

FOURTEENTH CONGRESS OF THE REPUBLIC }  
OF THE PHILIPPINES }  
Second Regular Session }

OFFICE OF THE CLERK

DEC 22 11 3 13

SENATE

COMMITTEE REPORT NO. 242

Submitted jointly by the Committees on Local Government and Public Order and Illegal Drugs on DEC 22 2008.

Re : Proposed Senate Resolution No. 190.

Recommending the adoption of the recommendations and the approval of the attached bill, Senate Bill No. 2378, containing the recommendations of the Committees.

Sponsors : Senators Aquino III and Honasan II.

**MR. PRESIDENT:**

The Committees on Local Government and on Public Order and Illegal Drugs to which was referred Proposed Senate Resolution No. 190, introduced by Senator Aquino III, entitled:

**“RESOLUTION**

**DIRECTING THE COMMITTEE ON LOCAL GOVERNMENT TO INVESTIGATE IN AID OF LEGISLATION THE EXERCISE AND IMPLEMENTATION OF THE POWERS OF LOCAL CHIEF EXECUTIVES UNDER REPUBLIC ACT 7160 OTHERWISE KNOWN AS THE “LOCAL GOVERNMENT CODE OF 1991” IN RELATION TO REPUBLIC ACT 6975 KNOWN AS THE “PHILIPPINE NATIONAL POLICE (PNP) LAW” AND REPUBLIC ACT 8551 KNOWN AS “THE PNP REFORM AND REORGANIZATION ACT OF 1998”**

have considered the same and have the honor to submit the report on their investigation back to the Senate recommending the adoption of the recommendations as contained in this report and the approval of the attached bill, Senate Bill No. 2378, entitled:

**“AN ACT**

**AMENDING SECTION 51(a)(1), SECTION 51(a)(2), SECTION 51(b)(4)(i), AND SECTION 52 OF REPUBLIC ACT NO. 6975, AS AMENDED BY REPUBLIC ACT NO. 8551, OTHERWISE KNOWN AS THE ‘DEPARTMENT OF THE INTERIOR AND LOCAL GOVERNMENT ACT OF 1990’, AND FOR OTHER PURPOSES”**

containing the recommendations of the committees.

**I. PREFATORY**

Pursuant to the principle of local autonomy enshrined in the 1987 Philippine Constitution, the Local Government Code vested the local government units, through its local chief executives, with operational supervision and control over the police force assigned to their respective jurisdictions. In recognition of this, R.A. No. 6975 (DILG Act of 1990), as amended by R.A. No. 8551, mandated that local chief executives shall be deputized representatives of the National Police Commission (NAPOLCOM). As deputized representatives of NAPOLCOM they are given the prerogative to select their

own Provincial Police Director and Chief of Police from among a list of recommendees prepared by the NAPOLCOM. However, just before and after the 2007 national and local elections, conflicts arose between the local chief executives and the NAPOLCOM/PNP as the local chief executives fervently demur the appointment of Officer-In-Charge in their jurisdiction and the manner by which their selectees were being summarily relieved from their assigned post without adequate consultation with them.

The objective of this legislative investigation is to ascertain the actual facts surrounding the controversy and to determine whether the removal of the Provincial Police Director and the Chief of Police was consistent with R.A No. 6975 as amended by R.A No. 8551 as these are all necessary to enable the Committees to study the appropriateness of crafting the right legislation that may prevent the same conflict between the NAPOLCOM/PNP and the local chief executives, which may compromise the peace and order situation in the locality involved, from occurring again in the future.

In view of the foregoing, the Committee on Local Government and the Committee on Public Order and Illegal Drugs conducted two joint public hearings held on 13 November 2007 and 27 May 2008. The said public hearing was held in aid of legislation, to determine the exercise and implementation of the powers of local chief executives under Republic Act No. 7160, otherwise known as the "Local Government Code of 1991" in relation to Republic Act No. 6975 otherwise known as the "Department of the Interior and Local Government" and Republic Act No. 8551 otherwise known as the "The Philippine National Police Reform and Reorganization Act of 1998".

The joint public hearing was attended by the following as resource persons:

1. Governor Joselito R. Mendoza, Province of Bulacan;
2. Mayor Arnulf Bryan Fuentesbella, Municipality of Tigaon, Camarines Sur;
3. Mayor Quirino G. Boncayao Jr., Municipality of Baao, Camarines Sur;
4. Mayor Jesse M. Robredo, Naga City, Camarines Sur and Chairman, Naga City Peace and Order Council;
5. Vice Mayor Gabriel H. Bordado Jr., Naga City, Camarines Sur and Vice Chairman, Naga City Peace and Order Council;
6. PCSupt. Errol P. Pan, Regional Director, Philippine National Police – Region III;
7. PSSupt. Asher Dolina, Provincial Director, Philippine National Police – Bulacan;
8. SPO4 Elmer C. Pitallano;
9. SPO3 Arthur Matos;
10. SPO2 Francisco S. Destura;
11. SPO1 Edgardo G. Sto. Domingo;
12. SPO1 Edwin A. Azañes;
13. SPO1 Ricardo Sierra Jr.;
14. PO2 Gilbert Guiriba;
15. PO2 Romeo T. Ranara;
16. PO2 Rey M. Alvarez;
17. PO2 Tomas G. Rentoy;
18. PO1 Rennie C. Ranara;
19. PSI Romeo Perez; and
20. PSI Nicacio Garcia
21. Mayor Fernando Simbulan of Nabua, Camarines Sur was represented by Mayor Quirino G. Boncayao Jr. of Baao, Camarines Sur.

22. Police Director General Avelino I. Razon Jr. was represented by Police Director Edgardo Acuña of the PNP Directorate for Personnel and Records Management.
23. Governor Eddie T. Panlilio, Province of Pampanga
24. P/Supt. Fidel Cimatú
25. P/Supt. Keith Ernard L. Siñan
26. P/Supt. Alfredo Caballes

The following were also invited by the Committees but were not able to attend the public hearing. However, they sent letters of regret to the Committees:

1. Most. Rev. Leonardo Z. Legaspi, O.P., D.D., Archbishop of Caceres - Already had previous commitment on the same date.
2. Engr. Emeterio Aman, President of Metro Naga Chamber of Commerce and Industry – Out of the country and cannot send any representative because the Ambassador of South Africa will meet the other officers of Naga Chamber of Commerce and Industry on the same date of the hearing.
3. PSSupt. Romeo Neri Tambungui, acting Provincial Director of PNP-Camarines Sur – Cannot attend because he will also appear at the Sangguniang Panlalawigan of Camarines Sur.
4. Police Senior Supt. Balligi Agnanayon B. Tira, Officer-In-Charge of PNP-Region 5 - He requested that he be given time to diligently prepare a position paper on the subject matter. The said position paper is yet to be submitted to the Committees.

Also invited but were not able to attend the hearing were:

1. Secretary Ronaldo V. Puno of the Department of the Interior and Local Government and chairman of the National Police Commission;
2. Governor Loreto Leo S. Ocampos, president of the League of Provinces of the Philippines;
3. Mayor Benjamin C. Abalos Jr., president of the League of Cities of the Philippines;
4. Mayor Ramon N. Guico Jr., president of the League of Municipalities of the Philippines;
5. Governor Luis Raymund Villafuerte, Province of Camarines Sur;
6. PSSupt. Amor Y. Macoy, officer-in-charge of PNP-Naga City;
7. PSSupt. Benito Pamintuan Niño, Chief of Police, PNP-Claveria, Masbate;
8. PO3 Norberto R. Genova Jr.; and
9. PO3 Raul S. Bongon.

## II. ISSUES

During the public hearing, the following issues were raised:

1. What is the authority of the local government unit insofar as the police is concerned?
2. Who has the authority to transfer, remove or re-assign an incumbent PNP provincial police director or chief of police in a locality?
3. What is the proper procedure and what is being practiced in the designation of a provincial director and chief of police in a certain locality?

4. On what grounds may a provincial police director or a chief of police of a given locality be relieved or removed from his designated post?
5. Is the appointment of an Officer-In-Charge allowed under the law? If so, on what instance it is validly recognized?
6. Is there a need to re-examine and amend Republic Act No 6975, otherwise known as the "Department of the Interior and Local Government Act of 1990" and Republic Act No. 8551, otherwise known as the "Philippine National Police Reform and Reorganization Act of 1998"?

### III. STATEMENT OF FACTS:

#### ✦ **Statement of Mayor Jesse Robredo of Naga City, Camarines Sur:**

- That the designation of Naga City's chief of police (COP) is irregular and illegal in as much as the PNP Legal Services itself said it is illegal;
- That he wrote Police Senior Supt. Balligi Agnanayon Tira, Officer-in-Charge (OIC) for PNP-Region V, and Police Senior Supt. Romeo Neri Tambungui, acting Provincial Director for Camarines Sur, for a list of possible nominees for Naga City COP. Only one of the five nominees given appeared in the Sanggunian. He then requested for additional nominees to complete the list. From the list he selected Police Senior Supt. Benito Niño, COP of Claveria, Masbate, however, according to the PNP he is not qualified for the position;
- That it has been two months, from the time that he requested for the list of nominees and the time of the committee hearing, and no list of nominees has been submitted to him. He believes that the PNP knows that an OIC can only stay in office for thirty (30) days. The Naga City's OIC-COP has been in the office for four months now and there is no indication of replacing him;
- That this problem in Naga City usually emanates when there is an election and that there are certain police officers who are willing to be tools of politicians thus resulting to partisan political activity within the police force;
- That the Central Crime Headquarters and the Regional Command Headquarters in Bicol does not seem to properly coordinate with each other because Police Director Acuña mentioned to him that there were orders made by Camp Crime and by the court to Col. Balligi Agnanayon Tira, OIC-Regional director for PNP-Region V, but the latter refused to comply.

#### ✦ **Statement of Mayor Arnulf Bryan Fuentesbella of Tigaon, Camarines Sur:**

- That Tigaon's former COP was relieved last August 13, 2007 in which Mayor Fuentesbella did not lodge any complaint;
- That he was advised by Police Chief Supt. Ireño Bacolod, Deputy Director of Directorate for Personnel and Records Management, to look for one in which he choose Police Senior Supt. Herod Ubalde, acting Provincial Director for Albay;

➤ That on October 12, 2007, where there was an existing election ban for the October 29, 2007 Barangay and Sangguniang Kabataan elections, he was given a new COP who is not included in the list given by the PNP. In an apparent attempt to make the designation appear to have been done outside the election ban the order for the appointment of the new COP was ante-dated to 28 September 2007.

➤ That on October 28, 2007, a day before the election, Tigaon's deputy COP was also relieved and a new COP was installed without proper consultation with him;

➤ That Mayor Fuentebella is even puzzled because the signatory of the Order is not the provincial director but rather the chief administrator of the provincial directorate.

✦ **Statement of Ms. Josefina Dela Cruz, former Governor of Bulacan:**

➤ That on October 2006, when she was then the governor of Bulacan, she selected PS/Supt. Jesus Gatchalian to be the Bulacan Police Provincial Director from among the 3 recommendees eligible for the said position. The said list of 3 recommendees was prepared and submitted by the Regional Director to the Office of the Provincial Governor. PS/Supt Gatchalian officially assumed post not as a Provincial Director but as an Officer-in-Charge.

➤ That she later received a letter from then Chief PNP, General Oscar Calderon, stating that it is the prerogative of the PNP to remove, transfer or re-assign an incumbent PNP police officer to another locality;

➤ That when she later wrote Gen. Calderon requesting that PSSupt. Gatchalian be reinstated as provincial director of Bulacan. She was however told by PSSupt. Gatchalian that the PNP will wait for the new governor since she was on her way out as governor of Bulacan;

➤ That despite the fact that the election period was already then in force PS/Supt. Gatchalian was relieved from his post and was replaced by PS/Supt. Asher Dolina although the latter was not even among the three (3) recommendees of the Regional Director eligible for the Provincial Directorship.

✦ **Statement of Governor Eddie T. Panlilio, Province of Pampanga:**

➤ That as early as 23 June 2007 Gov. Panlilio already communicated to Gen. Calderon that Col. Binag is his choice as a new Provincial Director for Pampanga.

➤ That on 15 August 2007 Regional Director Pan manifested that his choice to be the Provincial Director of Pampanga is Colonel Siñgan.

➤ That Gov. Panlilio insisted that the right to choose the Provincial Director belongs to the Governor and not to the Regional Director.

➤ That on 29 August 2007, NAPOLCOM issued Resolution No. 2007-339 containing the list of three nominees for the Provincial Director of Pampanga namely: Colonel Dimabuyu, Colonel Binag and Colonel Siñgan.

➤ That an undated memorandum from General Acuña required the Regional Director to transmit the list of nominees to the Governor for him to choose the new Provincial Director for Pampanga.

- That on 10 September 2007 Gov. Panlilio manifested to General Pan that he is choosing Col. Binag from among the list of recomendees stated in the memorandum to be the new Provincial Director of Pampanga. Gov. Panlilio reiterated his request on 24 September 2007.
- That on 27 September 2007 Regional Director Pan stated that the list of nominees cannot be transmitted to Gov. Panlilio because Col. Binag is not a member of the Police Regional Office 3 and that he is supporting the continued stay of Colonel Siñgan as Provincial Director which under their policy should have a regular tenure of 2 years before being relieved. Regional Director Pan however did not give reason why Col. Binag was included in the list of the recomendees if in the first place he is not a member of Police Regional Office 3.
- That on 4 October 2007 Gov. Panlilio elevated the matter to Gen. Avelino Razon, Jr. and argued that his right to choose the Provincial Director of Pampanga must be respected.
- That on 28 April 2008 Gov. Panlilio was informed by Gen. Razon that as early as 27 October 2007, he had already appealed to the DILG Secretary for the withdrawal of the name of Col. Binag as he is needed in the national transformation program of the PNP.
- That on 28 April 2008 and 7 May 2008 Gov. Panlilio reiterated his plea to have Col. Binag be appointed as the Provincial Director of Pampanga.
- That on 13 May 2008 Gov. Panlilio received from Regional Director Pan the list of nominees namely, Colonel Siñgan, Col. Salapong and Col. Campanilla. The name of Col. Binag was already deleted from the list.
- That as early as 23 June 2007 Gov. Panlilio with the support of 29 bishops already appealed his case to the Office of the President
- That for 11 months the Provincial Director of Pampanga is Colonel Siñgan who is serving in an OIC capacity.

✦ **Statement of Police Director Edgardo Acuña of PNP Directorate for Personnel and Records Management:**

- That in the exercise of certain powers by local executives, the policies of the PNP are anchored on the provisions of Section 51 of Republic Act No. 6975. Said section mandates the provincial governor to select from a list of three (3) eligibles *recommended by the PNP regional director for appointment as provincial director of a certain province*. Said section also mandates the city and municipal mayors to select from a list of five (5) eligibles recommended by the PNP provincial director for appointment as chief of police of that city or municipality;
- That in the case of Naga City, the designation of the present OIC-chief of police was borne during the incumbency of an OIC-provincial director himself prior to the selection. The national headquarters is only there to supervise the implementation of such policies. It is now on the side of the provincial director to solve the problem of submitting the five names of eligible officers for directorship of Naga City. The same is true in the case of Tigaon, Camarines Sur only that this time the national headquarters

intervened and directed the regional director to submit to the mayor the list of five eligibles borne out of the report from the provincial director, Senior Supt. Tambungui;

➤ That in the case of the Province of Bulacan, wherein Senior Supt. Gatchalian was never designated nor appointed as provincial director, he was later on designated as the Chief of Staff of the PNP Program Management Office. It has been the policy of the PNP that when a police officer is already occupying a superior position, he should not be relegated to a lower position in order not to ruin his career path.

➤ That in the case of Bulacan, it has been made difficult with the cases filed by the provincial government and that the national headquarters are now face with complications to the selection of the three eligibles for endorsement to the concerned governor;

➤ That in the case of Senior Supt. Asher Dolina, his designation as provincial director of PNP-Bulacan, was supported by COMELEC Resolution No. 8318;

➤ That the movement of OICs was the result arising from the election period because there are certain provinces that were declared "hot spots" during the two recent elections;

➤ That the PNP is trying to resolve this problem through the Senior Officers Placement and Promotions Board. This Board deliberates on who should be recommended in reference to their qualifications for career-growth;

➤ That as mandated by law, the mayor has an operational supervision over the police units under a municipal or city police station through the chief of police. The governor has an operational supervision over the police units under a provincial police station through the provincial director. The direct management of the police is not supposed to be exercised by the whole local executive but is through the provincial director or the chief of police;

➤ That the PNP is observing the policy stated in Section 4 of NAPOLCOM Memorandum Circular No. 93-013 with regard to the removal, transfer or re-assignment of PNP incumbent director or chief of police;

➤ That it is not the policy of the PNP to extend the designation of a police officer as officer-in-charge;

➤ That the national headquarters experienced some administrative problems that caused the delay in the selection of the list of the recommendees for provincial director and chief of police because of the two elections succeeding that took place in 2007.

➤ That the PNP advocates the removal of the participation of the local chief executives in the designation of Chief of Police and Provincial Director as it impedes the Professionalization Agenda and Transformation Program of the PNP.

➤ That there is no rule that requires a Provincial Director to be a member of the Regional Office of a particular region where he is designated.

➤ That there have been cases that after the list of nominees has been approved by the NAPOLCOM the list is rescinded because the nominees refuse to be assigned in

the area or are recalled because they are needed in other programs of the PNP or other assignment.

#### IV. FINDINGS

**1. What is the authority of the local government unit insofar as the police is concerned?**

Section 28 of R.A No. 7160 otherwise known as "The Local Government Code of 1991" states that the extent of the "operational supervision and control" of local chief executives over the police force assigned in their territorial jurisdiction shall be governed by the provisions of Republic Act No. 6975.

Under Republic Act No. 6975 (DILG Act of 1990), as amended by R.A No, 8551, local chief executives are *deputized representatives of the National Police Commission (NAPOLCOM)*. As deputized representatives of the NAPOLCOM, local chief executives shall have "operational supervision and control" over PNP units assigned at their territorial jurisdiction and they shall also have the power to choose their provincial police director and chief of police. The term "operational supervision and control" shall mean the power to direct, superintend and oversee the day-to-day functions of police investigation of crime, crime prevention activities, and traffic control in accordance with the rules and regulations promulgated by the commission. It shall also include the power to direct the employment and deployment of units or elements of the PNP, through the station commander, to ensure public safety and effective mechanism of peace and order within the locality."

Likewise, section 63 of R.A No. 8551 gives the local peace and order council, through the mayor, authority to **recommend** the recall or reassignment of the chief of police when, in its perception, the latter has been ineffective in combating crime or maintaining peace and order in the city or municipality.

**2. Who has the authority to transfer, remove or re-assign an incumbent PNP provincial police director or chief of police in a locality?**

R.A No. 6975 provides that, the authority to transfer, remove or re-assign an incumbent PNP provincial police director or chief of police in a province of city and municipality is vested in the Chief of the Philippine National Police. Such authority however may be delegated to subordinate officials in accordance with the rules and regulations prescribed by the NAPOLCOM.

Section 26 of Republic Act No. 6975 states that *"The command and direction of the PNP shall be vested in the Chief of the PNP who shall have the power to direct and control tactical as well as strategic movements, deployment, placement, utilization of the PNP or any of its units and personnel, including its equipment, facilities and other resources. Such command and direction of the Chief of the PNP may be delegated to subordinate officials with respect to the units under their respective commands, in accordance with the rules and regulations prescribed by the Commission. X x x "*

Under R.A No. 6975, as amended by R.A No. 8551, this delegated authority to transfer, remove or re-assign provincial police director and chief of police is exercised by the regional police director insofar as it involves the provincial police director and the latter with respect to chief of police.



**3. What is the proper procedure and what is being practiced in the designation of a provincial director and chief of police in a certain locality?**

In the designation of a provincial police director, R.A No. 6975, as amended by R.A No, 8551 and NAPOLCOM Memorandum Circular No. 2001-005, provides that, the provincial governor shall choose the provincial police director from a list of three (3) eligibles recommended by the PNP regional police director. The governor upon receipt of the list of qualified eligibles has within ten (10) days to select and signify in writing his choice of provincial police director to the PNP regional director. In case of conflict between the PNP regional director and the governor, either of them may refer the matter to the NAPOLCOM regional director who shall resolve the matter within five (5) days from receipt. The decision of the NAPOLCOM regional director shall be final and executory unless appealed to the Commission en banc which shall resolve the matter with finality.

In the designation of a chief of police, the same law and memorandum circular, provides that, city and municipal mayors shall choose their respective chief of police from among a list of five (5) eligibles recommended by the provincial police director. The city/municipal mayor upon receipt of the list of qualified eligibles has within ten (10) days to select and signify in writing his choice of chief of police to the provincial police director. Should the city/municipal mayor fail to choose within the ten-day period, the provincial police director shall immediately issue an order of assignment in favor of anyone in the list. In case of conflict between the provincial police director and the city/municipal mayor, either of them may refer the matter to the NAPOLCOM regional director who shall resolve the matter within five (5) days from receipt. The decision of the NAPOLCOM regional director shall be final and executory unless appealed to the Commission en banc which shall resolve the matter with finality.

From the testimonies of the resource speakers, the local chief executive and the PNP representative, it appears that the procedure is not being followed. Not only are the choices of the local chief executives not being honored by the PNP, the latter has been appointing officers who are not in the list submitted of eligibles. Further, the local chief executives also complain that even if their choices are appointed or designated, their choices are being summarily recalled by the regional police director and the provincial police director without proper consultation with them and the regional police director and the provincial police director will simply appoint an OIC.

**4. On what grounds may a provincial police director or chief of police of a given locality be relieved or removed from his post?**

NAPOLCOM Memorandum Circular No. 2001-005 provides that Chief, PNP by himself or through the regional director himself, may relieve for cause a duly designated provincial police director *upon consultation with the provincial governor*. In the case of chief of police, the provincial police director may relieve for cause a duly designated Chief of Police *upon consultation with the Mayor*.

NAPOLCOM Memorandum Circular No. 93-013 states that such provincial police director and chief of police may be transferred, removed and re-assigned without the approval of the governor or the mayor. It states that while prior consultation with the

local chief executive concerned in such personnel action is desirable and suggested to enhance mutual harmony and coordination, the same is not mandatory under R.A No. 6875, but merely discretionary on the part of the PNP, hence, may be effected before, during or even after the decision process.

**5. *Is the appointment of an OIC allowed under the law? If so, on what instance it is validly recognized?***

Yes. Under Section 63 of R.A No. 8551, an Officer-In-Charge may be designated provided however that such designation shall not be more than thirty (30) days. The provision however is not so explicit on the instances that may warrant appointment of an OIC, it may be inferred however from the designation procedure stated in NAPOLCOM Memorandum Circular No. 93-013 that OIC's may be designated when the local chief executives fail to choose a chief of police or a provincial police director from the list of recommendees or when there is a disagreement between the local chief executives over the the list of recommendees.

**6. *Is there a need to re-examine and amend Republic Act No 6975, otherwise known as the "Department of the Interior and Local Government Act of 1990" and Republic Act No. 8551, otherwise known as the "Philippine National Police Reform and Reorganization Act of 1998"?***

Yes. Section 6 Article XVI of the 1987 Constitution clearly provides that the police force is centrally administered and controlled by the NAPOLCOM and as stated in the local government code, the extent of authority of local chief executives over police units assigned in their area of jurisdiction is limited to "operational supervision and control".

It appears from the investigation that both the NAPOLCOM and the local chief executives perfectly understood the boundaries of their administration over the police force as defined by law. Conflict arises in the unilateral manner, which local chief executives view as unjustified and arbitrary, the NAPOLCOM and the PNP exercises its prerogative to rotate and reshuffle the assignment of its officers sometimes to the detriment of the stability of peace and order in the local government units.

## **V. RECOMMENDATIONS:**

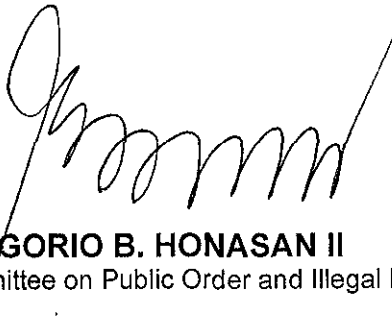
1. Provide clear guidelines on the appointment of an OIC. As stated in issue no. 5, while R.A No. 8551 fixed the period of time over which an OIC may hold office, it did not provided for a clear cut rules on what are the instances that may warrant the appointment of an OIC. Also, state in clear and categorical language if extension for the appointment of an OIC is allowed or not. The law did not state that extension of the 30 day period are allowed however, it also did not completely prohibit such extension. Extension of the 30 day period within which an OIC may be designated has been openly abused by the PNP and the NAPOLCOM as the investigation has uncovered that as of 14 November 2007 there are 19 Police Provincial Director and 3 City Chief of Police who are serving in an OIC capacity.

2. Napolcom Memorandum Circular 2001-005 provided the mechanism on how *conflict between the PNP Regional Director and the Governor and the PNP Provincial Director and the Mayor over the appointment of the provincial director and the chief of police may be resolved.* In order to ensure that this procedure in conflict resolution shall

be faithfully followed and the local chief executives sufficiently apprised of its rights in case of conflict with the PNP, the same should be included in the PNP law itself.

3. While the appointment and designation procedure is sufficiently provided for in R.A Nos. 6975 and 8551 and in NAPOLCOM Memorandum Circulars No. 93-013 and 2001-005, the removal or exit procedure of the designated officers from their local government post does not enjoy the same clarity as the procedure for appointment. Thus, the removal and transfer of provincial police directors and chiefs of police are left to the sole discretion of the PNP and the NAPOLCOM. To put an end to the seemingly absolute discretionary authority of the PNP and the NAPOLCOM over the unilateral transfer and removal of an incumbent provincial police director and chief of police, it is recommended that 2 year tour of duty provided in the PNP manual be provided for and incorporated in R.A No. 8551 in order that this rule have stability as opposed to merely being under the PNP manual that may be changed from time to time by the PNP. Providing a fixed tour of duty for the designated provincial police director and the chief of police is not intended to limit the control of the PNP and the NAPOLCOM over the police force, it is intended to harmonize the relations of the local chief executives and the PNP and the NAPOLCOM to ensure that the peace and order condition of the local government units is at the core of this relationship. Also, prior consultation with the local chief executive concerned shall be made mandatory before any personnel action is undertaken by the PNP and the NAPOLCOM. It is highly irregular that the local chief executives are made part of the selection process of the chief of police and provincial director but are deprived of any participation in the removal process.

Respectfully submitted:



**GREGORIO B. HONASAN II**  
Committee on Public Order and Illegal Drugs

**Chairmen:**



**BENIGNO SIMEON C. AQUINO III**  
Committee on Local Government

**Vice – Chairman:**

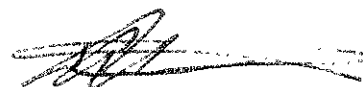


**FRANCIS "CHIZ" G. ESCUDERO**  
Committee on Local Government

**Members:**



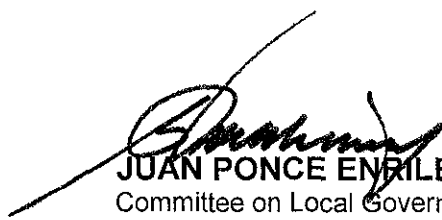
**EDGARDO J. ANGARA**



**ALAN PETER "COMPAÑERO" S. CAYET**  
Committee on Local Government

Committee on Local Government


  
**COMPAÑERA PIA S. CAYETANO**  
Committee on Local Government

  
**JUAN PONCE ENRILE** *with interpellations, amendments.*  
Committee on Local Government  
Committee on Public Order and Illegal Drugs

  
**RICHARD J. GORDON**  
Committee on Local Government  
Committee on Public Order and Illegal Drugs

**MANUEL "LITO" M. LAPID**  
Committee on Public Order and Illegal Drugs

  
**RAMON BONG REVILLA JR.**  
Committee on Local Government  
Committee on Public Order and Illegal Drugs

  
**RODOLFO G. BIAZON**  
Committee on Local Government  
Committee on Public Order and Illegal Drugs

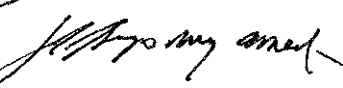
  
**LOREN B. LEGARDA**  
Committee on Local Government

  
**M.A. MADRIGAL** *may amend*  
Committee on Local Government  
Committee on Public Order and Illegal Drugs

**ANTONIO "SONNY" F. TRILLANES IV**  
Committee on Local Government

  
**JUAN MIGUEL F. ZUBIRI**  
Committee on Public Order and Illegal Drugs


  
**PANFILO M. LACSON**  
Committee on Public Order and Illegal Drugs

  
**JOKER P. ARROYO**  
Committee on Local Government

Ex-Officio Members:

  
**JINGGOY EJERCITO ESTRADA**  
President Pro-Tempore

  
**FRANCIS N. PANGILINAN**  
Majority Leader

  
**AQUILINO Q. PIMENTEL JR.** *may amend.*  
Minority Leader

**Hon. MANNY VILLAR**  
*President*  
Senate of the Philippines  
Pasay City

SENATE

S. NO. 2078

RECEIVED BY: [Signature]

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Prepared by the Committees on Local Government  
and on Public Order and Illegal Drugs

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**AN ACT**

**AMENDING SECTION 51(a)(1), SECTION 51(a)(2), SECTION 51(b)(4)(i), AND SECTION 52 OF REPUBLIC ACT NO. 6975, AS AMENDED BY REPUBLIC ACT NO. 8551, OTHERWISE KNOWN AS THE "DEPARTMENT OF THE INTERIOR AND LOCAL GOVERNMENT ACT OF 1990", AND FOR OTHER PURPOSES**

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

1 **SECTION 1.** Section 51(a)(1) of Republic Act No. 6975, as amended by Republic Act  
2 No. 8551, is hereby amended to read as follows:

3       “(a) *Provincial Governor – (1) Power to Choose the Provincial Director.*  
4       The provincial governor shall choose the provincial director from a list of  
5       three (3) eligible recommended by the PNP regional director. UPON DUE  
6       RECEIPT BY THE GOVERNOR, THE LIST OF THREE (3) ELIGIBLES  
7       SHALL NOT BE SUBJECT TO ANY AMENDMENT BY THE PNP  
8       REGIONAL DIRECTOR. IN THE EVENT OF A DISAGREEMENT  
9       BETWEEN THE GOVERNOR AND THE PNP REGIONAL DIRECTOR,  
10       AN OFFICER-IN-CHARGE MAY BE DESIGNATED FOR A PERIOD OF  
11       NOT MORE THAN THIRTY (30) DAYS EXTENDIBLE FOR ANOTHER  
12       THIRTY (30) DAYS THEREAFTER, NO FURTHER EXTENSION OF THE  
13       TERM SHALL BE ALLOWED: *PROVIDED, FURTHER,* THAT THE  
14       PROVINCIAL PEACE AND ORDER COUNCIL MAY, THROUGH THE  
15       GOVERNOR, RECOMMEND THE RECALL OR REASSIGNMENT OF  
16       THE PROVINCIAL POLICE DIRECTOR WHEN, IN ITS PERCEPTION,  
17       THE LATTER HAS BEEN INEFFECTIVE IN COMBATING CRIME OR  
18       MAINTAINING PEACE AND ORDER IN THE PROVINCE: *PROVIDED,*  
19       *FINALLY,* THAT SUCH RELIEF SHALL BE BASED ON DULY  
20       ESTABLISHED GUIDELINES BY THE NATIONAL POLICE  
21       COMMISSION (NAPOLCOM); *PROVIDED, HOWEVER,* THAT NO  
22       RECAL OR REASSIGNMENT INITIATED BY THE PNP SHALL BE  
23       EFFECTIVE WITHOUT CONSULTATION WITH THE GOVERNOR  
24       CONCERNED.

25 **SEC. 2.** A new sub-item after Section 51(a)(2) shall be incorporated to read as follows:

26       “(3) IN CASE OF CONFLICT BETWEEN THE PNP REGIONAL  
27       DIRECTOR AND THE PROVINCIAL GOVERNOR, EITHER OF THEM  
28       MAY REFER THE MATTER TO THE NAPOLCOM REGIONAL

1 DIRECTOR WHO SHALL RESOLVE THE MATTER WITHIN FIVE (5)  
2 WORKING DAYS FROM RECEIPT THEREOF. THE DECISION OF THE  
3 NAPOLCOM REGIONAL DIRECTOR SHALL BE FINAL AND  
4 EXECUTORY UNLESS APPEALED TO THE COMMISSION EN BANC  
5 WHICH SHALL RESOLVE THE MATTER WITH FINALITY AND ORDER  
6 THE IMPLEMENTATION WITHIN TEN (10) WORKING DAYS FROM  
7 ACQUISITION OF JURISDICTION OVER THE ISSUE. A MOTION FOR  
8 RECONSIDERATION/REVIEW OF THE EN BANC DECISION SHALL  
9 NOT BE ALLOWED."

10 **SEC. 3.** Section 51(b)(4)(i) of Republic Act No. 6975, as amended by Republic Act No.  
11 8551, is hereby amended to read as follows:

12 "(4) *Other Powers.* In addition to the aforementioned powers, city and  
13 municipal mayors shall have the following authority over the PNP units in  
14 their respective jurisdictions:

15 "(i) Authority to choose the chief of police from a list of five (5) eligibles  
16 recommended by the provincial police director, preferably from the same  
17 province, city or municipality. UPON DUE RECEIPT BY THE CITY OR  
18 MUNICIPAL MAYOR, THE LIST OF FIVE (5) ELIGIBLES SHALL NOT BE  
19 SUBJECT TO ANY AMENDMENT BY THE PROVINCIAL POLICE  
20 DIRECTOR. IN THE EVENT OF A DISAGREEMENT BETWEEN THE  
21 CITY OR MUNICIPAL MAYOR AND THE PROVINCIAL POLICE  
22 DIRECTOR, AN OFFICER-IN-CHARGE MAY BE DESIGNATED FOR A  
23 PERIOD OF NOT MORE THAN THIRTY DAYS (30) EXTENDIBLE FOR  
24 ANOTHER THIRTY (30) DAYS. THEREAFTER, NO FURTHER  
25 EXTENSION OF THE TERM SHALL BE ALLOWED: *PROVIDED,*  
26 *FURTHER,* THAT THE LOCAL PEACE AND ORDER COUNCIL MAY,  
27 THROUGH THE CITY OR MUNICIPAL MAYOR, RECOMMEND THE  
28 RECALL OR REASSIGNMENT OF THE CHIEF OF POLICE WHEN, IN  
29 ITS PERCEPTION, THE LATTER HAS BEEN INEFFECTIVE IN  
30 COMBATTING CRIME OR MAINTAINING PEACE AND ORDER IN THE  
31 CITY OR MUNICIPALITY: *PROVIDED, FINALLY,* THAT SUCH RELIEF  
32 SHALL BE BASED ON DULY ESTABLISHED GUIDELINES BY THE  
33 NAPOLCOM: *PROVIDED, HOWEVER,* THAT NO RECALL OR  
34 REASSIGNMENT INITIATED BY THE PNP SHALL BE EFFECTIVE  
35 WITHOUT CONSULTATION WITH THE CITY OR MUNICIPAL MAYOR  
36 CONCERNED;"

37 **SEC. 4.** A new sub-item after Section 51(b)(4)(iii) shall be incorporated to read as  
38 follows:

39 "(iv) IN CASE OF CONFLICT BETWEEN THE PNP REGIONAL  
40 DIRECTOR AND THE MAYOR, EITHER OF THEM MAY REFER THE  
41 MATTER TO THE NAPOLCOM REGIONAL DIRECTOR THROUGH THE  
42 PNP REGIONAL DIRECTOR WHO SHALL RENDER A DECISION  
43 WITHIN FIVE (5) WORKING DAYS FROM RECEIPT THEREOF. THE  
44 DECISION OF THE NAPOLCOM REGIONAL DIRECTOR SHALL BE  
45 FINAL UNLESS AN APPEAL IS SUBMITTED TO THE COMMISSION EN  
46 BANC WHICH SHALL RESOLVE THE MATTER WITHIN TEN (10)  
47 WORKING DAYS FROM ACQUISITION OF JURISDICTION OVER THE  
48 ISSUE. NO MOTION FOR RECONSIDERATION/REVIEW OF THE EN  
49 BANC DECISION SHALL BE ALLOWED."

1 **SECTION 5.** Section 52 of Republic Act No. 6975, as amended by R.A No.  
2 8551, is hereby amended to read as follows:

3 "SEC. 52. Suspension or Withdrawal of Deputation. - Unless reversed  
4 by the President, the Commission may, after MANDATORY  
5 consultation with the provincial governor and congressman concerned,  
6 suspend or withdraw the deputation of any local executive for any of  
7 the following grounds:

8 "(a) Frequent unauthorized absences;

9 "(b) Abuse of authority;

10 "(c) Providing material support to criminal elements; or

11 "(d) Engaging in acts inimical to national security or which negate the  
12 effectiveness of the peace and order campaign.

13 "Upon good cause shown, the President may, directly or through the  
14 Commission, motu proprio restore such deputation withdrawn from any  
15 local executive."

16 **SECTION 6.** <sup>made</sup> A new section SECTION 53-A shall be incorporated after  
17 Section 53 to read as follows:

18 "SECTION 53-A. TERM OF OFFICE OF CHIEF OF POLICE AND  
19 PROVINCIAL POLICE DIRECTOR – A DULY SELECTED CHIEF OF  
20 POLICE AND PROVINCIAL DIRECTOR SHALL HAVE A FIXED  
21 TOUR OF DUTY OF TWO (2) YEARS WITHOUT RE-APPOINTMENT  
22 OR TERM EXTENSION BUT WITHOUT PREJUDICE TO EARLY  
23 REMOVAL OR TRANSFER OF ASSIGNMENT PURSUANT TO THE  
24 PROVISION OF SECTION 51 (a) (1) and (b) (4) (i)."

25 **SECTION 7.** <sup>made</sup> *Separability Clause.* – If any provision of this Act shall be declared  
26 unconstitutional, any other provision not affected thereby shall remain in full force  
27 and effect.

28 **SECTION 8.** <sup>made</sup> *Repealing Clause.* – All laws, decrees, orders, rules and  
29 regulations, or parts thereof inconsistent with this Act are hereby repealed or  
30 amended accordingly.

31 **SECTION 9.** <sup>made</sup> *Effectivity.* – This Act shall take effect fifteen (15) days after its  
32 publication in at least two (2) newspapers of general circulation.

Approved,

  
**BENIGNO S. AQUINO III**  
Chairman