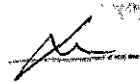


FOURTEENTH CONGRESS OF THE REPUBLIC)
OF THE PHILIPPINES)
Second Regular Session)

8 JUL -7 P4:09

SENATE
S.B. NO. 2429

RECEIVED BY



Introduced by Senator Panfilo M. Lacson

EXPLANATORY NOTE

Section 38 (a) of Republic Act No. 6975 as amended by Republic Act No. 8551 provides in part that *"no uniformed member of the PNP shall be eligible for promotion during the pendency of his or her administrative and/or criminal case or unless he or she has been cleared by the People's Law Enforcement Board (PLEB), and the Office of the Ombudsman of any complaints proffered against him or her, if any."*

While the purpose of said provision is noble, many unscrupulous individuals had abused this provision by using it as a tool of harassment against many members of the PNP. The baseless cases filed against some members of our police force by these individuals have served only to hinder their chances of getting the promotion they have worked so hard for. To make matters worst, such cases end up being buried in the dockets of the adjudicatory agencies in our government without any hope of it seeing the light of day.

As such, this bill seeks to remedy this unfortunate situation affecting many members of the PNP by providing a more reasonable rule that protects not only the interest of the complainant in the criminal or administrative case but also the PNP member who under our laws is still entitled to the presumption of innocence, a right enshrined under the 1987 Constitution.

Under this bill, a member of the PNP can only be denied promotion if there is already a finding of probable cause against him or her. Mere filing of an administrative or criminal case shall not be a bar for promotion under this proposed legislation.

In addition thereto, this bill also provides that PNP members who are already in the service upon the effectivity of this Act shall also no longer be required to finish a baccalaureate degree until their retirement. However, for purposes of promotion, they must still comply with the minimum educational requirement for the position or pass the equivalent competency test for police non-commissioned officers being administered by the National Police Commission.

In view of the foregoing, immediate enactment of this bill is earnestly requested.


PANFILO M. LACSON
Senator

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AN ACT
ADJUSTING THE REQUIREMENTS ON EDUCATION AND FOR
PROMOTION IN THE PHILIPPINE NATIONAL POLICE AMENDING FOR
THE PURPOSE REPUBLIC ACT NO. 8551, OTHERWISE KNOWN AS THE
PHILIPPINE NATIONAL POLICE REFORM AND REORGANIZATION ACT
OF 1998 AND FOR OTHER PURPOSES.

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

Section 1. - Section 30 (j) of Republic Act No. 6975, as amended by Section 14 of
Republic Act No. 8551 is hereby amended to read as follows:

“Section 30. General Qualifications for Appointment – No person shall be
appointed as officer or member of the PNP unless he or she possesses the
following minimum qualifications.

xxx

(j) For a new applicant, must not be less than twenty-one (21) nor more than thirty
years of age: **PROVIDED, THAT**, except for the last qualification, the above
enumerated qualifications shall be continuing in character and an absence of any
one of them at any given time shall be a ground for separation or retirement from
the service: Provided, **FURTHER**, that PNP members who are already in the
service upon the effectivity of this Act shall [be given at least two (2) more years
to obtain the minimum educational qualification] **NO LONGER BE
REQUIRED TO OBTAIN A BACCALAUREATE DEGREE UNTIL THEIR
RETIREMENT, BUT FOR PURPOSES OF PROMOTION, MUST
COMPLY WITH THE MINIMUM EDUCATIONAL REQUIREMENT
FOR THE POSITION OR PASS THE EQUIVALENT COMPETENCY
EXAMINATION FOR POLICE NON COMMISSIONED OFFICERS TO
BE ADMINISTERED BY THE NATIONAL POLICE COMMISSION** and
shall be given one (1) year to satisfy the weight requirement.”

xxx

Section 2. – Section 38 (a) of Republic Act No. 6975, as amended by Section 33
of Republic Act No. 8551, is hereby further amended to read as follows:

“Section 38. Promotions – (a) A uniformed member of the PNP shall not
be eligible for promotion to a higher position or rank unless he or she has
successfully passed the corresponding promotional examination given by the
Commission, or the Bar, or the corresponding board examinations for technical
services and other professions, has satisfactorily completed the appropriate
accredited course in the PNPA or equivalent training institutions, and has

satisfactorily passed the required psychiatric / psychological and drug tests. In addition, [no uniformed member of the PNP shall be eligible for promotion during the pendency of his or her administrative and/or criminal case or unless he or she has been cleared by the People's Law Enforcement Board (PLEB), and the Office of the Ombudsman of any complaints proffered against him or her, if any.] **MERE FILING OF AN ADMINISTRATIVE OR CRIMINAL COMPLAINT SHALL NOT BE A BAR FOR PROMOTION; HOWEVER, UPON FINDING OF PROBABLE CAUSE, CONCERNED POLICE OFFICER SHALL BE INELIGIBLE FOR PROMOTION; PROVIDED, THAT, IF THE CASE REMAINS UNRESOLVED AFTER ONE (1) YEAR FROM THE DETERMINATION OF PROBABLE CAUSE, THE CONCERNED POLICE OFFICER SHALL BE CONSIDERED FOR PROMOTION; PROVIDED, FURTHER, THAT SUCH PROMOTION SHALL BE GRANTED SUBJECT TO THE CONDITION THAT IN THE EVENT HE OR SHE WILL BE HELD GUILTY OR LIABLE FOR THE CHARGE, SAID PROMOTION SHALL BE RECALLED WITHOUT PREJUDICE TO THE IMPOSITION OF THE APPROPRIATE PENALTIES UNDER APPLICABLE LAWS, RULES AND REGULATIONS."**

xxx

Section 3. Implementing Rules and Regulations. – The National Police Commission and the Philippine National Police shall promulgate the necessary rules and regulations for the effective implementation of this Act. Such rules and regulations shall take effect upon its publication in two (2) newspapers of general circulation.

Section 4. Separability Clause - If for any reason, any provision of this Act is declared to be unconstitutional or invalid, the other sections or provisions thereof which are not affected thereby shall continue to be in full force and effect.

Section 5. Repealing Clause – All laws, decrees, executive orders, rules and regulations, and other issuances or parts thereof which are inconsistent with this Act are hereby repealed, amended or modified accordingly.

Section 6. Effectivity Clause – This Act shall take effect fifteen (15) days after its complete publication in at least two (2) newspapers of general circulation.

Approved,