

SEVENTEENTH CONGRESS OF THE REPUBLIC
OF THE PHILIPPINES


First Regular Session



Senate
Office of the Secretary

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SENATE
S. B. 868

RECEIVED BY: 

Introduced by Senator Poe

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 that "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

Media reports often focus attention on offenses committed by members of the Philippine National Police. There are many complaints of delays in resolving disciplinary cases against PNP members.

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). The IAS was envisioned as an independent unit which would exercise disciplinary authority over members of the Philippine National Police. However, the IAS as presently constituted has no authority to impose disciplinary sanctions against erring PNP personnel. The IAS is currently 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 by the Senate Committee on Public Order and Dangerous Drugs during the 16th Congress on the rising incidence of police personnel involved in criminal activity. It seeks to strengthen the IAS' capacity to resolve disciplinary cases. It enhances the independence of the IAS by granting it authority to impose disciplinary sanctions against erring PNP personnel, subject only to review, in limited cases, by the National Police Commission. It ensures speedy disposition of cases filed with the IAS by streamlining procedures imposing timelines.

The immediate recognition of this bill is earnestly sought.



GRACE POE

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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 “*PNP-IAS Reform Act of 2016.*”

2

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

12

13 “1) Develop policies and promulgate a
14 police manual prescribing rules and regulations for
15 efficient organization, administration, and operation,

1 including criteria for manpower allocation, distribution
2 and deployment, recruitment, selection, promotion, and
3 retirement of personnel and the conduct of qualifying
4 entrance and promotional examinations for uniformed
5 members;

6 "2) Examine and audit, and thereafter
7 establish the standards for such purposes on a
8 continuing basis, the performance, activities, and
9 facilities of all police agencies throughout the country;

10 "3) Establish a system of uniform crime
11 reporting;

12 "4) Conduct an annual self-report survey and
13 compile statistical data for the accurate assessment of
14 the crime situation and the proper evaluation of the
15 efficiency and effectiveness of all police units in the
16 country;

17 "5) Approve or modify plans and programs
18 on education and training, logistical requirements,
19 communications, records, information systems, crime
20 laboratory, crime prevention and crime reporting;

21 "6) Affirm, reverse or modify, through the
22 National Appellate Board, personnel disciplinary
23 actions involving demotion or dismissal from the
24 service imposed upon members of the Philippine
25 National Police by the Chief of the Philippine National
26 Police;

27 "7) EXERCISE EXCLUSIVE
28 APPELLATE JURISDICTION OVER DECISIONS
29 OF THE INSPECTOR GENERAL OF THE
30 PHILIPPINE NATIONAL POLICE IN

1 **PERSONNEL DISCIPLINARY ACTIONS WHERE**
2 **THE PENALTY IMPOSED UPON THE ERRING**
3 **UNIFORMED OR NON-UNIFORMED PNP**
4 **PERSONNEL IS DISMISSAL, DEMOTION IN**
5 **RANK, SUSPENSION FOR A PERIOD**
6 **EXCEEDING NINETY (90) DAYS, OR**
7 **FORFEITURE OF BENEFITS EQUIVALENT TO**
8 **MORE THAN NINETY (90) DAYS' PAY;**

9
10 "8) Exercise appellate jurisdiction through
11 the regional appellate boards over administrative cases
12 against policemen and over decisions on claims for
13 police benefits;

14 "9) Prescribe minimum standards for arms,
15 equipment, and uniforms and, after consultation with
16 the Philippine Heraldry Commission, for insignia of
17 ranks, awards, and medals of honor. Within ninety (90)
18 days from the effectivity of this Act, the standards of
19 the uniformed personnel of the PNP must be revised
20 which should be clearly distinct from the military and
21 reflective of the civilian character of the police;

22 "10) Issue subpoena and subpoena duces
23 tecum in matters pertaining to the discharge of its own
24 powers and duties, and designate who among its
25 personnel can issue such processes and administer oaths
26 in connection therewith;

27 "11) Inspect and assess the compliance of the
28 PNP on the established criteria for manpower
29 allocation, distribution, and deployment and their
30 impact on the community and the crime situation, and
31 thereafter formulate appropriate guidelines for

1 maximization of resources and effective utilization of
2 the PNP personnel;

3 "12) Monitor the performance of the local
4 chief executives as deputies of the Commission; and

5 "13) Monitor and investigate police anomalies
6 and irregularities.

7 "b) Advise the President on all matters involving police
8 functions and administration;

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

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

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

20
21 **SECTION 3.** Section 39 of Republic Act No. 8551 is hereby amended to read as
22 follows:

23
24 **"Section 39. Creation, Powers, and Functions.** – An Internal
25 Affairs Service (IAS) of the PNP is hereby created which shall:

26 "a) pro-actively conduct inspections and audits on PNP
27 personnel and units;

1 “b) Investigate complaints and gather evidence in support
2 of an open investigation;

3 **“C) HEAR AND DECIDE ADMINISTRATIVE CASES**
4 **AGAINST ERRING UNIFORMED AND NON-UNIFORMED**
5 **PNP PERSONNEL;**

6 “[c] D) Submit a periodic report on the assessment, analysis,
7 and evaluation of the character and behavior of PNP personnel and
8 units to the Chief PNP and the Commission;

9 “[d] E) File appropriate criminal cases against PNP members
10 before the court as evidence warrants and assist in the prosecution of
11 the case;

12 “[e] F) Provide assistance to the Office of the Ombudsman in
13 cases involving the personnel of the PNP.

14 “The IAS shall also conduct, *motu proprio*, automatic
15 investigation of the following cases:

16 “a) incidents where a police personnel discharges a firearm;

17 “b) Incidents where death, serious physical injury, or any
18 violation of human rights occurred in the conduct of a police operation;

19 “c) Incidents where evidence was compromised, tampered
20 with, obliterated, or lost while in the custody of police personnel;

21 “d) Incidents where a suspect in the custody of the police
22 was seriously injured; and

23 “e) Incidents where the established rules of engagement
24 have been violated.

25 “Finally, the IAS shall provide documents or recommendations
26 as regards to the promotion of the members of the PNP or the
27 assignment of PNP personnel to any key position.

1 “THE INTERNAL AFFAIRS SERVICE SHALL BE
2 HEADED BY AN INSPECTOR GENERAL, WHO SHALL BE
3 ASSISTED BY A DEPUTY INSPECTOR GENERAL.

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

12 SECTION 4. Section 40 of Republic Act No. 8551 is hereby amended to read as
13 follows:

14 “Section 40. **Organization.** – There are hereby created national,
15 regional, and provincial offices of the Internal Affairs Service. That national
16 office shall be headed by the Inspector General. The regional offices shall
17 each be headed by a Director. The provincial offices shall be headed by a
18 Superintendent.

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

21 SECTION 5. Section 41 of Republic Act No. 8551 is hereby amended to read as
22 follows:

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

1 “The Inspector General and the Deputy Inspector General shall serve
2 for a term of five (5) years without reappointment. The Inspector General
3 shall receive the salaries, benefits and privileges equivalent to those received
4 by a Deputy Director General of the PNP. The Deputy Inspector General shall
5 receive the salaries, benefits and privileges equivalent to those received by a
6 Director of the PNP.

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

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

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

15
16 **“Section 49. Procedure in Disciplinary Cases.** – Proceedings
17 before the Internal Affairs Service shall be summary in character and shall
18 follow the following procedure:

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

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

27 (c) Within five (5) days from receipt of the complaint, the
28 Provincial or Regional Internal Affairs Office concerned shall cause the
29 service of a copy of the complaint and its attachments upon the respondent,
30 together with an order requiring the respondent to file his or her answer to the

1 complaint, furnishing a copy thereof to the complainant, within a period of ten
2 (10) days from his or her receipt of the complaint and the order.

3 (d) The respondent's answer shall likewise be under oath and shall
4 include all the real, documentary and testimonial evidence, by way of
5 affidavits, in support of his defense.

6 (e) The parties may file their respective position papers within ten
7 (10) days from the respondents' filing of the answer.

8 (f) Within thirty (30) days from the parties' submission of their
9 respective position papers, or from the lapse of the period to file the same, the
10 Provincial or Regional Internal Affairs Service Office concerned shall forward
11 the entire records of the case to the Inspector General together with a written
12 recommendation which shall include:

13 (i) The findings of fact;

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

16 (iii) The penalty or penalties to be imposed upon the
17 respondent.

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

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

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

25 **"Section 50. Appeals.** - A decision of the Inspector General
26 dismissing a case or imposing a penalty of lower than suspension for ninety
27 (90) days or less, or forfeiture of benefits equivalent to ninety (90) days' pay
28 or less shall be final, unappealable and immediately executory. A decision of

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

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

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

14
15 Approved.