

11
)
)
)
10 01 19 19

SENATE

Senate Bill No. 86

J

INTRODUCED BY SEN. JINGGOY EJERCITO ESTRADA

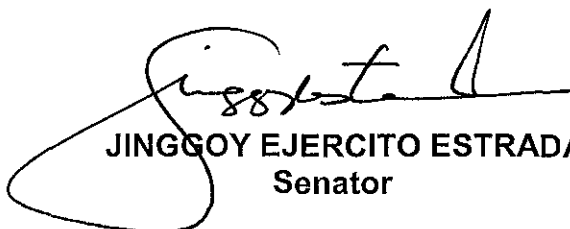
EXPLANATORY NOTE

It is the Constitutional duty of the government to provide a peaceful environment of the people by ensuring public safety through the delivery of effective and efficient police service. Considering the critical role of the Philippine National Police personnel towards the realization of the said objective, the national government should be able to guarantee the improvement of their well-being.

This bill seeks to address the fundamental problems that beset the police structure which made the ranks of the police organization disgruntled. At times our policemen in uniform are made forced to seek other avenues to resolve their basic demands. This bill will set the tone for a positive transformation of the PNP into a professional and efficient police organization by improving the educational qualifications for those seeking to join the PNP.

The provisions of this bill would provide additional benefits to the members of the PNP which they rightfully are entitled to receive.

In view of the importance of this bill, its immediate passage is earnestly requested.


JINGGOY EJERCITO ESTRADA
Senator

SENATE

Senate Bill No. 86

INTRODUCED BY SEN. JINGGOY EJERCITO ESTRADA

AN ACT
PROVIDING FOR A MAGNA CARTA FOR THE PHILIPPINE NATIONAL
POLICE

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

PRELIMINARY TITLE
CHAPTER 1

GENERAL PROVISIONS

SECTION 1. *Short Title.* This Act shall be known as the "*Magna Carta
for the Philippine National Police*".

SEC. 2. *Declaration of Policies.* It is a declared policy of the State to promote peace and order, maintain good business environment, support economic growth, ensure public safety through the delivery of effective, efficient, competent, modern, professional and non-partisan police service. It recognizes role of the police service in helping achieve the development of the nation. With this, the State shall promote and protect the physical, mental, as well as the emotional, moral, spiritual, intellectual faculties and social-well being of every uniformed personnel.

SEC. 3. *Statement of Objectives.* The existing problems that beset the traditional police structure have spawned various grievances from among the ranks of the police organization. They believe that the exercise of vast power and wide discretion in the utilization of manpower and material resources, particularly in the areas of promotion, development and grant of opportunities for career advancement are highly concentrated in the hands of a few. Accordingly, these gave rise to widespread discontent, demoralization, professional conflict and jealousy thereby making the police service inept and unresponsive to its missions and functions. Since redress of such legitimate grievances is a fundamental objective of the site, it is imperative to ensure reforms in the PNP organization by bestowing to every policemen the enjoyment of basic rights and privileges in his entire career in the police service and upon retirement thereof.

Thus, the State shall:

- a) Promote and maintain a rationalized and professional career police

service through a highly standardized recruitment and selection process, manpower and in-service training, moral values formulation with the grant and prompt utilization of financial and equipment resources;

- b) Facilitate administrative and financial support to every policeman and/or to his family facing any criminal or civil suit arising from any service-related "acts of omissions" and in the course of his duty by according him a considerable support allowed within the limits set by law;
- c) Promote and develop a rational system of career promotion and advancement based on merit and a uniform criteria, applicable to every policemen regardless of mode of entry in the police service;
- d) Develop every policeman to be highly competent and professional by institutionalizing the Philippine National Police as a strong cohesive well-balanced and high paying establishment;
- e) Assure the rights of every policeman to security of tenure, just and humane working condition and the exercise of expressions of legitimate grievances done in good faith without fear of reprisal and retaliation from his superior officers; and
- f) Develop and maintain a network system which will establish a coordinative, cooperative, and functional working relationship with the community and other entities, offices whether public or private in order to encourage their participation to ensure public safety and maintain peace and order.

SEC. 4. *Statutory Construction of Law in Favor of the Policeman.* All doubts in the interpretation of the provisions of this Act shall be construed in favor of the policeman.

SEC. 5. *Applicability.* The Philippine National Police Uniformed Personnel shall be under the auspices of the NAPOLCOM which is separate and distinct from the Civil Service Commission. Every uniformed personnel of the PNP shall undergo corresponding police eligibility examination.

All rights, privileges and benefits granted under this Act shall be equally applied to all members of the Philippine National Police, commissioned officers, except as may be provided herein.

CHAPTER II RIGHTS, DUTIES AND RESPONSIBILITIES

SEC. 6. *Rights* . Every policemen is guaranteed to enjoy:

- a) The right to equal opportunity in promotion and assignment. Every policemen have the same uniform requirements for the advancement of his career in the PNP; Provided further, that the right to promotion and other career advancement even during the pendency of an administrative, criminal or civil suit shall be maintained as the mere pendency thereof is not a ground for his disqualification and non-enjoyment of his rights and benefits under the law and pertinent rules and regulation;

- b) The right to receive continuing in-service quality education and training programs relevant to the thrust and focus of the police service. These programs shall mould him as a true "pillar and vanguard" of the society
- c) The right to be provided with free legal services when charged criminally, civilly or administratively for acts or omissions committed directly in the lawful discharge of his police duties. Provided further, that the Philippine National Police upon recommendation of PNP Board shall shoulder all the necessary expenses incurred for the legal defense of any member who has been administratively, civilly, or criminally charged before any court, body or tribunal for service-related acts. They shall have the right to equal protection or be accorded due process in said proceedings;
- d) The right not to be discriminated upon against: assignments, promotions, receipts of merits and commendations, enjoyment of study grants; and other health and educational benefits. He should further enjoy all rights, privileges and benefits available in the police service regardless of the institution he graduated from, and/or by any reason of his social affiliation, religion or vocation;
- e) The right to present his complaints and grievances to his superior officer for immediate redress thereof;
- f) The right to be secured in his present position or designation in a given place of assignment. If his relief from his present position or designation in a given place of assignment is onerous and not based on the exigency of the service, he may file redress to proper authorities; Provided further, that no policeman shall be relieved, transferred and reassigned to any place of assignment based upon the whims, caprices and abusive exercises of his Commanders.
- g) The right to join a legitimate and recognized organization of institution that will truly enhance and promote the exercise of his duties and responsibilities;
- h) The right to undertake other activities designated to enhance and develop his well-being as a person with dignity and as an exemplar to society;

SEC. 7. Duties and Responsibilities. Every member of the Philippine National Police shall:

- a) Either collectively or individually, exert efforts to carry-out his duties and responsibilities in the most professional manner and within the bounds of law;
- b) Implement the missions set forth by the PNP organization without fear of physical or legal reprisal, adverse criticism, expectation of monetary reward, promotion in rank, receipt of merits and recommendations.
- c) Remain political and give his loyalty and cooperation to the legitimate leadership;
- d) Develop his potential by undergoing continuing educational training relevant to his position in the service and/or police occupational skill;

- e) Uphold the dignity and prestige of the service;
- f) Promote and maintain the stability of the service by observing the Hierarchy, respecting the rank and position of every member, practicing the written and unwritten customs and traditions pertaining to the mode of discipline and observing harmonious and civil working relationship with the fellow members of the police service and other members of the government bureaucracy, as well as the civilian populace;
- g) Exercise his rights, duties and obligations with the knowledge that he shall be responsible for any breach or violation of the public trust reposed upon him and the rights of others dealing directly or indirectly with the police service in general; and
- h) Observe and respect with fidelity the constitutional and human rights he sought to protect and serve the best of his ability.

SEC. 8. Performance and Evaluation System. A uniform and equitable performance and evaluation system for all uniformed PNP personnel shall be established and administered with the aim of including professionalism, efficiency and discipline to every member of the police service. The accomplishment of tasks and mission shall always be subordinated to the constitutional and human rights of an individual.

SEC. 9. Promotions. A merit system and promotion program shall be established within six (6) months upon approval of this Act, subject to the approval of NAPOLCOM. The merit system and promotion program shall be uniformity and equitably applied to all uniformed member of the Philippine National Police. It shall further be observed that:

- a) No member of the Philippine National Police shall be eligible for promotion to the next higher rank position unless he had successfully passed a corresponding promotional examination. He must have completed the required schooling and training relevant to said position, based on approved NAPOLCOM Resolutions and other relevant laws;
- b) The pendency of any administrative or minor criminal or civil case arising from service-related act or omission before any court, body or tribunal shall not be a bar for promotion or assignment.

CHAPTER III HOURS OF WORK, RENUMERATION, WELFARE, HEALTH MEASURES AND INJURIES BENEFITS

SEC. 10. Duty Hours. PNP personnel shall render an eight-hour a day service duty. Provided, that exigencies of the service so require, any member may be obliged to render an additional two-hour service without payment of additional compensation. When he is required to render an actual service beyond or in excess of the initial ten hour.

SEC. 11. Salary Scale. The Philippine National Police shall have a salary scale separate and distinct from the other agencies of the government to attract the best and competent thereby making it one of the highest paying

agency of the government. The salary scale provide for a gradual progression from a minimum to a maximum salary by means of regular increments granted automatically after three (3) year. The progression from the minimum to the maximum salary scale shall not exceed over a period of ten (10) years.

SEC. 12. *Criteria for Salaries.* Member's salaries shall correspond to the following criteria:

- a) Salary shall be comparable equal to those paid in other occupations or professions requiring equivalent or similar qualifications, training and abilities regardless of rank positions;
- b) Salary shall ensure that the rank and position receive an amount which will enable him and his family to afford a reasonable and descent standard of living; and
- c) Basic monthly salary shall exclude the subsistence allowance, cost of living allowance, quarters allowance, hazard pay, amelioration pay, health care pay and all other allowances as may be provided under existing laws.

SEC. 13. *Cost of Living Allowance.* Policemen's salaries shall keep pace with the rise in the cost of living which shall automatically follow changes in cost-of-living index jointly determined and established by the NAPOLCOM in consultation with appropriate government agencies.

SEC. 14. *Special Hardship Allowance and Combat Pay.* In areas wherein a policeman is exposed to hardship and combat situation or other hazards usual to peacekeeping, crime prevention and investigation activities and established to be peculiar to any given area or place of assignment, as determined by the Philippine National Police, he shall be compensated special hardship allowance or combat pay equivalent to at least forty (40%) percent of his monthly basic salary.

SEC. 15. *Longevity Pay.* Members of the Philippine National Police shall be entitled to a longevity pay of ten (10%) percent of their basic month pay for every five (5) years of service in the government, which shall be computed from the date of the member's first appointment in the government service. Provided, that the maximum longevity pay shall not exceed fifty (50%) percent of the basic monthly pay.

SEC. 16. *Salaries.* Salaries shall be released on time and without undue delay.

SEC. 17. *Medical Health Care Program.* There shall be a medical health care program for PNP personnel, non-uniformed personnel and their dependents including parents and parents-in-law. The medical health care program may be government-operated or a combination of government and private health management center.

SEC. 18. *Educational Benefit.* The Philippine National Police shall formulate plans to improve the educational qualifications of policemen and their dependents in accordance with the existing laws and rules and regulations and/or in the absence thereof shall recommend to legislative bodies the enactment thereof.

SEC. 19. Compensation for Physical and Mental Injuries Sustained in the Course of Duty. Members shall be protected against the consequences of employment injuries. Physical and psychological stresses on the member's health are recognized as compensable occupational diseases, in accordance with existing laws.

SEC. 20. Permanent Physical Disability. A uniformed member who incurs a total permanent disability in line of duty and has rendered a total of twenty (20) years of continuous active duty in the police service shall be compulsory retired. Provided, that upon his compulsory retirement, he shall be entitled to the payment of a retirement pay equivalent to one and one-half month base pay for every year of service or a fraction thereof, computed based on the next higher rank and longevity pay based on the last permanent grade he held.

SEC. 21. Disability Benefits. Any member and his dependents shall be entitled to all benefits relative to the member's permanent incapacity, as may be provided for under this Act or other existing laws.

SEC. 22. Leaves. In addition to leave privileges enjoyed under existing laws, members shall be entitled to study leave not exceeding one (1) year with pay. Provided, that no grantee shall be allowed to accumulate more than one (1) year of study leave except when he needs an extra semester to complete and defend his thesis for a graduate study in a degree relevant to his being a member of the police service.

An indefinite sick leave of absence shall be granted to an ailing member whose medical treatment requires more than one (1) year of continue treatment.

CHAPTER IV RETIREMENT AND DEATH BENEFITS

SEC. 23. Retirement in the Next Higher Rank. Uniformed members, for the purpose of retirement pay, shall be retire one (1) rank higher than the last permanent rank held.

SEC. 24. Retirement Benefits. Monthly retirement pay shall be fifty (50%) of the base pay and longevity pay of the retired rank in case the retiree has rendered at least twenty (20) years of continuous active police service, increasing by two and one-half (2-2/2%) percent for every year of service police rendered beyond the initial twenty (20) years to a maximum of ninety (90%) percent for thirty-six (36) years of active service and over. Provided, that the retiree shall have the option to receive in advance a lump sum of his retirement pay equivalent to the first five (5) years of his retirement pay as it accrues. Provided further, that the payment of the lump sum shall be made within six (6) months from the effectivity date of his retirement. It shall be incumbent upon the concerned units to provide the completion of all documentary requirements in support of the payment of the retiree's retirement pay as the retiree is not required to perform additional tasks other than to receive the fruits of his service. Any employee who intentionally and/or maliciously delays or delays or cause the delay in the processing of the retiree's just claim for money and/or other emoluments shall be considered to have incurred an administrative offense amounting to grave misconduct and an act prejudicial to the interest of the service as defined by the existing laws. Provided, finally, that the retirement pay for all uniformed members shall be subject to adjustment to the prevailing scale of base pay of members still in the active service.

SEC. 25. *Death Benefits.* A uniformed member's heirs and dependents shall be entitled to all benefits relative to the member's death, as provided in this Act and other existing laws.

SEC. 26. *Uniformed Member Missing in Action.* Any uniformed member who is officially confirmed to be missing in action while in the performance of his duty or by reasons of his being a member of the police service or is kidnapped or captured by the enemy shall be entitled to receive or be credited in his account the same pay and allowances and other benefits to which he is entitled at the time of the incident which gave rise to his disappearance or capture. Provided, that should it be known later that his appearance was not the occasion of a legitimate police activity or without any authority, whatever salary and allowances and other benefits received by him or his immediate heirs, relatives and dependents in accordance with this Act and other existing and relevant laws shall be returned to the Philippine National Police.

SEC. 27. *Payment of Salary and Allowances to the Heirs, Relatives and Dependents of the Uniformed Member Who is Missing in Action.* In case any uniformed member has been officially declared as missing in action under the circumstances enumerated under the preceding section, the Chief, PNP shall direct the payment of the missing uniformed member's monthly salary and allowances and other emoluments to his heirs, relatives and dependents for a period of one (1) year from time of his reported disappearance or capture by the enemy as the case may be. A member who is officially declared missing in action as adjudicated by the PNP Board shall be presumed dead of legal intents and purposes after a period of three (3) years from the date of his reported disappearance or capture by the enemy.

SEC. 28. *Termination of Salary and Allowances.* Upon the termination of one year period specified in the preceding sections, the missing member shall be automatically terminated from the service. Provided, that should he be found and recovered later, not more than five (5) years from captivity in the hands of the enemy, he shall be immediately reinstated into the service and shall regain his privileges and his case shall be treated as if he was not separated from the service of all. He shall be paid the amount equivalent to all the salaries, allowances and other emoluments unpaid during his period of captivity and absence. However, any death claim benefits paid to his heirs, dependents and relatives under this Act and other existing laws shall be reimbursed to the Philippine National Police. Provided, that the result of the fact-finding investigation conducted relative to his disappearance shall not indicate that his disappearance was fraudulent, made in bad faith, not service related and without any authority. When the contrary is established, he shall be disqualified from receiving all the salaries, allowances and benefits he is entitled to under this Act and other existing laws and shall be dealt with criminally and administratively.

SEC. 29. *Additional Welfare Benefits.* Subject to the provision of existing laws, and other rules and regulations, the Chief, PNP may formulate and implement welfare schemes that are deemed beneficial to all members of the Philippine National Police.

CHAPTER V AMENDATORY AND FINAL PROVISIONS

SEC. 30. *Implementing Rules and Regulations.* The NAPOLCOM shall formulate and prepare the rules and regulations necessary to implement the provisions of this Act. All rules and regulations so formulated shall be liberally construed in favor of the Philippine National Police member so as to give him the greatest degree of benefits that can be derived from this Act. Rules and regulations of this Act shall take effect fifteen (15) days after its publication in a newspaper of general circulation or through any other means the NAPOLCOM shall deem sufficient in order to give notice to the general public.

SEC. 31. *Budgetary Estimates.* The Chief, Philippine National Police shall submit to Congress, through the Secretary of Interior and Local Government, the annual budgetary estimates to implement the provisions of this Act which shall be included in the General Appropriations Act. In no case shall the budget implementing this Act allotted for a given fiscal year be less than that of the previous fiscal year. Furthermore, in no case shall budgetary requirements of the entire Philippine National Police be pre-conditioned as requirement based on perceived incompetence and inefficiency of the PNP officers and men to meet its mandated functions.

SEC. 32. *Separability Clause.* Should any portion or provision of this Act be declared unconstitutional, or invalid, any provision not affected thereby shall remain in full force and effect.

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

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

Approved,