

REPUBLIC ACT NO. 8551

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"

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

TITLE I

TITLE AND DECLARATION OF POLICY

SECTION 1. *Title.* – This Act shall be known as the "Philippine National Police Reform and Reorganization Act of 1998."

SEC. 2. *Declaration of Policy and Principles.* – It is hereby declared the policy of the State to establish a highly efficient and competent police force which is national in scope and civilian in character administered and controlled by a national police commission.

The Philippine National Police (PNP) shall be a community and service oriented agency responsible for the maintenance of peace and order and public safety.

The PNP shall be so organized to ensure accountability and uprightiness in police exercise of discretion as well as to achieve efficiency and effectiveness of its members and units in the performance of their functions.

TITLE II
THE ROLE OF THE PNP IN COUNTER-INSURGENCY
FUNCTIONS

SEC. 3. Section 12 of Republic Act No. 6975 is hereby amended to read as follows:

"SEC. 12. *Relationship of the Department with the Department of National Defense.* – The Department of the Interior and Local Government shall be relieved of the primary responsibility on matters involving the suppression of insurgency and other serious threats to national security. The Philippine National Police shall, through information gathering and performance of its ordinary police functions, support the Armed Forces of the Philippines on matters involving suppression of insurgency, except in cases where the President shall call on the PNP to support the AFP in combat operations.

"In times of national emergency, the PNP, the Bureau of Fire Protection, and the Bureau of Jail Management and Penology shall, upon the direction of the President, assist the armed forces in meeting the national emergency."

TITLE III
THE NATIONAL POLICE COMMISSION

SEC. 4. Section 13 of Republic Act No. 6975 is hereby amended to read as follows:

"SEC. 13. *Creation and Composition.* – A National Police Commission, hereinafter referred to as the Commission, is hereby created for the purpose of effectively discharging the functions prescribed in the Constitution and provided in this Act. The Commission shall be an agency attached to the Department for policy and program coordination. It shall be composed of a Chairperson, four (4) regular Commissioners, and the Chief of PNP as *ex officio* member. Three (3) of the regular commissioners shall come from the civilian sector who are neither active nor former members of the police or military, one (1) of whom shall be designated as vice chairperson by the President. The fourth regular commissioner shall come from the law enforcement sector

either active or retired: *Provided*, That an active member of a law enforcement agency shall be considered resigned from said agency once appointed to the Commission: *Provided, further*, That at least one (1) of the Commissioners shall be a woman. The Secretary of the Department shall be the *ex officio* chairperson of the Commission, while the vice chairperson shall act as the executive officer of the Commission."

SEC. 5. Section 14 of Republic Act No. 6975 is hereby amended to read as follows:

"SEC. 14. *Powers and Functions of the Commission.* – The Commission shall exercise the following powers and functions:

"(a) Exercise administrative control and operational supervision over the Philippine National Police which shall mean the power to:

"1) Develop policies and promulgate a police manual prescribing rules and regulations for efficient organization, administration, and operation, including criteria for manpower allocation, distribution and deployment, recruitment, selection, promotion, and retirement of personnel and the conduct of qualifying entrance and promotional examinations for uniformed members;

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

"3) Establish a system of uniform crime reporting;

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

"5) Approve or modify plans and programs on education and training, logistical requirements, communications, records,

information systems, crime laboratory, crime prevention and crime reporting;

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

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

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

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

"10) Inspect and assess the compliance of the PNP on the established criteria for manpower allocation, distribution, and deployment and their impact on the community and the crime situation, and thereafter formulate appropriate guidelines for maximization of resources and effective utilization of the PNP personnel;

"11) Monitor the performance of the local chief executives as deputies of the Commission; and

"12) Monitor and investigate police anomalies and irregularities.

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

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

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

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

SEC. 6. Section 15 of Republic Act No. 6975 is hereby amended to read as follows:

"SEC. 15. *Qualifications.* – No person shall be appointed regular member of the Commission unless:

"(a) He or she is a citizen of the Philippines;

"(b) A member of the Philippine Bar with at least five (5) years experience in handling criminal or human rights cases or a holder of a master's degree but preferably a doctorate degree in public administration, sociology, criminology, criminal justice, law enforcement, and other related disciplines; and

"(c) The regular member coming from the law enforcement sector should have practical experience in law enforcement work for at least five (5) years while the three (3) other regular commissioners must have done extensive research work or projects on law enforcement, criminology or criminal justice or members of a duly registered non-government organization involved in the promotion of peace and order."

SEC. 7. Section 16 of Republic Act No. 6975 is hereby amended to read as follows:

"SEC. 16. *Term of Office.* – The four (4) regular and full-time Commissioners shall be appointed by the President for a term of six (6) years without re-appointment or extension."

SEC. 8. *Expiration of the Terms of Office of Current Commissioners.* – Upon the effectivity of this Act, the terms of office of the current Commissioners are deemed expired which shall constitute a bar to their reappointment or an extension of their terms in the Commission except for current Commissioners who have served less than two (2) years of their terms of office who may be appointed by the President for a maximum term of two (2) years.

SEC. 9. Section 17 of Republic Act No. 6975 is hereby amended to read as follows:

"SEC. 17. *Temporary or Permanent Incapacity of the Chairperson.* – In case of absence due to the temporary incapacity of the chairperson, the vice chairperson shall serve as chairperson until the chairperson is present or regains capacity to serve. In case of death or permanent incapacity or disqualification of the chairperson, the acting chairperson shall also act as such until a new chairperson shall have been appointed by the President and qualified."

SEC. 10. Section 20 of Republic Act No. 6975 is hereby amended to read as follows:

"SEC. 20. *Organizational Structure.* – The Commission shall consist of the following units:

"(a) *Commission Proper.* - This is composed of the offices of the Chairman and four (4) Commissioners.

"(b) *Staff Services.* - The staff services of the Commission shall be as follows:

"(1) The Planning and Research Service, which shall provide technical services to the Commission in areas of overall policy formulation, strategic and operational planning, management systems or procedures, evaluation and monitoring of the Commission's programs, projects and internal operations; and shall conduct thorough research and analysis on social and economic conditions affecting peace and order in the country;

"(2) The Legal Affairs Service, which shall provide the Commission with efficient and effective service as legal counsel of the Commission; draft or study contracts affecting the Commission and submit appropriate recommendations pertaining thereto; and render legal opinions arising from the administration and operation of the Philippine National Police and the Commission;

"(3) The Crime Prevention and Coordination Service, which shall undertake criminological researches and studies; formulate a national crime prevention plan; develop a crime prevention and information program and provide editorial direction for all criminology research and crime prevention publications;

"(4) The Personnel and Administrative Service, which shall perform personnel functions for the Commission, administer the entrance and promotional examinations for policemen, provide the necessary services relating to records, correspondence, supplies, property and equipment, security and general services, and the maintenance and utilization of facilities, and provide services relating to manpower, career planning and development, personnel transactions and employee welfare;

"(5) The Inspection, Monitoring and Investigation Service, which shall conduct continuous inspection and management audit of personnel, facilities and operations at all levels of command of the PNP, monitor the implementation of the Commission's programs and projects relative to law enforcement; and monitor and investigate police anomalies and irregularities;

"(6) The Installations and Logistics Service, which shall review the Commission's plans and programs and formulate policies and procedures regarding acquisition, inventory, control, distribution, maintenance and disposal of supplies and shall oversee

the implementation of programs on transportation facilities and installations and the procurement and maintenance of supplies and equipment; and

"(7) The Financial Service, which shall provide the Commission with staff advice and assistance on budgetary and financial matters, including the overseeing of the processing and disbursement of funds pertaining to the scholarship program and surviving children of deceased and/or permanently incapacitated PNP personnel.

"(c) *Disciplinary Appellate Boards.* - The Commission shall establish a formal administrative disciplinary appellate machinery consisting of the National Appellate Board and the regional appellate boards.

"The National Appellate Board shall decide cases on appeal from decisions rendered by the PNP chief, while the regional appellate boards shall decide cases on appeal from decisions rendered by officers other than the PNP chief, the mayor, and the People's Law Enforcement Board (PLEB) created hereunder."

SEC. 11. Section 22 of Republic Act No. 6975 is hereby amended to read as follows:

"SEC. 22. *Qualifications of Regional Directors.* - No person shall be appointed regional director unless:

"(a) He or she is a citizen of the Philippines; and

"(b) A holder of a master's degree and appropriate civil service eligibility."

SEC. 12. *Qualifications Upgrading Program.* - The Commission shall design and establish a qualifications upgrading program for the members of the Commission in coordination with the Civil Service Commission, the Department of Education, Culture and Sports and the Commission on Higher Education through a distance education program and/or an in-service education program or similar programs within ninety (90) days

from the effectivity of this Act: *Provided*, That those who are already in the service from the effectivity of this Act shall have five (5) years to obtain the required degree or qualification counted from the implementation of the qualifications upgrading program.

TITLE IV

THE PHILIPPINE NATIONAL POLICE

A. REORGANIZATION

SEC. 13. *Authority of the Commission to Reorganize the PNP.* – Notwithstanding the provisions of Republic Act No. 6975 on the organizational structure and rank classification of the PNP, the Commission shall conduct a management audit, and prepare and submit to Congress a proposed reorganization plan of the PNP not later than December 31, 1998, subject to the limitations provided under this Act and based on the following criteria: a) increased police visibility through dispersal of personnel from the headquarters to the field offices and by the appointment and assignment of non-uniformed personnel to positions which are purely administrative, technical, clerical or menial in nature and other positions which are not actually and directly related to police operation; and b) efficient and optimized delivery of police services to the communities.

The PNP reorganization program shall be approved by Congress through a joint resolution.

B. QUALIFICATIONS UPGRADING

SEC. 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.

"After the lapse of the time period for the satisfaction of a specific requirement, current members of the PNP who will fail to satisfy any of the requirements enumerated under this Section shall be separated from the service if they are below fifty (50) years of age and have served in Government for less than twenty (20) years or retired if they are from the age of fifty (50) and above and have served the Government for at least twenty (20) years without prejudice in either case to the payment of benefits they may be entitled to under existing laws."

SEC. 15. *Waivers for Initial Appointments to the PNP.* – The age, height, weight, and educational requirements for initial appointment to the PNP may be waived only when the number of qualified applicants fall below the minimum annual quota: *Provided*, That an applicant shall not be below twenty (20) nor over thirty-five (35) years of age: *Provided, further*, That any applicant not meeting the weight requirement shall be given reasonable time but not exceeding six (6) months within which to comply with the said requirement: *Provided, furthermore*, That only applicants who have finished second year college or have earned at least seventy-two (72) collegiate units leading to a bachelor's degree shall be eligible for appointment: *Provided, furthermore*, That anybody who will enter the service without a baccalaureate degree shall be given a maximum of four (4) years to obtain the required educational qualification: *Provided, finally*, That a waiver for height requirement shall be automatically granted to applicants belonging to the cultural communities.

SEC. 16. *Selection Criteria Under the Waiver Program.* – The selection of applicants under the Waiver Program shall be subject to the following minimum criteria:

a) Applicants who possess the least disqualification shall take precedence over those who possess more disqualifications.

b) The requirements shall be waived in the following order: (a) age, (b) height, (c) weight, and (d) education.

The Commission shall promulgate rules and regulations to address other situations arising from the waiver of the entry requirements.

SEC. 17. *Nature of Appointment Under a Waiver Program.* – Any PNP uniformed personnel who is admitted due to the waiver of the educational or weight requirements shall be issued a temporary appointment pending the satisfaction of the requirement waived. Any member who will fail to satisfy any of the waived requirements within the specified time periods under Section 13 of this Act shall be dismissed from the service.

SEC. 18. *Re-application of Dismissed PNP Members Under a Waiver Program.* – Any PNP member who shall be dismissed under a waiver program shall be eligible to re-apply for appointment to the PNP: *Provided*, That he or she possesses the minimum qualifications under Section 14 of this Act and his or her reappointment is not by virtue of another waiver program.

SEC. 19. *The Field Training Program.* – All uniformed members of the PNP shall undergo a Field Training Program for twelve (12) months involving actual experience and assignment in patrol, traffic, and investigation as a requirement for permanency of their appointment.

SEC. 20. *Increased Qualifications for Provincial Directors.*
– No person may be appointed Director of a Provincial Police Office unless;

a) he or she holds a master's degree in public administration, sociology, criminology, criminal justice, law enforcement, national security administration, defense studies, or other related discipline from a recognized institution of learning; and

b) has satisfactorily passed the required training and career courses necessary for the position as may be established by the Commission.

Any PNP personnel who is currently occupying the position but lacks any of the qualifications mentioned above shall be given three (3) years upon the effectivity of this Act to comply with the requirements; otherwise he or she shall be relieved from the position.

SEC. 21. Section 32 of Republic Act No. 6975 is hereby amended to read as follows:

"SEC. 32. *Examinations of Policemen.* – The National Police Commission shall administer the entrance and promotional examinations for policemen on the basis of the standards set by the Commission."

SEC. 22. Section 34 of Republic Act No. 6975 is hereby amended to read as follows:

"SEC. 34. *Qualifications of Chief of City and Municipal Police Stations.* – No person shall be appointed chief of a city police station unless he/she is a graduate of Bachelor of Laws or has finished all the required courses of a master's degree program in public administration, criminology, criminal justice, law enforcement, national security administration, defense studies, and other related disciplines from a recognized institution of learning. No person shall be appointed chief of a municipal police station unless he or she has finished at least second year Bachelor of Laws or has earned at least twelve (12) units in a master's degree program in public administration, criminology, criminal justice, law enforcement, national security administration, and other related disciplines from a recognized institution of learning: *Provided*, That members of the Bar with at least five (5) years of law practice, licensed criminologists or graduates of the Philippine National Police Academy and who possess the general qualifications for initial appointment to the PNP shall be qualified for appointment as chief or municipal police station: *Provided further*, That the appointee has successfully passed the required field training program and has complied with other requirements as may be established by the Commission: *Provided, furthermore*, That the chief of police shall be appointed in accordance with the provisions of Section 51, paragraph (b), subparagraph 4(i) of this Act."

SEC. 23. *Qualifications Upgrading Program.* – The Commission shall design and establish a qualifications upgrading program for the Philippine National Police officers and members in coordination with the Civil Service Commission, and the Commission on Higher Education through a distance education program and/or an in-service education program or other similar programs within ninety (90) days from the effectivity of this Act.

C. ATTRITION SYSTEM FOR UNIFORMED PERSONNEL

SEC. 24. *Attrition System.* – There shall be established a system of attrition within the uniformed members of the PNP within one (1) year from the effectivity of this Act to be submitted by the PNP to the Commission for approval. Such attrition system shall include but is not limited to the provisions of the following sections.

SEC. 25. *Attrition by Attainment of Maximum Tenure in Position.* – The maximum tenure of PNP members holding key positions is hereby prescribed as follows:

POSITION	MAXIMUM TENURE
Chief	four (4) years
Deputy Chief	four (4) years
Director of the Staff Services	four (4) years
Regional Directors	six (6) years
Provincial/City Directors	nine (9) years

Other positions higher than Provincial Director shall have the maximum tenure of six (6) years. Unless earlier separated, retired or promoted to a higher position in accordance with the PNP Staffing Pattern, police officers holding the above-mentioned positions shall be compulsorily retired at the maximum tenure in position herein prescribed, or at age fifty-six (56), whichever is earlier: *Provided*, That in times of war or other national emergency declared by Congress, the President may extend the PNP Chief's tour of duty: *Provided, further*, That the PNP members who have already reached their maximum tenure upon the effectivity of this Act may be allowed one (1) year more of tenure in their positions before the maximum tenure provided in this Section shall be applied to them, unless they shall have already

reached the compulsory retirement age of fifty-six (56), in which case the compulsory retirement age shall prevail.

Except for the Chief, PNP, no PNP member who has less than one (1) year of service before reaching the compulsory retirement age shall be promoted to higher rank or appointed to any other position.

SEC. 26. *Attrition by Relief.* – A PNP uniformed personnel who has been relieved for just cause and has not been given an assignment within two (2) years after such relief shall be retired or separated.

SEC. 27. *Attrition by Demotion in Position or Rank.* – Any PNP personnel, civilian or uniformed, who is relieved and assigned to a position lower than what is established for his or her grade in the PNP staffing pattern and who shall not be assigned to a position commensurate to his or her grade within eighteen (18) months after such demotion in position shall be retired or separated.

SEC. 28. *Attrition by Non-promotion.* – Any PNP personnel who has not been promoted for a continuous period of ten (10) years shall be retired or separated.

SEC. 29. *Attrition by Other Means.* – A PNP member or officer with at least five (5) years of accumulated active service shall be separated based on any of the following factors:

a) inefficiency based on poor performance during the last two (2) successive annual rating periods;

b) inefficiency based on poor performance for three (3) cumulative annual rating periods;

c) physical and/or mental incapacity to perform police functions and duties; or

d) failure to pass the required entrance examinations twice and/or finish the required career courses except for justifiable reasons.

SEC. 30. *Retirement or Separation Under the Preceding Sections.* – Any personnel who is dismissed from the PNP pursuant to Sections 25, 26, 27, 28 and 29 hereof shall be retired if he or she has rendered at least twenty (20) years of service and separated if he or she has rendered less than twenty (20) years of service unless the personnel is disqualified by law to receive such benefits.

D. PROMOTION SYSTEM

SEC. 31. *Rationalized Promotion System.* – Within six (6) months after the effectivity of this Act, the Commission shall establish a system of promotion for uniformed and non-uniformed personnel of the PNP which shall be based on merits and on the availability of vacant positions in the PNP staffing pattern. Such system shall be gender fair and shall ensure that women members of the PNP shall enjoy equal opportunity for promotion as that of men.

SEC. 32. *Promotion by Virtue of Position.* – Any PNP personnel designated to any key position whose rank is lower than that which is required for such position shall, after six (6) months of occupying the same, be entitled to a rank adjustment corresponding to the position: *Provided*, That the personnel shall not be reassigned to a position calling for a higher rank until after two (2) years from the date of such rank adjustment: *Provided, further*, That any personnel designated to the position who does not possess the established minimum qualifications therefor shall occupy the same temporarily for not more than six (6) months without reappointment or extension.

SEC. 33. Section 38 (a) and (b) of Republic Act No. 6975 is hereby amended to read as follows:

"SEC. 38. *Promotions.* – (a) A uniformed member of the PNP shall not be eligible for promotion to a higher position or rank unless he or she has successfully passed the corresponding

promotional examination given by the Commission, or the Bar, or the corresponding board examinations for technical services and other professions, has satisfactorily completed the appropriate and accredited course in the PNPA or equivalent training institutions, and has satisfactorily passed the required psychiatric/psychological and drug tests. In addition, no uniformed member of the PNP shall be eligible for promotion during the pendency of his or her administrative and/or criminal case or unless he or she has been cleared by the People's Law Enforcement Board (PLEB), and the Office of the Ombudsman of any complaints proffered against him or her, if any.

"(b) Any uniformed member of the PNP who has exhibited acts of conspicuous courage and gallantry at the risk of his/her life above and beyond the call of duty, shall be promoted to the next higher rank: *Provided*, That such acts shall be validated by the Commission based on established criteria."

E. UPGRADING OF SALARIES AND BENEFITS

SEC. 34. Section 75 of the same Act is hereby amended to read as follows:

"SEC. 75. *Retirement Benefits.* – Monthly retirement pay shall be fifty percent (50%) of the base pay and longevity pay of the retired grade in case of twenty (20) years of active service, increasing by two and one-half percent (2.5%) for every year of active service rendered beyond twenty (20) years to a maximum of ninety percent (90%) for thirty-six (36) years of active service and over: *Provided*, That, the uniformed personnel shall have the option to receive in advance and in lump sum his retirement pay for the first five (5) years: *Provided, further*, That payment of the retirement benefits in lump sum shall be made within six (6) months from effectivity date of retirement and/or completion: *Provided, finally*, That retirement pay of the officers/non-officers of the PNP shall be subject to adjustments based on the prevailing scale of base pay of police personnel in the active service."

SEC. 35. Section 73 of the same Act is hereby amended to read as follows:

"SEC. 73. *Permanent Physical Disability.* – An officer or non-officer who is permanently and totally disabled as a result of injuries suffered or sickness contracted in the performance of his duty as duly certified by the National Police Commission, upon finding and certification by the appropriate medical officer, that the extent of the disability or sickness renders such member unfit or unable to further perform the duties of his position, shall be entitled to one year's salary and to lifetime pension equivalent to eighty percent (80%) of his last salary, in addition to other benefits as provided under existing laws.

"Should such member who has been retired under permanent total disability under this section die within five (5) years from his retirement, his surviving legal spouse or if there be none, the surviving dependent legitimate children shall be entitled to the pension for the remainder of the five (5) years guaranteed period."

SEC. 36. Section 36 of Republic Act No. 6975 is hereby amended to read as follows:

"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."

SEC. 37. *Early Retirement Program.* – Within three (3) years after the effectivity of this Act, any PNP officer or non-commissioned officer may retire and be paid separation benefits corresponding to a position two (2) ranks higher than his or her present rank subject to the following conditions:

a) that at the time he or she applies for retirement, he or she has already rendered at least ten (10) years of continuous government service;

b) the applicant is not scheduled for separation or retirement from the service due to the attrition system or separation for cause;

c) he or she has no pending administrative or criminal case; and

d) he or she has at least three (3) more years in the service before reaching the compulsory retirement age and at least a year before his or her maximum tenure in position.

SEC. 38. *Rationalization of Retirement and Separation Benefits.* – The Commission shall formulate a rationalized retirement and separation benefits schedule and program within one (1) year from the effectivity of this Act for approval by Congress: *Provided*, That the approved schedule and program shall have retroactive effect in favor of PNP members and officers retired or separated from the time specified in the law, unless the retirement or separation is for cause and the decision denies the grant of benefits.

TITLE V

INTERNAL AFFAIRS SERVICE

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

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

b) investigate complaints and gather evidence in support of an open investigation;

c) conduct summary hearings on PNP members facing administrative charges;

d) submit a periodic report on the assessment, analysis, and evaluation of the character and behavior of PNP personnel and units to the Chief PNP and the Commission;

e) file appropriate criminal cases against PNP members before the court as evidence warrants and assist in the prosecution of the case;

f) provide assistance to the Office of the Ombudsman in cases involving the personnel of the PNP.

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

a) incidents where a police personnel discharges a firearm;

b) incidents where death, serious physical injury, or any violation of human rights occurred in the conduct of a police operation;

c) incidents where evidence was compromised, tampered with, obliterated, or lost while in the custody of police personnel;

d) incidents where a suspect in the custody of the police was seriously injured; and

e) incidents where the established rules of engagement have been violated.

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

SEC. 40. *Organization.* – National, regional, and provincial offices of the Internal Affairs shall be established. Internal Affairs Service shall be headed by an Inspector General who shall be assisted by a Deputy Inspector General. The area offices shall be headed by a Director while the provincial offices shall be headed by a Superintendent: *Provided*, That the head of the Internal Affairs Service shall be a civilian who shall meet the qualification requirements provided herein.

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

SEC. 41. *Appointments.* – The Inspector General shall be appointed by the President upon the recommendation of the Director General and duly endorsed by the Commission. Appointments of personnel who shall occupy various positions shall be made by the Inspector General and shall be based on an established career pattern and criteria to be promulgated by the Commission.

SEC. 42. *Entry Qualifications to IAS.* – Entry to the Internal Affairs Service shall be voluntary and subject to rigid screening where only PNP personnel who have at least five (5) years experience in law enforcement and who have no derogatory service records shall be considered for appointment: *Provided,* That members of the Bar may enter the service laterally.

SEC. 43. *Initial Appointments to the National, Directorial, and Provincial Internal Affairs Service Offices.* – Initial appointments of the heads of the offices in the Internal Affairs Service shall be made by the President upon recommendation by the Commission. Thereafter, appointments and promotions to the Service shall follow the established requirements and procedures.

SEC. 44. *Promotions.* – The Commission shall establish the promotion system within the IAS which shall follow the general principles of the promotion system in the PNP.

SEC. 45. *Prohibitions.* – Any personnel who joins the IAS may not thereafter join any other unit of the PNP. Neither shall any personnel of the IAS be allowed to sit in a committee deliberating on the appointment, promotion, or assignment of any PNP personnel.

SEC. 46. *Career Development and Incentives.* – (1) Personnel of the Internal Affairs Service shall in addition to other allowances authorized under existing laws be granted occupational

specialty pay which shall not exceed fifty percent (50%) of their basic pay. This pay shall not be considered a forfeiture of other remuneration and allowances which are allowed under existing laws.

(2) IAS members shall also have priorities in the quota allocation for training and education.

SEC. 47. Records Management of the IAS. – Local Internal Affairs Offices shall be responsible for the maintenance and update of the records of the members of the PNP within their jurisdiction.

When a PNP personnel is reassigned or transferred to another location or unit outside the jurisdiction of the current Internal Affairs Office the original records of such personnel shall be transferred over to the Internal Affairs Office that will acquire jurisdiction over the transferred personnel while copies will be retained by the former Internal Affairs Office. In cases where a PNP personnel has been relieved of his/her position and has not been given an assignment, the Internal Affairs Office where the person has been assigned last shall continue to have jurisdiction over his or her records until such time that the officer or member shall have been given a new assignment where the records will be forwarded to the Internal Affairs Office acquiring jurisdiction over the PNP personnel.

SEC. 48. Inclusion of Supervisors and Superiors in IAS Investigations. – The immediate superior or supervisor of the personnel or units being investigated under the preceding section shall be automatically included in the investigation of the IA to exclusively determine lapses in administration or supervision.

SEC. 49. Disciplinary Recommendations of the IAS. – (a) Any uniformed PNP personnel found guilty of any cases mentioned in Section 39 of this Act and any immediate superior or supervisor found negligent under Section 48 shall be recommended automatically for dismissal or demotion, as the case may be.

(b) Recommendations by the IAS for the imposition of disciplinary measures against an erring PNP personnel, once

final, cannot be revised, set-aside, or unduly delayed by any disciplining authority without just cause. Any disciplining authority who fails to act or who acts with abuse of discretion on the recommendation of the IAS shall be made liable for gross neglect of duty. The case of erring disciplinary authority shall be submitted to the Director General for proper disposition.

SEC. 50. *Appeals.* – Decisions rendered by the provincial inspectors shall be forwarded to the area internal affairs office for review within ten (10) working days upon the receipt thereof. Decisions of the area office may be appealed to the national office through the Office of Inspector General. Decisions rendered by the National IAS shall be appealed to the National Appellate Board or to the court as may be appropriate: *Provided*, That the summary dismissal powers of the Director General and Regional Directors as provided in Section 42 of Republic Act No. 6975 shall remain valid: *Provided, further*, That the existing jurisdiction over offenses as provided under Republic Act No. 6975 shall not be affected.

SEC. 51. *Complaints Against the IAS.* – A complaint against any personnel or office of IAS shall be brought to the Inspector General's Office or to the Commission as may be appropriate.

TITLE VI

DISCIPLINARY MECHANISMS

SEC. 52. Section 41 of Republic Act No. 6975 is hereby amended to read as follows:

"SEC. 41. (a) *Citizen's Complaints.* – Any complaint by a natural or juridical person against any member of the PNP shall be brought before the following:

"(1) Chiefs of Police, where the offense is punishable by withholding of privileges, restriction to specified limits, suspension or forfeiture of salary, or any combination thereof, for a period not exceeding fifteen (15) days;

"(2) Mayors of cities and municipalities, where the offense is punishable by withholding of privileges, restriction to specified limits, suspension or forfeiture of salary, or any combination thereof, for a period of not less than sixteen (16) days but not exceeding thirty (30) days;

"(3) People's Law Enforcement Board, as created under Section 43 hereof, where the offense is punishable by withholding of privileges, restriction to specified limits, suspension or forfeiture of salary, or any combination thereof for a period exceeding thirty (30) days; or by dismissal.

"The Commission shall provide in its implementing rules and regulations a scale of penalties to be imposed upon any member of the PNP under this Section.

"(b) *Internal Discipline.* - On dealing with minor offenses involving internal discipline found to have been committed by any regular member of their respective commands, the duly designated supervisors and equivalent officers of the PNP shall, after due notice and summary hearing, exercise disciplinary powers as follows:

"(1) Chiefs of police or equivalent supervisors may summarily impose the administrative punishment of admonition or reprimand; restriction to specified limits; withholding of privileges; forfeiture of salary or suspension; or any of the combination of the foregoing: *Provided*, That, in all cases, the total period shall not exceed fifteen (15) days;

"(2) Provincial directors or equivalent supervisors may summarily impose administrative punishment of admonition or reprimand; restrictive custody; withholding of privileges; forfeiture of salary or suspension; or any combination of the foregoing: *Provided*, That, in all cases, the total period shall not exceed thirty (30) days;

"(3) Police regional directors or equivalent supervisors shall have the power to impose upon any member the disciplinary punishment of dismissal from the service. He may also impose

the administrative punishment of admonition or reprimand; restrictive custody; withholding of privileges; suspension or forfeiture of salary; demotion; or any combination of the foregoing: *Provided*, That, in all cases, the total period shall not exceed sixty (60) days;

"(4) The Chief of the PNP shall have the power to impose the disciplinary punishment of dismissal from the service; suspension or forfeiture of salary; or any combination thereof for a period not exceeding one hundred eighty (180) days: *Provided, further*, That the chief of the PNP shall have the authority to place police personnel under restrictive custody during the pendency of a grave administrative case filed against him or even after the filing of a criminal complaint, grave in nature, against such police personnel.

"(c) *Exclusive Jurisdiction* . - A complaint or a charge filed against a PNP member shall be heard and decided exclusively by the disciplining authority who has acquired original jurisdiction over the case and notwithstanding the existence of concurrent jurisdiction as regards the offense: *Provided*, That offenses which carry higher penalties referred to a disciplining authority shall be referred to the appropriate authority which has jurisdiction over the offense.

"For purposes of this Act, a 'minor offense' shall refer to any act or omission not involving moral turpitude, but affecting the internal discipline of the PNP, and shall include, but not limited to:

- "(1) Simple misconduct or negligence;
- "(2) Insubordination;
- "(3) Frequent absences and tardiness;
- "(4) Habitual drunkenness; and
- "(5) Gambling prohibited by law.

"(d) *Forum shopping or multiple filing of complaints.* - When an administrative complaint is filed with a police disciplinary authority, such as the People's Law Enforcement Board (PLEB), no other case involving the same cause of action shall be filed with any other disciplinary authority.

"In order to prevent forum shopping or multiple filing of complaints, the complainant or party seeking relief in the complaint shall certify under oath in such pleading, or in a sworn certification annexed thereto and simultaneously filed therewith, to the truth of the following facts and undertaking:

"(a) that he has not heretofore commenced any other action or proceeding involving the same issues in other disciplinary forum;

"(b) that to the best of his knowledge, no such action or proceeding is pending in other police administrative disciplinary machinery or authority;

"(c) that if there is any such action or proceeding which is either pending or may have been terminated, he must state the status thereof; and

"(d) that if he should thereafter learn that a similar action or proceeding has been filed or is pending before any other police disciplinary authority, he must undertake to report that fact within five (5) days therefrom to the disciplinary authority where the original complaint or pleading has been filed."

SEC. 53. Section 42 of Republic Act No. 6975 is hereby amended to read as follows:

"SEC. 42. *Summary Dismissal Powers of the National Police Commission, PNP Chief, and PNP Regional Directors.* – The National Police Commission, the Chief of the PNP and PNP regional directors, after due notice and summary hearings, may immediately remove or dismiss any respondent PNP member in any of the following cases:

"(a) When the charge is serious and the evidence of guilt is strong;

"(b) When the respondent is a recidivist or has been repeatedly charged and there are reasonable grounds to believe that he is guilty of the charges; and

"(c) When the respondent is guilty of a serious offense involving conduct unbecoming of a police officer.

"Any member or officer of the PNP who shall go on absence without official leave (AWOL) for a continuous period of thirty (30) days or more shall be dismissed immediately from the service. His activities and whereabouts during the period shall be investigated and if found to have committed a crime, he shall be prosecuted accordingly."

SEC. 54. Section 44 of Republic Act No. 6975 is hereby amended to read as follows:

"SEC. 44. *Disciplinary Appellate Boards.* – The formal administrative disciplinary machinery of the PNP shall be the National Appellate Board and the regional appellate boards.

"The National Appellate Board shall be composed of the four (4) regular commissioners and shall be chaired by the executive officer. The Board shall consider appeals from decisions of the Chief of the PNP.

"The National Appellate Board may conduct its hearings or sessions in Metropolitan Manila or any part of the country as it may deem necessary.

"There shall be at least one (1) regional appellate board per administrative region in the country to be composed of a senior officer of the regional Commission as Chairman and one (1) representative each from the PNP, and the regional peace and order council as members. It shall consider appeals from decisions of the regional directors, other officials, mayors, and the PLEBs:

Provided, That the Commission may create additional regional appellate boards as the need arises."

SEC. 55. Section 47 of Republic Act No. 6975 is hereby amended to read as follows:

"SEC. 47. *Preventive Suspension Pending Criminal Case.* – Upon the filing of a complaint or information sufficient in form and substance against a member of the PNP for grave felonies where the penalty imposed by law is six (6) years and one (1) day or more, the court shall immediately suspend the accused from office for a period not exceeding ninety (90) days from arraignment: *Provided, however*, That if it can be shown by evidence that the accused is harassing the complainant and/or witnesses, the court may order the preventive suspension of the accused PNP member even if the charge is punishable by a penalty lower than six (6) years and one (1) day: *Provided, further*, That the preventive suspension shall not be more than ninety (90) days except if the delay in the disposition of the case is due to the fault, negligence or petitions of the respondent: *Provided, finally*, That such preventive suspension may be sooner lifted by the court in the exigency of the service upon recommendation of the chief, PNP. Such case shall be subject to continuous trial and shall be terminated within ninety (90) days from arraignment of the accused."

SEC. 56. Section 49 of Republic Act No. 6975 is hereby amended to read as follows:

"SEC. 49. *Legal Assistance.* – The Secretary of Justice, the Chairman of the Commission or the Chief of the PNP may authorize lawyers of their respective agencies to provide legal assistance to any member of the PNP who is facing before the prosecutor's office, the court or any competent body, a charge or charges arising from any incident which is related to the performance of his official duty: *Provided*, That government lawyers so authorized shall have the power to administer oaths: *Provided, further*, That in such cases, when necessary, as determined by the Commission, a private counsel may be provided at the expense of the Government. The Secretary of Justice, the Chairman of the Commission and the Chief of the PNP shall

jointly promulgate rules and regulations to implement the provisions of this Section."

TITLE VII

CREATION OF WOMEN'S DESKS IN ALL POLICE STATIONS AND THE FORMULATION OF A GENDER SENSITIVITY PROGRAM

SEC. 57. *Creation and Functions.* – The PNP shall establish women's desks in all police stations throughout the country to administer and attend to cases involving crimes against chastity, sexual harassment, abuses committed against women and children and other similar offenses: *Provided,* That municipalities and cities presently without policewomen will have two (2) years upon the effectivity of this Act within which to comply with the requirement of this provision.

SEC. 58. *Prioritization of Women for Recruitment.* – Within the next five (5) years, the PNP shall prioritize the recruitment and training of women who shall serve in the women's desk. Pursuant to this requirement, the PNP shall reserve ten percent (10%) of its annual recruitment, training, and education quota for women.

SEC. 59. *Gender Sensitivity Program.* – The Commission shall formulate a gender sensitivity program within ninety (90) days from the effectivity of this Act to include but not limited to the establishment of equal opportunities for women in the PNP, the prevention of sexual harassment in the workplace, and the prohibition of discrimination on the basis of gender or sexual orientation.

SEC. 60. *Administrative Liability.* – Any personnel who shall violate the established rules and regulations regarding gender sensitivity and gender equality shall be suspended without pay for not less than thirty (30) days and shall undergo gender sensitivity seminar or training: *Provided,* That any personnel who violates the rules more than twice shall be recommended for demotion or dismissal from the PNP.

SEC. 61. *Non-Prohibition for Promotion.* – Nothing in this title shall be construed as a restriction on the assignment of policewomen to other positions in the PNP nor shall any provisions of this title be used for the non-promotion of a PNP female personnel to higher position.

TITLE VIII

PARTICIPATION OF LOCAL GOVERNMENT EXECUTIVES IN THE ADMINISTRATION OF THE PNP

SEC. 62. The provisions of the second, third, fourth and fifth paragraphs of subparagraph (b) (1), Section 51, Chapter III-D of Republic Act No. 6975 are hereby amended to read as follows:

"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 maintenance of peace and order within the locality. For this purpose, the terms 'employment' and 'deployment' shall mean as follows:

"'Employment' refers to the utilization of units or elements of the PNP for purposes of protection of lives and properties, enforcement of laws, maintenance of peace and order, prevention of crimes, arrest of criminal offenders and bringing the offenders to justice, and ensuring public safety, particularly in the suppression of disorders, riots, lawlessness, violence, rebellious and seditious conspiracy, insurgency, subversion or other related activities.

"'Deployment' shall mean the orderly and organized physical movement of elements or units of the PNP within the province, city or municipality for purposes of employment as herein defined."

SEC. 63. Section 51 (b)(4) of Republic Act No. 6975 is hereby amended to read as follows:

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

"(i) Authority to choose the chief of police from a list of five (5) eligibles recommended by the provincial police director, preferably from the same province, city or municipality: *Provided, however,* That in no case shall an officer-in-charge be designated for more than thirty (30) days: *Provided, further,* That the local peace and order council may, through the city or municipal mayor, 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: *Provided, finally,* That such relief shall be based on guidelines established by the NAPOLCOM:

"(ii) Authority to recommend to the provincial director the transfer, reassignment or detail of PNP members outside of their respective city or town residences; and

"(iii) Authority to recommend from a list of eligibles previously screened by the peace and order council the appointment of new members of the PNP to be assigned to their respective cities or municipalities without which no such appointments shall be attested: *Provided,* That whenever practicable and consistent with the requirements of the service, PNP members shall be assigned to the city or municipality of their residence.

"The control and supervision of anti-gambling operations shall be within the jurisdiction of local government executives."

SEC. 64. *Automatic Deputation of Local Government Executives as Commission Representatives.* – Governors and mayors, upon having been elected and having qualified as such, are automatically deputized as representatives of the National

Police Commission in their respective jurisdiction. As deputized agents of the Commission, local government executives can inspect police forces and units, conduct audit, and exercise other functions as may be duly authorized by the Commission.

SEC. 65. Section 52 of Republic Act No. 6975 is hereby amended to read as follows:

"SEC. 52. *Suspension or Withdrawal of Deputation.* – Unless reversed by the President, the Commission may, after consultation with the provincial governor and congressman concerned, suspend or withdraw the deputation of any local executive for any of the following grounds:

"(a) Frequent unauthorized absences;

"(b) Abuse of authority;

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

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

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

TITLE IX

STRENGTHENING THE PEOPLE'S LAW ENFORCEMENT BOARD

SEC. 66. Paragraph (a), Section 43 of Republic Act No. 6975 is hereby amended to read as follows:

"SEC. 43. *People's Law Enforcement Board (PLEB).* – (a) Creation and Functions - The sangguniang panlungsod/bayan in every city and municipality shall create such number of People's Law Enforcement Boards (PLEBs) as may be necessary: *Provided, That* there shall be at least one (1) PLEB for every five

hundred (500) city or municipal police personnel and for each of the legislative districts in a city.

"The PLEB shall be the central receiving entity for any citizen's complaint against the officers and members of the PNP. Subject to the provisions of Section 41 of Republic Act No. 6975, the PLEB shall take cognizance of or refer the complaint to the proper disciplinary or adjudicatory authority within three (3) days upon the filing of the complaint."

SEC. 67. Number (3) of Paragraph (b), Section 43 of Republic Act No. 6975 is hereby amended to read as follows:

"(3) Three (3) other members who are removable only for cause to be chosen by the local peace and order council from among the respected members of the community known for their probity and integrity, one (1) of whom must be a woman and another a member of the Bar, or, in the absence thereof, a college graduate, or the principal of the central elementary school in the locality."

SEC. 68. The last paragraph of Section 43 (b)(3) of Republic Act No. 6975 shall be amended to read as follows:

"The Chairman of the PLEB shall be elected from among its members. The term of office of the members of the PLEB shall be for a period of three (3) years from assumption of office. Such member shall hold office until his successor shall have been chosen and qualified."

SEC. 69. *Compensation and Benefits.* – Paragraph c, Section 43 of Republic Act No. 6975 shall be amended to read as follows:

"(c) Compensation. Membership in the PLEB is a civic duty. However, PLEB members shall be paid *per diem* and shall be provided with life insurance coverage as may be determined by the city or municipal council from city or municipal funds. The DILG shall provide for the *per diem* and insurance coverage of PLEB members in certain low income municipalities."

SEC. 70. *Budget Allocation.* – The annual budget of the Local Government Units (LGUs) shall include an item and the corresponding appropriation for the maintenance and operation of their local PLEBs.

The Secretary shall submit a report to Congress and the President within fifteen (15) days from the effectivity of this Act on the number of PLEBs already organized as well as the LGUs still without PLEBs. Municipalities or cities without a PLEB or with an insufficient number of organized PLEBs shall have thirty (30) more days to organize their respective PLEBs. After such period, the DILG and the Department of Budget and Management shall withhold the release of the LGU's share in the national taxes in cities and municipalities still without PLEB(s).

SEC. 71. *Request for Preventive Suspension.* – The PLEB may ask any authorized superior to impose preventive suspension against a subordinate police officer who is the subject of a complaint lasting up to a period as may be allowed under the law. A request for preventive suspension shall not be denied by the superior officer in the following cases:

- a) when the respondent refuses to heed the PLEB's summons or *subpoena*;
- b) when the PNP personnel has been charged with offenses involving bodily harm or grave threats;
- c) when the respondent is in a position to tamper with the evidence; and
- d) when the respondent is in a position to unduly influence the witnesses.

Any superior who fails to act on any request for suspension without valid grounds shall be held administratively liable for serious neglect of duty.

TITLE X

TRANSITORY PROVISIONS

SEC. 72. *Transition.* – The provisions on the reorganization and the civilianization of the PNP and the devolution of police capabilities to the local police forces shall be effected within three (3) years after the effectivity of this Act.

TITLE XI

FINAL PROVISIONS

SEC. 73. *Rules and Regulations.* – Unless otherwise provided in this Act, the Commission in coordination with the Philippine National Police and the Department of the Interior and Local Government, shall promulgate rules and regulations for the effective implementation of this Act. Such rules and regulations shall take effect upon their publication in three (3) newspapers of general circulation.

SEC. 74. *Appropriations.* – The amount necessary to carry out the provisions of this Act is hereby authorized to be appropriated in the General Appropriations Act of the year following its enactment into law and thereafter.

SEC. 75. *Repealing Clause.* – All 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. 76. *Separability Clause.* – In case any provision of this Act or any portion thereof is declared unconstitutional by a competent court, other provisions shall not be affected thereby.

SEC. 77. *Effectivity Clause.* – This Act shall take effect after its complete publication in at least three (3) newspapers of general circulation.

Approved, February 25, 1998.