If any part, section or provision of this Act be held
21 invalid or unconstitutional, no other part, section or provision thereof shall be affected thereby.

22 SECTION 23. *Effectivity Clause.* - This Act shall take effect fifteen (15) days after its
23 complete publication in at least three (3) newspapers of general circulation.

24 Approved,