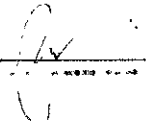


FIFTEENTH CONGRESS OF THE REPUBLIC)
OF THE PHILIPPINES)
First Regular Session)

OFFICE OF THE CLERK

30 JUL 21 P1:24

SENATE
S. No. 1748

APPROVED BY 

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 (Napolcom).

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.¹


MIRIAM DEFENSOR SANTIAGO

¹ This bill was originally filed during the 14th Congress 1st Regular Session

FIFTEENTH CONGRESS OF THE REPUBLIC)
OF THE PHILIPPINES)
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10 JUL 21 11:24

SENATE
S. No. 1748

RECEIVED BY [initials]

Introduced by Senator Miriam Defensor Santiago

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

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

3 SECTION 1. Short Title. - This Act shall be known as the "National Police Commission
4 Reorganization Act."

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

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

21 SECTION 3. Reorganization and Composition of the National Police Commission. - To
22 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 h r 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;
- 29 l. Matters concerning police equipment;

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

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

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

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

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

21 SECTION 6. Appointment of Members of the Commission. - The members of the
22 Commission shall be appointed by the President.

23 SECTION 7. Term of Office of Members. - The term of office of members of the
24 Commission shall be seven (7) years without reappointment. A member filling a vacancy shall
25 remain in office during the rest of the term of office of his predecessor. The current members of
26 the Commission may be reappointed by the President.

27 SECTION 8. Dismissal of Members. - A member of the Commission may be dismissed
28 for a cause as provided for by law.

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

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

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

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

21 (3) The Personnel and Administrative Bureau, which shall perform personnel functions
22 for the Commission, administer the entrance and promotional examinations for
23 policemen, provide the necessary services relating to records, correspondence,
24 supplies, property and equipment, security and general services, and the maintenance
25 and utilization of facilities, and provide services relating to manpower, career
26 planning and development, personnel transactions and employee welfare including
27 the conduct of continuous inspection and management audit of personnel, facilities
28 and operations at all levels of command of the PNP, and monitor the implementation
29 of the Commission's programs and projects relative to law enforcement;

- 1 (4) The Installations and Logistics Bureau, which shall review the Commission's plans
2 and programs and formulate policies and procedures regarding acquisition, inventory,
3 control, distribution, maintenance and disposal of supplies and shall oversee the
4 implementation of programs on transportation facilities and installations and the
5 procurement and maintenance of supplies and equipment; (5) The Financial Bureau,
6 which shall provide the Commission financial matters, including the overseeing of the
7 processing and disbursement of funds pertaining to the scholarship program and
8 surviving children of deceased and/or permanently incapacitated PNP personnel; and
9 (5) The Financial Bureau, which shall provide the Commission financial matters,
10 including the overseeing of the processing and disbursement of funds pertaining to
11 the scholarship program and surviving children of deceased and/or permanently
12 incapacitated PNP personnel; and
13 (6) Internal Affairs Bureau, which shall be tasked as the disciplinary arm of the
14 Commission with powers to investigate and adjudicate administrative cases filed
15 before it including the monitoring and investigation of police anomalies and
16 irregularities. The powers and functions and organizational structure of the current No
17 member of the Commission shall become an executive member of a political party or
18 any other political body, or shall actively engage in political movements.

19 SECTION 10. Meetings of the Commission. - The National Police Commission shall be
20 convened by the Chairman of the Commission. The National Police Commission shall neither be
21 convened nor shall it make any decisions unless the Chairman and not less than two regular
22 members of the Commission are present.

23 The proceedings of the National Police Commission shall be decided by the majority of
24 regular members who are present, and in case of a tie, it shall be broken by the vote of the
25 Chairman. In case the Chairman is unable to perform his duties, the acting Chairman provided
26 for in paragraph 3, Section 5, shall perform the duties of the Chairman provided for in the
27 preceding two paragraphs, and as to counting the quorum to hold the conference and the
28 proceedings provided for in these paragraphs, he shall still be regarded as a member of the
29 Commission.

1 SECTION 11. Expiration of the Term of Office of the Current Commissioners upon
2 Effectivity of this Act. - The Commissioners whose term of office has not expired may be
3 allowed to continue serving the Commission until the expiration of their term of Office.

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

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

15 The Commission shall consist of the following:

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

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

24 SECTION 14. Regional, Provincial and District Directors. - The Commission shall
25 establish, operate and maintain regional, provincial and district offices to be headed by regional,
26 provincial and district directors, respectively, who shall implement the policies and programs of
27 the Commission in their respective offices.

1 SECTION 15. Qualification of Regional, Provincial and District Directors. – The
2 qualifications of regional, provincial and district directors shall be established in the
3 Implementing Rules and regulations of this Act.

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

8 SECTION 17. Napolcom *vis-a-vis* Local Executives. - The Mayor, as deputy of the
9 Napolcom, shall have the authority to order the Chief of Police in a way he sees fit to ensure
10 peace and order in his locality. The Chief of Police is duty bound to obey the legitimate orders of
11 the Mayor. However, should the Mayor attempt to abuse this authority, as when he attempts to
12 make the police his private army or when he fails to maintain peace and order in his locality,
13 then the National Police Commission shall withdraw the deputation of the mayor and forthwith
14 order the Chief, PNP to place the municipality or city concerned under the control of the
15 Governor. The Governor, as deputy of the Napolcom, shall have the authority to command the
16 Provincial Director in a way he sees fit to ensure peace and order in the locality under the control
17 of the Governor. The Provincial Director is duty bound to obey the legitimate orders of the
18 Governor. However, should the Governor attempt to abuse this authority or fails to maintain
19 peace and order in the locality concerned, then the Napolcom shall withdraw the deputation of
20 the Governor and forthwith order the Chief, PNP to have the Provincial Director restore, on his
21 own level, peace and order in the locality concerned, until such time that the Napolcom sees fit
22 to give back the power to the Mayor or after a new Mayor shall have been elected.

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

27 SECTION 19. Appropriations. - For purposes of underwriting the operation of the
28 reorganized National Police Commission the sum of Fifty Million Pesos (P50,000,000.00) or so
29 much thereof as may be necessary is hereby appropriated out of any funds in the National

1 Treasury not otherwise appropriated, to include the present appropriations of the National Police
2 Commission. Thereafter, such amount as is necessary to carry out the provisions of this Act shall
3 be included in the annual General Appropriations Act.

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

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

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

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

15 Approved,