

14th CONGRESS OF THE)
REPUBLIC OF THE PHILIPPINES)
FIRST REGULAR SESSION)

7 JUN 30 P4:56

SENATE BILL No. 2729 RECEIVED BY: 

Introduced by Senator Aquilino Q. Pimentel, Jr.

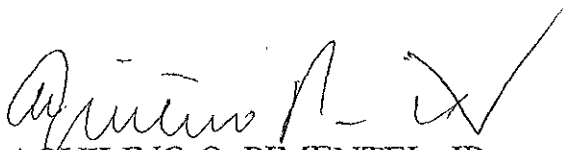
EXPLANATORY NOTE

The Philippine National Police (PNP) has been tagged by the United States State Department as one of the worst human rights violators here in the country. The State Department, in its Country Reports on Human Rights Practices, cited that "the Philippine National Police (PNP) has deep- rooted institutional deficiencies and suffers from a widely-held and accurate public perception that it is corrupt."

One of the deficiencies seen in the organization of the Philippine National Police (PNP) is the absence of an independent police commission, to investigate and adjudicate administrative cases filed against members and officers thereof, most especially those involving human rights violations committed against ordinary civilians. The present organizational structure gives this jurisdiction to an administrative machinery which is composed of adjudicators from within the ranks of the PNP. Such a scenario compromises the constitutional guaranty of the "cold impartiality of a neutral judge," which is assured in all adversarial proceedings.

This bill proposes the creation of the Independent Police Control Commission, (IPCC) which shall have the power to determine, investigate and adjudicate administrative cases involving serious misconduct, torture and abuse committed by any member or officer of the Philippine National Police. (PNP) To ensure its independence, the Commission shall be purely civilian in character, and the Chairperson and Commissioners thereof shall not have been actively engaged in any police or military service at any time.

Hence, immediate passage of this bill is earnestly sought.


AQUILINO Q. PIMENTEL, JR.

13th CONGRESS OF THE)
REPUBLIC OF THE PHILIPPINES)
THIRD REGULAR SESSION)

7 JUN 30 P4 56

SENATE BILL No. 278 RECEIVED BY: [Signature]

Introduced by Senator Aquilino Q. Pimentel, Jr.

AN ACT CREATING THE INDEPENDENT POLICE CONTROL COMMISSION,
APPROPRIATING FUNDS THEREFOR, AND FOR OTHER PURPOSES

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

SECTION 1. Declaration of State Policy. -- The State values the dignity of every human person and guarantees full respect for human rights. Every citizen has the right to be protected against any form of torture, abuse, violence, intimidation or any other means to vitiate his free will committed against his person, at any time, even under the custody of police officers during arrest or detention.

SEC. 2. Creation of the Independent Police Control Commission. In pursuance with the above-mentioned policies, the Independent Police Control Commission is hereby created.

SEC 3. Definition of Terms. The following terms, as used in this Act, are hereby defined as follows:

- a. "Abuse" refers to any act by deeds or words which physically or psychologically debases, degrades or demeans the intrinsic worth and dignity of an individual as a human being;
- b. "Serious Misconduct" refers to any act of a member of the Philippine National Police (PNP) employing excessive force, harassment or abusive behavior. It could also include unlawful arrest or any act deemed as a transgression of one's constitutional rights.
- c. "Commission" refers to the Independent Police Control Commission;
- d. "Police" refers to any member or officer of the Philippine National Police (PNP);
- e. "Substantial Evidence" refers to such relevant evidence as a reasonable mind might accept as adequate to support a conclusion;

SEC. 4. Composition of the Commission. The Independent Police Control Commission is a collegial body which shall be composed of a Chairperson and two (2) Commissioners, one of whom must be a woman, must be natural-born citizens of the Philippines, at least forty (40) years of age, of proven probity and integrity and must have been actively involved in human rights protection and promotion activities for at least ten (10) years. The Chairperson and Commissioners shall be chosen from a list of nominees submitted by a selection committee composed of representatives of Commission on Human Rights and non-governmental organizations engaged in the protection of human rights.

The Commission shall be civilian in character, and shall maintain independence from any influence of the Philippine National Police. (PNP) The Chairperson and Commissioners thereof must not have been actively engaged in any kind of police or military service at any time, nor candidates for any elective position in the immediately preceding national or local elections.

SEC. 4. Salary, Retirement and other Privileges of the Chairperson and Commissioners. The Chairperson and Commissioners of the Commission shall receive the same salary and privileges as the Chairpersons and Commissioners, respectively, of the Constitutional Commissions, which shall not be decreased during their term of office. Likewise, they shall receive the same retirement benefits as that of Constitutional Chairperson and Commissioners as provided by law existing at the time of expiration of their term of office.

SEC. 5. Appointment and Term of Office. The Chairperson and the Commissioners shall be appointed by the President for a term of seven years without reappointment. Of those first appointed, the Chairperson shall hold office for seven years, one Commissioner for five years, and the other Commissioner for three years, without reappointment. Appointment to any vacancy shall be only for the unexpired portion of the term of the predecessor. In no case shall any Commissioner be appointed or designated in a temporary or acting capacity.

SEC. 6. Who May File A Complaint. The following may file a complaint before the Commission:

1. Any person who has been a victim of an act of abuse, serious misconduct or torture committed by a member of the Philippine National Police (PNP)
2. Any person who was present when the alleged act of abuse, serious misconduct or torture took place, or any person who has probable cause to believe based on personal knowledge of facts or circumstances that an act of abuse, serious misconduct or torture has been committed.

SEC. 7. Jurisdiction of the Commission. The Commission is hereby vested with primary original and exclusive jurisdiction to determine, investigate and adjudicate administrative cases involving abuse, serious misconduct or torture committed by any member or officer of the Philippine National Police, (PNP), other than those defined as minor offenses in Section 52 of Republic Act No. 8551, otherwise known as "An Act Providing for the Reform and Reorganization of the Philippine National Police and for Other Purposes, Amending Certain Provisions of Republic Act Numbered Sixty-Nine Hundred and Seventy-Five Entitled, "An Act Establishing the Philippine National Police Under A Reorganized Department of the Interior and Local Government, and For Other Purposes."

Subject to the essential requirements of due process, it shall not be bound by technical rules of procedure but shall proceed to hear and decide cases or controversies filed before it in a most expeditious manner, employing all reasonable means to ascertain the facts of every case in accordance with justice and equity and the merits of the case.

The findings of fact shall be final and conclusive if based on substantial evidence.

The administrative proceeding shall be conducted without prejudice to the filing of any civil or criminal complaint against the member of the Philippine National Police (PNP) before the Regional Trial Court (RTC) or the Sandiganbayan, as the case may be.

SEC. 8. Judicial Review. In connection with its quasi-judicial power, any decision, order, adjudication, and/or ruling of the Commission may be brought to the Court of Appeals on certiorari within fifteen (15) days from receipt of a copy thereof.

SEC. 9. Appeals. An appeal from the decision of the Court of Appeals shall be by petition for review with Supreme Court within a non-extendible period of fifteen (15) days from receipt of a copy of the said decision.

SEC.10. Implementing Rules and Regulations. The Commission on Human Rights shall be tasked to draft the implementing rules and regulations of this Act sixty (60) days from the effectivity of this Act.

SEC. 11. Appropriations. The amount of ten million pesos (P10,000,000.00) from funds of the National Treasury not otherwise appropriated is hereby appropriated for the initial operations of the Commission. Thereafter, such sums as may be necessary for the full implementation of this Act shall be included in the annual General Appropriations Act.

SEC. 12. Separability Clause. If any provision of this Act shall be held unconstitutional, other provisions not affected thereby shall remain valid and binding.

SEC. 13. Repealing Clause. Sections 52,53 and 54 of Republic Act No. 8551, otherwise known as " An Act Providing for the Reform and Reorganization of the Philippine National Police and for Other Purposes, Amending Certain Provisions of Republic Act Numbered Sixty-Nine Hundred and Seventy-Five Entitled, "An Act Establishing the *Philippine National Police Under A Reorganized Department of the Interior and Local Government, and For Other Purposes,*" and all other laws, presidential decrees, letters of instructions, executive orders, rules and regulations insofar as they are inconsistent with this Act are hereby repealed or amended, as the case may be.

SEC. 14. Effectivity. This Act shall take effect after fifteen (15) days following its publication in the Official Gazette or in two (2) newspapers of general circulation in the Philippines.

Approved.