

SENATE
Office of the Secretary
16 AUG -2 P4:34

SENATE
Senate Bill No. 971

RFP

BY: 

Introduced by SENATOR LACSON

EXPLANATORY NOTE

Article XVI, Section 6 of the 1987 Constitution provides that:

“The State shall establish and maintain one police force, which shall be national in scope and civilian in character, to be administered and controlled by a national police commission. **The authority of local executives over the police units in their jurisdiction shall be provided by law.**”

Pursuant to said Constitutional provision, Congress enacted Republic Act No. 6975, otherwise known as the “*Department of the Interior and Local Government Act of 1990*” which was subsequently amended by Republic Act No. 8551 or the “*Philippine National Police Reform and Reorganization Act of 1998*”.

Under said laws, governors and mayors are considered as deputized representatives of the National Police Commission in their respective territorial jurisdiction. Hence, governors are given the power to choose their Provincial Director, while mayors have the authority to select their Chief of Police.

However, controversies in the past developed a public perception that conflict of interest arises when Provincial Directors and Police Chiefs end up being indebted to local chief executives because of the latter’s appointive authority.

While the constitutionality of such appointive jurisdiction is a settled question, nothing prevents the Congress from reviewing the wisdom and logic behind said policy in order to further enhance police professionalism and to isolate the police service from political domination.¹

In addition, as recognized by the Supreme Court in the *Citizen Carpio* ruling, it would not be advisable to give full control of the police to the local executives, to wit:

¹ *Jose S. Andaya vs. Regional Trial Court, Cebu City*, G. R. No. 126661, December 3, 1999

“It is true that when the Constitutional Commissioners of 1986 provided that the authority of local executives over the police units in their jurisdiction shall be provided by law, they intended that the day-to-day functions of police work like crime, investigation, crime prevention activities, traffic control, etc., would be under the operational control of the local executives as it would not be advisable to give full control of the police to the local executives.

They reasoned that in the past, this gave rise to warlordism, bossism, and sanctuaries for vices and abuses.”²

In order therefore to further professionalize the police force, the Provincial Director/District Director or Regional Director of the Philippine National Police shall have the authority to choose the Chief of Police or Provincial Director/District Director, respectively.

In view thereof, the passage of this bill is earnestly sought.


PANFILO M. LACSON
Senator

² *Citizen J. Antonio M. Carpio vs Executive Secretary*, G.R. No. 96409, February 14, 1992

Introduced by SENATOR LACSON

**AN ACT TO FURTHER PROFESSIONALIZE THE POLICE SERVICE
AMENDING FOR THE PURPOSE PERTINENT PROVISIONS OF REPUBLIC
ACT NO. 6975 AS AMENDED BY REPUBLIC ACT NO. 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.** Section 20 of Republic Act No. 8551 is hereby amended to read as
2 follows:

3 "SEC. 20. Increased Qualifications for Provincial Directors. – No
4 person may be appointed Director of a Provincial Police Office unless:

5 a) he or she holds a master's degree in public administration, sociology,
6 criminology, criminal justice, law enforcement, national security
7 administration, defense studies, or other related discipline from a
8 recognized institution of learning; and

9 b) has satisfactorily passed the required training and career courses
10 necessary for the position as may be established by the Commission.

11 [Any PNP personnel who is currently occupying the position but lacks any
12 of the qualifications mentioned above shall be given three (3) years upon
13 the effectivity of this Act to comply with the requirements; otherwise he or
14 she shall be relieved from the position."]

15 **PROVINCIAL DIRECTORS SHALL BE CHOSEN BY THE
16 REGIONAL DIRECTOR FROM A LIST OF THREE (3)
17 QUALIFIED AND ELIGIBLE CANDIDATES RECOMMENDED BY
18 THE PNP SENIOR OFFICERS PLACEMENT AND PROMOTION
19 BOARD."**

20 **SEC. 2.** Section 34 of Republic Act No. 6975, as amended by Section 22 of
21 Republic Act No. 8551, is hereby further amended to read as follows:

22 "SEC. 34. Qualifications of Chief of City and Municipal Police
23 Stations. – No person shall be appointed chief of a city police station unless
24 he/she is a graduate of Bachelor of Laws or has finished all the required
25 courses of a master's degree program in public administration, criminology,

1 criminal justice, law enforcement, national security administration, defense
2 studies, and other related disciplines from a recognized institution of
3 learning. No person shall be appointed chief of a municipal police station
4 unless he or she has finished at least second year Bachelor of Laws or has
5 earned at least twelve (12) units in a master's degree program in public
6 administration, criminology, criminal justice, law enforcement, national
7 security administration, and other related disciplines from a recognized
8 institution of learning: Provided, That members of the Bar with at least five
9 (5) years of law practice, licensed criminologists or graduates of the
10 Philippine National Police Academy and who possess the general
11 qualifications for initial appointment to the PNP shall be qualified for
12 appointment as chief of a city or municipal police station: Provided, further,
13 That the appointee has successfully passed the required field training
14 program and has complied with other requirements as may be established
15 by the Commission: **Provided, furthermore, [That the chief of police**
16 **shall be appointed in accordance with the provisions of Section 51,**
17 **paragraph (b), subparagraph 4(i) of this Act.]"** THAT THE CHIEF
18 **OF POLICE OF MUNICIPALITIES AND COMPONENT CITIES**
19 **SHALL BE CHOSEN BY THE PROVINCIAL DIRECTOR OR**
20 **DISTRICT DIRECTOR FROM A LIST OF FIVE (5) QUALIFIED**
21 **AND ELIGIBLE CANDIDATES RECOMMENDED BY THE PNP**
22 **SENIOR OFFICERS PLACEMENT AND PROMOTION BOARD.**
23 **CHIEF OF POLICE OF HIGHLY-URBANIZED CITIES AND**
24 **INDEPENDENT COMPONENT CITIES INCLUDING THE**
25 **DISTRICT DIRECTORS OF THE NATIONAL CAPITAL REGION**
26 **POLICE OFFICE (NCRPO) SHALL BE CHOSEN BY THE**
27 **REGIONAL DIRECTOR UNDER THE SAME CONDITIONS AS**
28 **ABOVE."**

29 **SEC. 3.** Section 51 of Republic Act No. 6975, as amended by Sections 62 and 63
30 of Republic Act No. 8551, is hereby further amended to read as follows:

31 "Section 51. Powers of Local Government Officials Over the PNP
32 Units or Forces. – Governors and mayors shall be deputized as
33 representatives of the Commission in their respective territorial jurisdiction.
34 As such, the local executives shall discharge the following functions:

35 (a) Provincial Governor – **[(1) Power to Choose the Provincial Director.**
36 **– The provincial governor shall choose the provincial director from a**
37 **list of three (3) eligible recommended by the PNP regional director.]**

38 **[(2)] (1) Overseeing the Provincial Public Safety Plan**
39 **Implementation. – The governor, as chairman of the provincial peace and**
40 **order council, shall oversee the implementation of the provincial public**
41 **safety plan, which is prepared taking into consideration the integrated**
42 **community safety plans, as provided under paragraph (b) (2) of this section.**

43 (b) City and Municipal Mayors –

44 (1) xxx

45 (2) xxx

46 (3) xxx

1 (4) Other Powers. – In addition to the aforementioned
2 powers, city and municipal mayors shall have the following
3 authority over the PNP units in their respective jurisdictions:

4 (i) [Authority to choose the chief of police from a list of
5 five (5) eligibles recommended by the provincial police
6 director, preferably from the same province, city or
7 municipality: Provided, however, That in no case shall an
8 officer-in-charge be designated for more than thirty (30)
9 days: Provided, further, That] T[t]he local peace and
10 order council may, through the city or municipal mayor,
11 recommend the recall or reassignment of the chief of
12 police when, in its perception, the latter has been
13 ineffective in combating crime or maintaining peace and
14 order in the city or municipality: Provided, [finally,] That
15 such relief shall be based on guidelines established by the
16 NAPOLCOM; PROVIDED, HOWEVER, THAT IN NO
17 CASE SHALL AN OFFICER-IN-CHARGE BE
18 DESIGNATED FOR MORE THAN THIRTY (30) DAYS.

19 (ii) xxx

20 (iii) xxx.”

21 **SEC. 4.** Nothing in this Act shall be construed to mean the derogation of the
22 powers and functions of the PNP Chief as provided for under Section 26 of Republic
23 Act No. 6975.

24 **SEC. 5. Implementing Rules and Regulations.** – The NAPOLCOM and PNP
25 shall promulgate the necessary rules and regulations for the effective implementation of
26 this Act. Such rules and regulations shall take effect upon its publication in two (2)
27 newspapers of general circulation.

28 **SEC. 6. Separability Clause.** - If, for any reason, any provision of this Act is
29 declared to be unconstitutional or invalid, the other sections or provisions hereof which
30 are not affected thereby shall continue to be in full force and effect.

31 **SEC. 7. Repealing Clause.** - All laws, decrees, executive orders, rules and
32 regulations, and other issuances or parts thereof which are inconsistent with this Act are
33 hereby repealed, amended or modified accordingly.

34 **SEC. 8. Effectivity Clause.** - This Act shall take effect fifteen (15) days after its
35 complete publication in at least two (2) newspapers of general circulation.

36 Approved,