

THIRTEENTH CONGRESS OF THE REPUBLIC)
 OF THE PHILIPPINES)
 Second Regular Session)

6 AUG 10 2

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SENATE

COMMITTEE REPORT NO. 89

Submitted by the Committee on Public Order and Illegal Drugs on 10 AUG 2006

Re: P. S. Res. No. 156.

Recommending the adoption of the recommendations and their immediate implementation.

Sponsors: Senator Villar and the Members of the Committee on Public Order and Illegal Drugs.

MR. PRESIDENT:

The Committee on Public Order and Illegal Drugs to which was referred Proposed Senate Resolution No. 156, introduced by Senator Villar, entitled:

**“RESOLUTION
 DIRECTING THE SENATE COMMITTEE ON PUBLIC ORDER
 AND ILLEGAL DRUGS TO CONDUCT AN INVESTIGATION, IN
 AID OF LEGISLATION, INTO THE ALLEGED RECRUITMENT-
 FOR-A-FEE SCAM IN THE PHILIPPINE NATIONAL POLICE
 (PNP), WITH THE END VIEW OF RECOMMENDING THE FILING
 OF APPROPRIATE CRIMINAL AND ADMINISTRATIVE
 CHARGES AGAINST ERRING PNP PERSONNEL, AND
 REVIEWING AND/OR AMENDING REPUBLIC ACT NO. 8551,
 OTHERWISE KNOWN AS THE ‘PNP REFORM AND
 REORGANIZATION ACT OF 1998’”**

has considered the same and has the honor to submit the report on its investigation, in aid of legislation, back to the Senate recommending the adoption of the recommendations as contained in this report and their immediate implementation.

I. PREFATORY

Corruption has been defined as the misuse or abuse of public office for private gain. It comes in various forms such as bribery, extortion, fraud,

nepotism, graft, speed money, pilferage, theft, embezzlement, falsification of records, kickback, influence-peddling and campaign contribution.¹

In a survey released sometime in December 2004 by Transparency International, the Philippine National Police (PNP) was rated as the country's most corrupt institution. The survey results gave the PNP a 4.2 grade in its five-point corruption index.² Indeed, the PNP has been beset by allegations of various forms of corruption since its establishment in 1998 by virtue of the enactment of Republic Act 8551 otherwise known as the Philippine National Police Reform and Reorganization Act of 1998, the latest of which is the so-called "recruitment-for-a-fee scam".

During the hearing on 24 January 2005 on Senate Resolution No. 156, Senator Manny Villar called on the attention of Commissioner Imelda Crisol-Roces, National Police Commission (NAPOLCOM) Vice-Chairperson and Executive Officer, on the alleged irregularity in the recruitment or entry of some persons in the PNP, to wit:

"THE CHAIRMAN (SEN. VILLAR). Before I call on Senator Estrada, I just would like to ask Commissioner Crisol-Roces.

You know, one, there is this Napolcom Assistant Regional Director Joseph Celis – revealed that at least 20 police recruits, who either flanked or failed to take the neuropsychiatric test for unknown reasons, are now active members of the Philippine National Police and assigned in the Western Visayas. xxx"³

However, Commissioner Crisol-Roces was quick to deny the allegation saying that Directo Celis was merely misquoted.⁴ But Commissioner Crisol-Roces herself testified during the hearing that she was approached by seven (7) individuals in her office and she was told that they were promised entry in the PNP in exchange for a certain amount.⁵ This allegation, however, was not substantiated by a subsequent hearing.

Subsequently, it was reported in PNP Anti-Corruption Plan submitted by former PNP Chief Aglipay to President Macapagal-Arroyo that during recruitment, some PNP applicants resort to undue political pressure or "palakasan" to get into the police force. The action plan also noted reports of extortion and bribery during recruitment.⁶

II. ISSUES

- (1) Whether or not further investigation must be conducted on the alleged recruitment-for-a-fee scam in the PNP. In the affirmative, what agency is responsible to conduct such investigation?

¹ E. Batalla. De-institutionalizing Corruption in the Philippines – Identifying Strategic Requirements for Reinventing Institutions. Retrieved May 2, 2006. <http://www.tag.org.ph/references/PDFfiles/batalla.pdf>

² Tall Order for Lomibao. *The Manila Times*. Retrieved May 2, 2006. <http://www.manilatimes.net/national/2005/mar/15/yehey/opinion/20050315opi1.html>

³ TSN, 24 January 2005, 2:45 pm., pp. 44-45

⁴ Ibid, p. 45

⁵ Ibid, p. 46

⁶ Cops corruption start at recruitment. Retrieved May 2, 2006. <http://newsflash.org/2004/02/hl/hl101789.htm>

- (2) What are the administrative and criminal cases that must be filed against the people involved in the alleged recruitment-for-a-fee scam in the PNP?
- (3) Whether or not there is a need to review or amend Republic Act 8551 otherwise known as the Philippine National Police Reform and Reorganization Act of 1998 to effectively address the alleged anomaly in PNP recruitment.

III. RECOMMENDATIONS

Section 14 of Republic Act 8551 otherwise known as the Philippine National Police Reform and Reorganization Act of 1998, provides for the minimum qualifications a person must possess in order to gain entry in the PNP, to wit:

"SECTION 14. Section 30 of Republic Act No. 6975 is hereby amended to read as follows:

"SEC. 30. General qualifications for appointment. — No person shall be appointed as officer or member of the PNP unless he or she possesses the following minimum qualifications:

"a) A citizen of the Philippines;

"b) A person of good moral conduct;

"c) Must have passed the psychiatric/ psychological, drug and physical tests to be administered by the PNP or by any NAPOLCOM accredited government hospital for the purpose of determining physical and mental health;

"d) Must possess a formal baccalaureate degree from a recognized institution of learning;

"e) Must be eligible in accordance with the standards set by the Commission;

"f) Must not have been dishonorably discharged from military employment or dismissed for cause from any civilian position in the Government;

"g) Must not have been convicted by final judgment of an offense or crime involving moral turpitude;

"h) Must be at least one meter and sixty-two centimeters (1.62 m.) in height for male and one meter and fifty-seven centimeters (1.57 m.) for female;

"i) Must weigh not more or less than five kilograms (5 kgs.) from the standard weight corresponding to his or her height, age, and sex; and

"j) For a new applicant, must not be less than twenty-one (21) nor more than thirty (30) years of age: except for the last qualification, the above-enumerated qualifications shall be continuing in character and an absence of any one of them at any given time shall be a ground for separation or retirement from the service: Provided, That PNP members who are already in the service upon the effectivity of this Act shall be given at least two (2) more years to obtain the minimum educational qualification and one (1) year to satisfy the weight requirement.

"For the purpose of determining compliance with the requirements on physical and mental health, as well as the non-use of prohibited drugs, the PNP by itself or through a NAPOLCOM accredited government hospital shall conduct regular psychiatric, psychological drug and physical tests randomly and without notice."

To this date, no official investigation on the extent and nature of and the people involved in the problem of corruption in PNP recruitment has been conducted or reported.

1. The Need for Further Investigation and the Government Agencies Responsible Therefor

Under Section 5 of RA 8551 amending Section 14 of RA 6975,⁷ the NAPOLCOM is empowered to monitor and investigate police anomalies and irregularities in the exercise of its administrative control and operational supervision over the PNP. Therefore, it is hereby recommended that the NAPOLCOM conduct an investigation on the alleged irregularities being committed in the recruitment of PNP members. This investigation is in view of filing criminal and administrative charges with the Office of the Ombudsman against PNP officers and private individuals involved in the acts of irregularities.

Also, under Section 15 of RA 6770 otherwise known as The Ombudsman Act of 1989, the Office of the Ombudsman is also vested with the following powers and functions, the pertinent portions of which read:

"SEC. 15. Powers, Functions and Duties. – The Office of the Ombudsman shall have the following powers, functions and duties:

(1) Investigate and prosecute on its own or on complaint by any person, any act or omission of any public officer or employee, office or agency, when such act or omission appears to be illegal, unjust, improper or inefficient. xxx;

xxx xxx xxx

(3) Direct the officer concerned to take appropriate action against a public officer or employee at fault or who neglects to

⁷ An Act Establishing the Philippine National Police Under a Reorganized Department of the Interior of Local Government and for Other Purposes

perform an act or discharge a duty required by law, and recommend his removal, suspension, demotion, fine, censure, or prosecution, and ensure compliance therewith; or enforce its disciplinary authority as provided in Section 21 of this Act: Provided, that the refusal by any officer without just cause to comply with an order of the Ombudsman to remove, suspend, demote, fine, censure, or prosecute an officer or employee who is at fault or who neglects to perform an act or discharge a duty required by law shall be a ground for disciplinary action against said officer;

xxx

xxx

xxx.”

Hence, the Office of the Ombudsman, *motu proprio* or upon complaint filed by any person, may conduct an investigation against the concerned PNP personnel and the private individuals involved in the anomaly in PNP recruitment. It may also direct the responsible officer of the PNP to take appropriate action against a public officer or employee at fault and make the necessary recommendations against the same.

2. Filing of Criminal Charges

With regard to the criminal charges, the responsible persons may be charged with the commission of direct bribery under Article 210 of the Revised Penal Code and paragraph (j) of Section 3 of Republic Act 3019, as amended, otherwise known as Anti-Graft and Corrupt Practices Act, against the public officials, to wit:

“ART. 210. Direct bribery – Any public officer who shall agree to perform an act constituting a crime, in connection with the performance of his official duties, in consideration of any offer, promise, gift or present received by such officer, personally or through the mediation of another, shall suffer the penalty of prision mayor in its medium and maximum periods and a fine (of not less than the value of the gift and) not less than three times the value of the gift in addition to the penalty corresponding to the crime agreed upon; if the same shall have been committed.

If the gift was accepted by the officer in consideration of the execution of an act which does not constitute a crime, and the officer executed said act, he shall suffer the same penalty provided in the preceding paragraph; and if said act shall not have been accomplished, the officer shall suffer the penalties of prision correctional, in its medium period and a fine of not less than twice the value of such gift.

xxx.”

“SEC. 3. Corrupt practices of public officers – In addition to acts or omissions of public officers already penalized by existing law, the following shall constitute corrupt practices of any public officer and are hereby declared to be unlawful:

(j) Knowingly approving or granting any license, permit, privilege or benefit in favor of any person not qualified for or not legally entitled to such license, permit, privilege or advantage, or of

a mere representative or dummy of one who is not so qualified or entitled.”

xxx xxx xxx”

The erring public officials and private individuals may likewise be criminally prosecuted with the Ombudsman under Section 7 of Republic Act 6713 otherwise known as the Code of Conduct and Ethical Standards for Public Officials and Employees which reads:

“SECTION 7. Prohibited Acts and Transactions. — In addition to acts and omissions of public officials and employees now prescribed in the Constitution and existing laws, the following shall constitute prohibited acts and transactions of any public official and employee and are hereby declared to be unlawful:

xxx xxx xxx

(d) Solicitation or acceptance of gifts. — Public officials and employees shall not solicit or accept, directly or indirectly, any gift, gratuity, favor, entertainment, loan or anything of monetary value from any person in the course of their official duties or in connection with any operation being regulated by, or any transaction which may be affected by the functions of their office.”

Further, Section 11 of RA 6713 provides that violation of Section 7 thereof shall be punishable with imprisonment not exceeding five (5) years, or a fine not exceeding five thousand pesos (P5,000), or both, and, in the discretion of the court of competent jurisdiction, disqualification to hold public office.

3. *Filing of Administrative Charges*

The filing of criminal charges against the public officials concerned under Section 7 of RA 6713 is without prejudice to the filing of administrative charges against them with the NAPOLCOM or the Ombudsman, as the case may be, under the same provision. The pertinent portions of Section 11 read:

“SECTION 11. Penalties. — (a) Any public official or employee, regardless of whether or not he holds office or employment in a casual, temporary, holdover, permanent or regular capacity, committing any violation of this Act shall be punished with a fine not exceeding the equivalent of six (6) months' salary or suspension not exceeding one (1) year, or removal depending on the gravity of the offense after due notice and hearing by the appropriate body or agency. If the violation is punishable by a heavier penalty under another law, he shall be prosecuted under the latter statute. xxx.

xxx xxx xxx

(b) Any violation hereof proven in a proper administrative proceeding shall be sufficient cause for removal or dismissal of a

public official or employee, even if no criminal prosecution is instituted against him."

It is crucial that official investigation on the alleged corruption in PNP recruitment must commence in the earliest possible time so that the appropriate criminal and administrative charges be filed against the erring public officials and private individuals. The immediate prosecution of these individuals will send a strong message to the people that the rules in PNP recruitment are strictly followed and that violations thereof are absolutely and heavily penalized.

4. *Establishing an Independent Recruitment Board*

To help curb the gradual institutionalization of corruption in the PNP recruitment, it is recommended that an independent recruitment board be formed which is free from police control. The function of the recruitment board is to monitor the recruitment activities of the PNP and shall be limited to the same. The power to investigate any irregularity or anomaly in PNP recruitment shall be retained by the NAPOLCOM. An effective monitoring system quickly sends signals to the authorities concerned for the appropriate standard action.⁸ Hence, PNP personnel who are responsible in evaluating the qualifications of PNP applicants shall be conscious in performing their duties because of the presence of a monitoring agency. Further, the establishment of an effective monitoring system will minimize monopoly power, reduce discretion and identify accountabilities in the recruiting activities of the PNP.

To discourage corrupt practices not only in PNP recruiting activities but in the entire system of the PNP, the profits derived therefrom should be replaced by incentives directed towards socially productive activities. Section 36 of RA 8551 provides that:

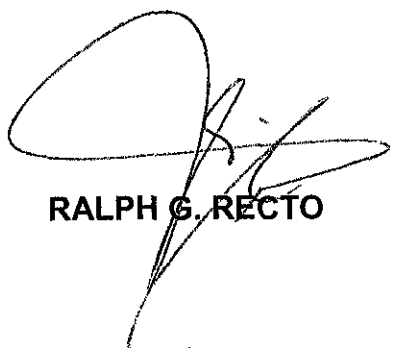
"SEC. 36. Status of members of the Philippine National Police. — The uniformed members of the PNP shall be considered employees of the National Government and shall draw their salaries therefrom. They shall have the same salary grade level as that of public school teachers: Provided, That PNP members assigned in Metropolitan Manila, chartered cities and first class municipalities may be paid financial incentive by the local government unit concerned subject to the availability of funds."

Respectfully submitted:

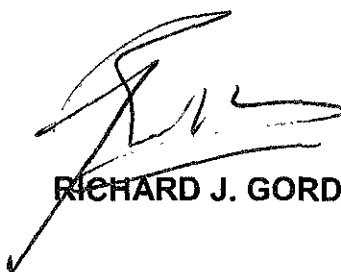

MANNY VILLAR
Chairman

⁸ E. Batalla. De-institutionalizing Corruption in the Philippines – Identifying Strategic Requirements for Reinventing Institutions. Retrieved May 2, 2006. <http://www.tag.org.ph/references/PDFfiles/batalla.pdf>

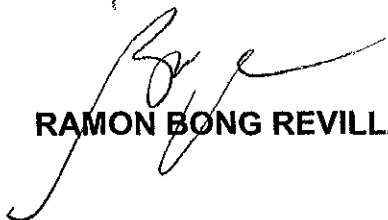
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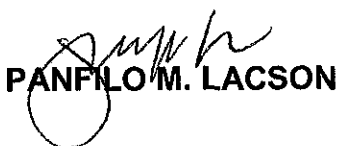
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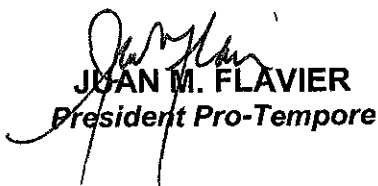


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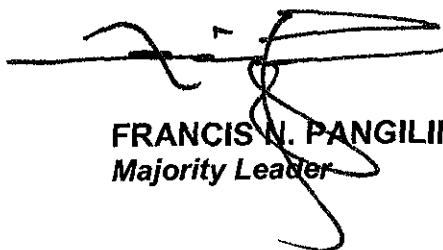


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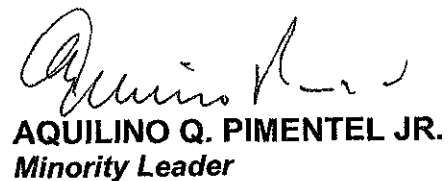
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THIRTEENTH CONGRESS OF THE)
REPUBLIC OF THE PHILIPPINES)
First Regular Session)

SENATE
OFFICE OF THE CLERK

5 JAN 17 P4:00

RECEIVED BY: 

SENATE

P.S. Res. No. 156

Introduced by Senator Manny Villar

RESOLUTION

DIRECTING THE SENATE COMMITTEE ON PUBLIC ORDER AND ILLEGAL DRUGS TO CONDUCT AN INVESTIGATION, IN AID OF LEGISLATION, INTO THE ALLEGED RECRUITMENT-FOR-A-FEE SCAM IN THE PHILIPPINE NATIONAL POLICE (PNP), WITH THE END VIEW OF RECOMMENDING THE FILING OF APPROPRIATE CRIMINAL AND ADMINISTRATIVE CHARGES AGAINST ERRING PNP PERSONNEL, AND REVIEWING AND/OR AMENDING REPUBLIC ACT NO. 8551, OTHERWISE KNOWN AS THE "PNP REFORM AND REORGANIZATION ACT OF 1998"

WHEREAS, Article II, Section 27 of the Constitution mandates that "the State shall maintain honesty and integrity in the public service and take positive and effective measures against graft and corruption;"

WHEREAS, several mayors from the Autonomous Region in Muslim Mindanao (ARMM), particularly from the provinces of Maguindanao and Lanao del Sur, have complained about an alleged recruitment-for-a-fee scam in the PNP;

WHEREAS, fees ranging from P100,000.00 to P300,000.00 were allegedly charged to applicants endorsed by mayors to become new policemen to ensure their admittance to the PNP;

WHEREAS, Sultan Kudarat Mayor Toca Mastura accused Napolcom-ARMM Director Mamerto Amadeo of violating two memorandum circulars of the National Police Commission on police recruitment;

WHEREAS, Mayor Mastura said that from his town's quota of six (6) police applicants, only one (1) had been sworn in despite the fact that five (5) had passed the qualifying and agility exams. The remaining slots, he said, were filled by outsiders;


WHEREAS, in Maguindanao alone, 40 of the 55 police applicants allegedly lost their slots since they failed to shell out money to ensure their inclusion in the list of recruits. Some applicants who made it, confided in Mayor Mastura that they indeed gave money, but were hesitant to come out in the open;

WHEREAS, aggrieved applicants and mayors called the alleged PNP's recruitment for a fee "highly irregular," and said that they have evidence to show that admission into the PNP was for a fee;

WHEREAS, recruitment and admission procedures in the PNP must be examined in the light of these allegations as these have cast serious doubts on the PNP's credibility, and may also cause loss of public trust and confidence in our police institution;

NOW, THEREFORE, BE IT RESOLVED, as it is hereby resolved, to direct the Senate Committee on Public Order and Illegal Drugs to conduct an investigation, in aid of legislation, into the alleged recruitment-for-a-fee scam in the Philippine National Police (PNP), with the end view of recommending the filing of appropriate criminal and administrative charges against erring PNP personnel, and reviewing and/or amending Republic Act No. 8551, otherwise known as the "PNP Reform and Reorganization Act of 1998."

Adopted,



MANUEL B. VILLAR, JR.
Senator