

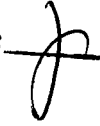
SEVENTEENTH CONGRESS OF THE REPUBLIC }
OF THE PHILIPPINES }
First Regular Session }



Senate
Office of the Secretary

'16 AUG 22 AIO 52

SENATE
Senate Bill No. 1052

RECEIVED BY: 

Introduced by SENATOR LACSON

AN ACT
STRENGTHENING THE PHILIPPINE NATIONAL POLICE CRIMINAL
INVESTIGATION UNIT (CIU) BY RESTORING ITS AUTHORITY TO
ISSUE SUBPOENA OR SUBPOENA DUCES TECUM, AMENDING FOR
THE PURPOSE SEC. 35 B (4) OF REPUBLIC ACT NO. 6975,
OTHERWISE KNOWN AS AN ACT ESTABLISHING THE PHILIPPINE
NATIONAL POLICE UNDER A REORGANIZED DEPARTMENT OF
THE INTERIOR AND LOCAL GOVERNMENT, AND FOR OTHER
PURPOSES

EXPLANATORY NOTE

Under Republic Act No. 6975, otherwise known as the "DILG Act of 1990", the Integrated National Police and the Philippine Constabulary were integrated to establish the Philippine National Police.

R.A. 6975 repealed R.A. 5750, which previously granted the Chief and Deputy Chief of the Criminal Investigation Service (CIS) the power to administer oaths upon cases under investigation and to issue *subpoena* or *subpoenas duces tecum* for the appearance of any person for investigation or production of documents and other matters. When this law was enacted, it created the Criminal Investigation Unit (CIU), now the present Criminal Investigation and Detection Group (CIDG), in lieu of the CIS without, however, restoring the said authority to the former.

Under the present law, the CIU is mandated to undertake the monitoring, investigation and prosecution of all crimes involving economic sabotage, and other crimes of such magnitude and extent as to indicate their commission by highly-placed or professional criminal syndicates and organizations. Hence, it is somewhat contradicting that the primary investigative unit does not possess the power to issue administrative subpoenas for the conduct of their mandated duties.

Furthermore, our statutes provide the power to issue administrative *subpoena* or *subpoena duces tecum* to various government agencies and instrumentalities such as The Ombudsman, Department of Justice, National Bureau of Investigation, The Philippine Drug Enforcement Agency, National Police Commission, Bureau of Internal Revenue and the Cybercrime Operation Center of the Cybercrime Investigation Coordination Center. Granting the same power to the CIDG will facilitate the efficient and effective discharge of its functions as an investigative unit.

This bill seeks to correct this oversight by restoring the power to administer oath and to issue *subpoena* or *subpoena duces tecum* previously granted to the CIU Director and his/her Deputies. It is submitted that these powers are indispensable for the CIU to carry out its mandated investigatory and prosecutory functions.

It is for this reason that the passage of this bill is earnestly sought.


PANFILO M. LACSON
Senator



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

1 **SECTION 1.** Section 35 (b)(4) of Republic Act No. 6975, otherwise
2 known as An Act Establishing the Philippine National Police under a Reorganized
3 Department of the Interior and Local Government, and For Other Purposes, is
4 hereby amended to read as follows:

5 **“Section 35. Support Units. – xxx**

6 (b) Operational Support Units. – xxx

7 (4) Criminal Investigation Unit. – Headed by a Director with
8 the rank of chief superintendent, the Criminal Investigation
9 Unit shall undertake the monitoring, investigation and
10 prosecution of all crimes involving economic sabotage, and
11 other crimes of such magnitude and extent as to indicate their
12 commission by highly placed or professional criminal
13 syndicates and organizations.

14 This unit shall likewise investigate all major cases involving
15 violations of the Revised Penal Code and operate against

1 organized crime groups, unless the President assigns the case
2 exclusively to the National Bureau of Investigation (NBI).

3 **THE DIRECTOR AND THE DEPUTY DIRECTORS OF**
4 **THE CRIMINAL INVESTIGATION UNIT SHALL**
5 **HAVE THE POWER TO ADMINISTER OATH UPON**
6 **CASES UNDER INVESTIGATION AND TO ISSUE**
7 **SUBPOENA OR SUBPOENA DUCES TECUM.”**

8 **SECTION 2. *Separability Clause.*** If any provision of this Act shall be
9 declared invalid or unconstitutional, the remaining part or provisions not otherwise
10 affected shall remain in force.

11 **SECTION 3. *Repealing Clause.*** Any law, decree, ordinance,
12 administrative circulars not consistent with any provision of this Act is hereby
13 amended, repealed or modified accordingly.

14 **SECTION 4. *Effectivity Clause.*** This Act shall take effect fifteen (15) days
15 after its complete publication in the Official Gazette or in at least two (2)
16 newspapers of general circulation.

17 ***Approved,***