

SIXTEENTH CONGRESS OF THE REPUBLIC )  
OF THE PHILIPPINES )  
Third Regular Session )



Senate  
Office of the Secretary

'16 FEB -1 P3:18

SENATE  
S. No. 3194

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Introduced by Senator Miriam Defensor Santiago

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AN ACT  
PROVIDING FOR THE REORGANIZATION OF THE NATIONAL POLICE  
COMMISSION

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.<sup>1</sup>

*Miriam Defensor Santiago*  
MIRIAM DEFENSOR SANTIAGO  
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<sup>1</sup> This bill was originally filed during the Fourteenth Congress First Regular Session.

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AN ACT  
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*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 "National Police Commission  
2 Reorganization Act."

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

15 The National Police Commission (Napolcom) shall strike a delicate balance  
16 between national and local in line with the constitutional mandate for Napolcom to  
17 "control" the entire police system. Control is hereby defined as "to exercise restraining or

1 directing influence over; to dominate, rule." The National Police Commission shall be the  
2 unifying element between the national and local components.

3       **SECTION 3. *Reorganization and Composition of the National Police***  
4 ***Commission.*** – To effectively discharge the functions described in the Constitution and  
5 statutes, there is hereby reorganized a National Police Commission, a collegial body  
6 under the Office of the President of the Philippines composed of a Chairman and four  
7 regular members. The Chairman and members shall possess the qualifications  
8 enumerated under RA. No. 6975, Section 13 which shall remain in full force and effect.

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

14       In order to perform the duties provided here in the preceding paragraph, the  
15 National Police Commission shall supervise, administer, and control the Philippine  
16 National Police with respect to the following affairs:

17       a. Matters concerning planning and research on various systems relating to the  
18 police.

19       b. Matters concerning the national budget of the police.

20       c. Matters concerning police operation affecting national public safety, such as:

21               1. Matters concerning large scale disaster which may cause general unrest;

22               2. Matters concerning disturbance which may impair provincial tranquility.

23       d. Matters concerning the preparation and execution of plans to cope with a state  
24 of national emergency;

25       e. Matters concerning traffic control on national highways;

- 1 f. Matters concerning international criminal investigation assistance;
- 2 g. Matters concerning international disaster relief activities;
- 3 h. Matters concerning the maintenance and management of police educational  
4 facilities and other affairs relating to police education;
- 5 i. Matters concerning the maintenance and management of police communication  
6 facilities and other affairs relating to police communication;
- 7 j. Matters concerning the maintenance and management of criminal identification  
8 facilities and other affairs relating to criminal identification;
- 9 k. Matters concerning criminal statistics;
- 10 l. Matters concerning police equipment;
- 11 m. Matters concerning police examinations, both entrance and promotional;
- 12 n. Matters concerning standards and attestation of appointment, performance of  
13 duties and activities of police personnel;
- 14 o. Matters concerning police administration other than those provided for in the  
15 preceding items;
- 16 p. Matters concerning necessary inspection relating to the performance of the  
17 functions provided for in the preceding items;
- 18 q. Matters concerning PNP organizational structure and staffing pattern.

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

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

1           The Chairman shall be the Executive Officer and shall preside and represent the  
2 National Police Commission. The Chairman shall designate from among the members of  
3 the Commission the Vice Chairman.

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

6           **SECTION 7. *Term of Office of Members.*** – The term of office of members of the  
7 Commission shall be seven years without reappointment. A member filling a vacancy  
8 shall remain in office during the rest of the term of office of his predecessor. The current  
9 members of the Commission may be reappointed by the President.

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

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

17          **(B) Staff Services** – The Staff Bureaus of the Commission, which shall be headed  
18 by Assistant Commissioners, shall be as follows:

19               (1) The Crime Prevention, Planning and Research Bureau, which shall  
20 provide technical services to the Commission in areas of overall policy  
21 formulation, strategic and operational planning, management systems or  
22 procedures, evaluation and monitoring of Commission's programs, projects and  
23 internal operations; and shall conduct thorough research and analysis on social and  
24 economic conditions affecting peace and order in the country including

1 criminological researches and studies, formulate a national crime prevention plan;  
2 develop a crime prevention and information program and provide editorial  
3 direction for all criminology research and crime prevention publications;

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

9 (3) The Personnel and Administrative Bureau, which shall perform  
10 personnel functions for the Commission, administer the entrance and promotional  
11 examinations for policemen, provide the necessary services relating to records,  
12 correspondence, supplies, property and equipment, security and general services,  
13 and the maintenance and utilization of facilities, and provide services relating to  
14 manpower, career planning and development, personnel transactions and  
15 employee welfare including the conduct of continuous inspection and management  
16 audit of personnel, facilities and operations at all levels of command of the PNP,  
17 and monitor the implementation of the Commission's programs and projects  
18 relative to law enforcement;

19 (4) The Installations and Logistics Bureau, which shall review the  
20 Commission's plans and programs and formulate policies and procedures  
21 regarding acquisition, inventory, control, distribution, maintenance and disposal of  
22 supplies and shall oversee the implementation of programs on transportation  
23 facilities and installations and the procurement and maintenance of supplies and  
24 equipment;

25 (5) The Financial Bureau, which shall provide the Commission financial  
26 matters, including the overseeing of the processing and disbursement of funds

1       pertaining to the scholarship program and surviving children of deceased and/or  
2       permanently incapacitated PNP personnel; and

3               (6) Internal Affairs Bureau, which shall be tasked as the disciplinary arm of  
4       the Commission with powers to investigate and adjudicate administrative cases  
5       filed before it including the monitoring and investigation of police anomalies and  
6       irregularities. The powers and functions and organizational structure of the current  
7       member of the Commission shall become an executive member of a political party  
8       or any other political body, or shall actively engage in political movements.

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

13              The proceedings of the National Police Commission shall be decided by the  
14      majority of regular members who are present, and in case of a tie, it shall be broken by  
15      the vote of the Chairman. In case the Chairman is unable to perform his duties, the acting  
16      Chairman provided for in paragraph 3, Section 5, shall perform the duties of the  
17      Chairman provided for in the preceding two paragraphs, and as to counting the quorum to  
18      hold the conference and the proceedings provided for in these paragraphs, he shall still be  
19      regarded as a member of the Commission.

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

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

5           SECTION 13. *Organizational Restructuring.* – The Internal Affairs Bureau (IAB)  
6 shall be subsumed into the Commission and shall be tasked as the disciplinary arm  
7 thereof with powers to investigate and adjudicate administrative cases filed before it.

8           The Commission shall consist of the following:

9           (A) Commission Proper – This is composed of the offices of the Chairman and  
10 four Commissioners. The powers, functions and organizational structure of the current  
11 Internal Affairs Service as provided for under R.A. No. 8551 are hereby adopted to form  
12 part of this Act. Provided, that all the current personnel of the IAS, as well as the  
13 Inspection, Monitoring and Investigation Service (IMIS) of the Commission shall be  
14 absorbed as members of the IAB.

15           (B) Appellate Bodies – The National Appellate Board and Regional Appellate  
16 Boards, as constituted under R.A. No. 6975, as amended by R.A. No. 8551, shall retain  
17 their functions. All their decisions shall be appealable to the Chairman.

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

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



1           SECTION 16. *Career Development and Incentives.* – Personnel of the  
2 Commission shall in addition to other allowances authorized under existing laws be  
3 granted occupational specialty pay equivalent to 50% of their basic pay. This pay shall  
4 not be considered a forfeiture of other remuneration and allowances which are allowed  
5 under existing laws.

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

23           SECTION 18. *Implementing Rules and Regulations.* – The National Police  
24 Commission shall promulgate rules and regulations for the effective implementation of

1 this Act. Such rules and regulations shall take effect upon their publication in three  
2 newspapers of general circulation.

3 SECTION 19. *Appropriations.* – For purposes of underwriting the operation of the  
4 reorganized National Police Commission the sum of Fifty Million Pesos (P50,  
5 000,000.00) or so much thereof as may be necessary is hereby appropriated out of any  
6 funds in the National Treasury not otherwise appropriated, to include the present  
7 appropriations of the National Police Commission. Thereafter, such amount as is  
8 necessary to carry out the provisions of this Act shall be included in the annual General  
9 Appropriations Act.

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

14 SECTION 21. *Repealing Clause.* – The provisions of R.A. No. 6975 and R.A. No.  
15 8551, and of executive orders, rules and regulations, inconsistent with this  
16 Act are hereby repealed or modified accordingly.

17 SECTION 22. *Separability Clause.* – If any provision of this Act is held invalid or  
18 unconstitutional, the same shall not affect the validity and effectivity of the other  
19 provisions hereof.

20 SECTION 23. *Effectivity Clause.* – This Act shall take effect fifteen (15) days  
21 after its publication in the *Official Gazette* or in two (2) newspapers of general  
22 circulation.

Approved,

ersmg/26Nov2015