

EIGHTEENTH CONGRESS OF THE)
REPUBLIC OF THE PHILIPPINES)
First Regular Session)



SENATE
S. No. 1494

20 MAY -4 P3:58

Introduced by Senator Grace Poe

RECEIVED BY 

**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 Sec. 2. Section 14 of Republic Act No. 6975 is hereby further amended to
- 3 read as follows:
- 4 "Section 14. **Powers and Functions of the Commission.** –
- 5 The Commission shall exercise the following powers and functions:
- 6 "(a) Exercise administrative control **AND**
- 7 **OPERATIONAL SUPERVISION** over the Philippine National
- 8 Police which shall mean the power to:
- 9 "1) Develop policies and promulgate a
- 10 police manual prescribing rules and regulations for
- 11 efficient organization, administration, and
- 12 operation, including criteria for manpower
- 13 allocation, distribution and deployment,
- 14 recruitment, selection, promotion, and retirement
- 15 of personnel and the conduct of qualifying
- 16 entrance and promotional examinations for
- 17 uniformed members;

1 "2) Examine and audit, and thereafter
2 establish the standards for such purposes on a
3 continuing basis, the performance, activities, and
4 facilities of all police agencies throughout the
5 country;

6 "3) Establish a system of uniform crime
7 reporting;

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

13 "5) Approve or modify plans and
14 programs on education and training, logistical
15 requirements, communications, records,
16 information systems, crime laboratory, crime
17 prevention and crime reporting;

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

24 "7) **EXERCISE EXCLUSIVE**
25 **APPELLATE JURISDICTION OVER**
26 **DECISIONS OF THE INSPECTOR GENERAL**
27 **OF THE PHILIPPINE NATIONAL POLICE IN**
28 **PERSONNEL DISCIPLINARY ACTIONS**
29 **WHERE THE PENALTY IMPOSED UPON THE**
30 **ERRING UNIFORMED OR NON-UNIFORMED**
31 **PNP PERSONNEL IS DISMISSAL, DEMOTION**
32 **IN RANK, SUSPENSION FOR A PERIOD**

1 **EXCEEDING NINETY (90) DAYS, OR**
2 **FORFEITURE OF BENEFITS EQUIVALENT TO**
3 **MORE THAN NINETY (90) DAYS' PAY;**

4 "8) Exercise appellate jurisdiction
5 through the regional appellate boards over
6 administrative cases against policemen and over
7 decisions on claims for police benefits;

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

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

23 "11) Inspect and assess the compliance of
24 the PNP on the established criteria for manpower
25 allocation, distribution, and deployment and their
26 impact on the community and the crime situation,
27 and thereafter formulate appropriate guidelines for
28 maximization of resources and effective utilization
29 of the PNP personnel;

30 "12) Monitor the performance of the local
31 chief executives as deputies of the Commission;
32 and

1 "13) Monitor and investigate police
2 anomalies and irregularities.

3 "b) Advise the President on all matters involving police
4 functions and administration;

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

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

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

17 Sec. 3. Section 39 of Republic Act No. 8551 is hereby amended to read as
18 follows:

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

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

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

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

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

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

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

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

8 “a) incidents where a police personnel discharges a
9 firearm;

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

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

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

18 “e) Incidents where the established rules of
19 engagement have been violated.

20 “Finally, the IAS shall provide documents or
21 recommendations as regards to the promotion of the members
22 of the PNP or the assignment of PNP personnel to any key
23 position.

24 **“THE INTERNAL AFFAIRS SERVICE SHALL BE
25 HEADED BY AN INSPECTOR GENERAL, WHO SHALL BE
26 ASSISTED BY A DEPUTY INSPECTOR GENERAL.**

27 **“THE DISCIPLINARY POWERS HEREIN GRANTED
28 TO THE INTERNAL AFFAIRS SERVICE SHALL BE
29 WITHOUT PREJUDICE, AND SHALL NOT DIMINISH, THE
30 DISCIPLINARY POWERS GRANTED TO THE
31 COMMISSION, THE CHIEF OF THE PHILIPPINE
32 NATIONAL POLICE, THE REGIONAL DIRECTORS AND**

1 **THE PEOPLE'S LAW ENFORCEMENT BOARDS UNDER**
2 **SECTIONS 42 AND 43 OF REPUBLIC ACT NO. 6975."**

3 Sec. 4. Section 40 of Republic Act No. 8551 is hereby amended to read as
4 follows:

5 **"Section 40. Organization.** – There are hereby created
6 national, regional, and provincial offices of the Internal Affairs Service. That
7 national office shall be headed by the Inspector General. The regional offices
8 shall each be headed by a Director. The provincial offices shall be headed by
9 a Superintendent.

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

12 Sec. 5. Section 41 of Republic Act No. 8551 is hereby amended to read as
13 follows:

14 **"Section 41. Appointments.** – The Inspector General and the
15 Deputy Inspector General shall be civilians. They shall be appointed by the
16 President [~~from a list of three (3) nominees submitted to him by the~~
17 ~~Commission.]~~ **AND** no person shall be appointed Inspector General or Deputy
18 Inspector General unless he or she is a Filipino citizen, at least forty-five (45)
19 years of age, and a member of the Philippine Bar for at least ten (10) years
20 prior to the date of his or her appointment.

21 "The Inspector General and the Deputy Inspector General shall serve
22 for a term of five (5) years without reappointment. The Inspector General
23 shall receive the salaries, benefits and privileges equivalent to those received
24 by a Deputy Director General of the PNP. The Deputy Inspector General shall
25 receive the salaries, benefits and privileges equivalent to those received by a
26 Director of the PNP.

27 "The heads of the Provincial and Regional Internal Affairs Offices shall
28 be appointed by the Chief of the Philippine National Police upon the prior
29 recommendation of the Inspector General.

30 "Appointments of other personnel of the Internal Affairs Service shall
31 be made by the Inspector General and shall be based on an established
32 career pattern and criteria to be promulgated by the Commission."

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

3 **"Section 49. Procedure in Disciplinary Cases. –**

4 Proceedings before the Internal Affairs Service shall be summary in
5 character and shall follow the following procedure:

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

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

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

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

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

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

31 (i) The findings of fact;

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

3 (iii) The penalty or penalties to be imposed upon the
4 respondent.

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

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

10 Sec. 6. Section 50 of Republic Act No. 8551 is hereby amended to read as
11 follows:

12 **"Section 50. Appeals.** - A decision of the Inspector
13 General dismissing a case or imposing a penalty of lower than
14 suspension for ninety (90) days or less, or forfeiture of benefits
15 equivalent to ninety (90) days' pay or less shall be final, unappealable
16 and immediately executory. A decision of the Inspector General
17 imposing the penalty of dismissal from the service, demotion,
18 suspension of more than ninety (90) days or forfeiture of benefits
19 equivalent to more than ninety (90) days' pay may be appealed to the
20 Commission within ten (10) days from the aggrieved party's receipt of
21 the decision. The Commission shall resolve the appeal within ninety
22 (90) days from its receipt of the appeal. The decision of the
23 Commission shall be final and immediately executory.

24 Sec. 7. If any section or part of this Act is held unconstitutional, no other
25 section or provision shall be affected.

26 Sec. 8. This Act shall take effect fifteen (15) days after its complete
27 publication in the Official Gazette or in at least two (2) national newspapers of
28 general circulation, whichever comes earlier.

Approved,