


14 DEC 10 P4:34

SENATE  
S.B. 2506

REGISTERED 

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Introduced by Senator Poe

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**AN ACT**  
**TO STRENGTHEN THE INTERNAL AFFAIRS SERVICE OF THE PHILIPPINE NATIONAL POLICE, AND FOR THIS PURPOSE AMENDING CERTAIN PROVISIONS OF THE PNP LAW UNDER REPUBLIC ACT SIXTY NINE AND SEVENTY FIVE (RA 6975) AS AMENDED BY REPUBLIC ACT EIGHTY FIVE HUNDRED AND FIFTY ONE (RA 8551), AND FOR OTHER PURPOSES**

*Explanatory Note*

Article II, Section 5 of the Philippine Constitution provides the basic guarantee for the citizens: "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"

Recent events have focused national attention on crimes and other offenses committed by members of the Philippine National Police. There are many complaints of serious delay in the resolution of administrative disciplinary cases pending against members of the PNP.

The Internal Affairs Service (IAS) of the PNP was created by virtue of "The PNP Reform and Reorganization Act of 1998" (Republic Act No. 8551). Although conceived to be part of the PNP, the IAS was envisioned to be an independent unit with the mandate of exercising disciplinary authority over members of the Philippine National Police. However, as presently constituted, the IAS has no authority to impose disciplinary sanctions against erring PNP personnel. The authority of the IAS is limited to making recommendations which are subject to the review and approval of the Chief, PNP or the PNP Regional Directors.

This bill is a product of two legislative hearings conducted on the rising statistics involving police personnel in criminality and it seeks to strengthen the IAS in resolving disciplinary cases. It enhances the independence of the IAS from the PNP hierarchy by granting it the authority to impose disciplinary sanctions against erring PNP personnel, subject only to review, in limited cases, by the National Police Commission. It streamlines the procedure to be followed and imposes timelines to be implemented by the IAS in administrative disciplinary cases filed with it, to ensure a speedy disposition of the cases filed with it.

The immediate recognition of this bill is earnestly sought.

  
GRACE POE

SIXTEENTH CONGRESS OF THE REPUBLIC  
OF THE PHILIPPINES  
Second Regular Session

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SEVENTY FIVE (RA 6975) AS AMENDED BY REPUBLIC ACT EIGHTY FIVE  
HUNDRED AND FIFTY ONE (RA 8551), AND FOR OTHER PURPOSES**

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

1       **SECTION 1.** This Act shall be known as the "PNP-IAS Reform Act."

2  
3       **SECTION 2.** Section 14 of Republic Act No. 6975 is hereby further amended to read as  
4 follows:

5  
6               **"Section 14. Powers and Functions of the Commission.** – The  
7 Commission shall exercise the following powers and functions:

8  
9               "(a) Exercise administrative control **AND OPERATIONAL**  
10 **SUPERVISION** over the Philippine National Police which shall mean the  
11 power to:

12  
13               "1) Develop policies and promulgate a police  
14 manual prescribing rules and regulations for efficient  
15 organization, administration, and operation, including  
16 criteria for manpower allocation, distribution and  
17 deployment, recruitment, selection, promotion, and  
18 retirement of personnel and the conduct of qualifying  
19 entrance and promotional examinations for uniformed  
20 members;

21               "2) Examine and audit, and thereafter establish  
22 the standards for such purposes on a continuing basis, the  
23 performance, activities, and facilities of all police agencies  
24 throughout the country;

25               "3) Establish a system of uniform crime  
26 reporting;

27               "4) Conduct an annual self-report survey and  
28 compile statistical data for the accurate assessment of the

1 crime situation and the proper evaluation of the efficiency  
2 and effectiveness of all police units in the country;

3 "5) Approve or modify plans and programs on  
4 education and training, logistical requirements,  
5 communications, records, information systems, crime  
6 laboratory, crime prevention and crime reporting;

7 "6) Affirm, reverse or modify, through the  
8 National Appellate Board, personnel disciplinary actions  
9 involving demotion or dismissal from the service imposed  
10 upon members of the Philippine National Police by the  
11 Chief of the Philippine National Police;

12 "7) **EXERCISE EXCLUSIVE APPELLATE**  
13 **JURISDICTION OVER DECISIONS OF THE**  
14 **INSPECTOR GENERAL OF THE PHILIPPINE**  
15 **NATIONAL POLICE IN PERSONNEL**  
16 **DISCIPLINARY ACTIONS WHERE THE PENALTY**  
17 **IMPOSED UPON THE ERRING UNIFORMED OR**  
18 **NON-UNIFORMED PNP PERSONNEL IS**  
19 **DISMISSAL, DEMOTION IN RANK, SUSPENSION**  
20 **FOR A PERIOD EXCEEDING NINETY (90) DAYS,**  
21 **OR FORFEITURE OF BENEFITS EQUIVALENT TO**  
22 **MORE THAN NINETY (90) DAYS' PAY;**

23 "8) Exercise appellate jurisdiction through the  
24 regional appellate boards over administrative cases against  
25 policemen and over decisions on claims for police benefits;

26 "9) Prescribe minimum standards for arms,  
27 equipment, and uniforms and, after consultation with the  
28 Philippine Heraldry Commission, for insignia of ranks,  
29 awards, and medals of honor. Within ninety (90) days from  
30 the effectivity of this Act, the standards of the uniformed  
31 personnel of the PNP must be revised which should be  
32 clearly distinct from the military and reflective of the  
33 civilian character of the police;  
34

35 "10) Issue subpoena and subpoena duces tecum  
36 in matters pertaining to the discharge of its own powers and  
37 duties, and designate who among its personnel can issue  
38 such processes and administer oaths in connection  
39 therewith;

40 "11) Inspect and assess the compliance of the  
41 PNP on the established criteria for manpower allocation,  
42 distribution, and deployment and their impact on the  
43 community and the crime situation, and thereafter  
44 formulate appropriate guidelines for maximization of  
45 resources and effective utilization of the PNP personnel;

46 "12) Monitor the performance of the local chief  
47 executives as deputies of the Commission; and

48 "13) Monitor and investigate police anomalies  
49 and irregularities.

1 "b) Advise the President on all matters involving police  
2 functions and administration;

3 "c) Render to the President and to the Congress an annual  
4 report on its activities and accomplishments during the thirty (30) days  
5 after the end of the calendar year, which shall include an appraisal of the  
6 conditions obtaining in the organization and administration of police  
7 agencies in the municipalities, cities and provinces throughout the country,  
8 and recommendations for appropriate remedial legislation;

9 "d) Recommend to the President, through the Secretary, within  
10 sixty (60) days before the commencement of each calendar year, a crime  
11 prevention program; and

12 "e) Perform such other functions necessary to carry out the  
13 provisions of this Act and as the President may direct."

14  
15 **SECTION 3.** Section 39 of Republic Act No. 8551 is hereby amended to read as  
16 follows:

17  
18 **"Section 39. Creation, Powers, and Functions.** – An Internal Affairs  
19 Service (IAS) of the PNP is hereby created which shall:

20 "a) pro-actively conduct inspections and audits on PNP  
21 personnel and units;

22 "b) Investigate complaints and gather evidence in support of an  
23 open investigation;

24 **"C) HEAR AND DECIDE ADMINISTRATIVE CASES**  
25 **AGAINST ERRING UNIFORMED AND NON-UNIFORMED PNP**  
26 **PERSONNEL;**

27 "[c] **D)** Submit a periodic report on the assessment, analysis, and  
28 evaluation of the character and behavior of PNP personnel and units to the  
29 Chief PNP and the Commission;

30 "[d] **E)** File appropriate criminal cases against PNP members  
31 before the court as evidence warrants and assist in the prosecution of the  
32 case;

33 "[e] **F)** Provide assistance to the Office of the Ombudsman in cases  
34 involving the personnel of the PNP.

35 "The IAS shall also conduct, *motu proprio*, automatic investigation  
36 of the following cases:

37 "a) incidents where a police personnel discharges a firearm;

38 "b) Incidents where death, serious physical injury, or any  
39 violation of human rights occurred in the conduct of a police operation;

40 "c) Incidents where evidence was compromised, tampered  
41 with, obliterated, or lost while in the custody of police personnel;

42 "d) Incidents where a suspect in the custody of the police was  
43 seriously injured; and

1                   “e) Incidents where the established rules of engagement have  
2 been violated.

3                   “Finally, the IAS shall provide documents or recommendations as  
4 regards to the promotion of the members of the PNP or the assignment of  
5 PNP personnel to any key position.

6                   **“THE INTERNAL AFFAIRS SERVICE SHALL BE  
7 HEADED BY AN INSPECTOR GENERAL, WHO SHALL BE  
8 ASSISTED BY A DEPUTY INSPECTOR GENERAL.**

9                   **“THE DISCIPLINARY POWERS HEREIN GRANTED TO  
10 THE INTERNAL AFFAIRS SERVICE SHALL BE WITHOUT  
11 PREJUDICE, AND SHALL NOT DIMINISH, THE DISCIPLINARY  
12 POWERS GRANTED TO THE COMMISSION, THE CHIEF OF  
13 THE PHILIPPINE NATIONAL POLICE, THE REGIONAL  
14 DIRECTORS AND THE PEOPLE’S LAW ENFORCEMENT  
15 BOARDS UNDER SECTIONS 42 AND 43 OF REPUBLIC ACT NO.  
16 6975.”**

17                   **SECTION 4.** Section 40 of Republic Act No. 8551 is hereby amended to read as  
18 follows:

19                   **“Section 40. Organization.** – There are hereby created national,  
20 regional, and provincial offices of the Internal Affairs Service. That national  
21 office shall be headed by the Inspector General. The regional offices shall each  
22 be headed by a Director. The provincial offices shall be headed by a  
23 Superintendent.

24                   The commission shall establish a rationalized staffing pattern in the  
25 Reorganization Plan as provided for in Section 13 hereof.

26                   **SECTION 5.** Section 41 of Republic Act No. 8551 is hereby amended to read as  
27 follows:

28                   **“Section 41. Appointments.** – The Inspector General and the Deputy  
29 Inspector General shall be civilians. They shall be appointed by the President  
30 [from a list of three (3) nominees submitted to him by the Commission.] **AND** no  
31 person shall be appointed Inspector General or Deputy Inspector General unless  
32 he or she is a Filipino citizen, at least forty-five (45) years of age, and a member  
33 of the Philippine Bar for at least ten (10) years prior to the date of his or her  
34 appointment.

35                   “The Inspector General and the Deputy Inspector General shall serve for a  
36 term of five (5) years without reappointment. The Inspector General shall receive  
37 the salaries, benefits and privileges equivalent to those received by a Deputy  
38 Director General of the PNP. The Deputy Inspector General shall receive the  
39 salaries, benefits and privileges equivalent to those received by a Director of the  
40 PNP.

41                   “The heads of the Provincial and Regional Internal Affairs Offices shall be  
42 appointed by the Chief of the Philippine National Police upon the prior  
43 recommendation of the Inspector General.

44                   “Appointments of other personnel of the Internal Affairs Service shall be  
45 made by the Inspector General and shall be based on an established career pattern  
46 and criteria to be promulgated by the Commission.”

1           **SECTION 6.** Section 49 of Republic Act No. 8551 is hereby amended to read as  
2 follows:

3  
4           **“Section 49. Procedure in Disciplinary Cases.** – Proceedings before  
5 the Internal Affairs Service shall be summary in character and shall follow the  
6 following procedure:

7           (a) Complaints against erring uniformed or non-uniformed personnel  
8 of the PNP may be filed with either the Provincial Internal Affairs Office or the  
9 Regional Internal Affairs Office having jurisdiction over the place where the  
10 offense was committed.

11           (b) The complaint shall be in writing and under oath. The complainant  
12 shall submit, together with the complaint, all the real, documentary and  
13 testimonial evidence, by way of affidavits to support the complaint;

14           (c) Within five (5) days from receipt of the complaint, the Provincial  
15 or Regional Internal Affairs Office concerned shall cause the service of a copy of  
16 the complaint and its attachments upon the respondent, together with an order  
17 requiring the respondent to file his or her answer to the complaint, furnishing a  
18 copy thereof to the complainant, within a period of ten (10) days from his or her  
19 receipt of the complaint and the order.

20           (d) The respondent’s answer shall likewise be under oath and shall  
21 include all the real, documentary and testimonial evidence, by way of affidavits,  
22 in support of his defense.

23           (e) The parties may file their respective position papers within ten (10)  
24 days from the respondents’ filing of the answer.

25           (f) Within thirty (30) days from the parties’ submission of their  
26 respective position papers, or from the lapse of the period to file the same, the  
27 Provincial or Regional Internal Affairs Service Office concerned shall forward the  
28 entire records of the case to the Inspector General together with a written  
29 recommendation which shall include:

30                   (i) The findings of fact;

31                   (ii) The laws, rules or regulations violated by the respondent, if  
32 any; and

33                   (iii) The penalty or penalties to be imposed upon the  
34 respondent.

35           (g) Within a period of thirty (30) days from his receipt of the records  
36 and recommendation, the Inspector General shall render a decision adopting,  
37 reversing or modifying the recommendation of the Provincial or Regional Internal  
38 Affairs Service Office concerned.

39           (h) The periods provided herein shall be non-extendible.

40           **Section 6.** Section 50 of Republic Act No. 8551 is hereby amended to read as  
41 follows:

42           **“Section 50. Appeals.** - A decision of the Inspector General dismissing a  
43 case or imposing a penalty of lower than suspension for ninety (90) days or less,  
44 or forfeiture of benefits equivalent to ninety (90) days’ pay or less shall be final,  
45 unappealable and immediately executory. A decision of the Inspector General  
46 imposing the penalty of dismissal from the service, demotion, suspension of more

1 than ninety (90) days or forfeiture of benefits equivalent to more than ninety (90)  
2 days' pay may be appealed to the Commission within ten (10) days from the  
3 aggrieved party's receipt of the decision. The Commission shall resolve the  
4 appeal within ninety (90) days from its receipt of the appeal. The decision of the  
5 Commission shall be final and immediately executory.

6 **SECTION 7.** If any section or part of this Act is held unconstitutional, no other section  
7 or provision shall be affected.

8  
9 **SECTION 8.** This Act shall take effect fifteen (15) days after its complete publication in  
10 the Official Gazette or in at least two (2) national newspapers of general circulation, whichever  
11 comes earlier.

12  
13 Approved,