Republic of the Philippines  
HOUSE OF REPRESENTATIVES  
Quezon City

EIGHTEENTH CONGRESS  
Second Regular Session

House Bill No. 7734

Introduced by Rep. ANGELO MARCOS BARBA  
2nd District, Ilocos Norte

AN ACT STRENGTHENING THE DISCIPLINARY MECHANISM IN THE PHILIPPINE NATIONAL POLICE, AMENDING FOR THE PURPOSE REPUBLIC ACT NO. 8551 AND FOR OTHER PURPOSES

EXPLANATORY NOTE

No police force can effectively serve and protect the public without earning and maintaining the trust of the people. To ensure the public’s trust, the integrity of the law enforcement agency must be preserved. Erring police officers and officials in the police force must be held accountable at all times. This is the mantle of an Internal Affairs Service.

The Internal Affairs Service (IAS) of the Philippine National Police (PNP) was created by virtue of Republic Act No. 8551 which reformed and reorganized the PNP in order to establish a highly efficient and competent police force. The IAS was envisioned to be an independent and autonomous unit tasked to conduct inspections and audits on PNP personnel and units, investigate complaints and gather evidence, and file appropriate cases against erring police officers and officials.

Since the creation of the IAS two decades ago, many still doubt the idea of the police policing itself. For one, police officers engaged in misconduct and corruption are seldom held accountable. Some are set free while others are reassigned. Existing laws are also currently insufficient to empower the IAS to fulfill its mandate. Hence, this bill.

This bill seeks to strengthen the disciplinary mechanism in the Philippine National Policy by amending Republic Act No. 8551 and enhancing the power and independence of the Internal Affairs (IA). The IA shall be headed by an Inspector General, who shall be a civilian, to be appointed by the President of the Republic of the Philippines, upon recommendation of PNP Chief through the National Police Commission.

To further ensure independence, the IA shall be composed of both uniformed and non-uniformed personnel. The proposed measure also empowers the IA to hear and decide with finality administrative cases filed against uniformed members of the PNP facing administrative charges. The concept of police justice system has been adopted, giving the IA the power to
formulate its own disciplinary rules, particularly in case of breach of internal discipline.

The internal affairs function aims to ensure the integrity of the country's police force. A fair and independent internal affairs service in the PNP shall be the primary instrument to measure, enhance, and instill discipline in the police force. Public trust will therefore be earned, maintained, and strengthened.

In light of the foregoing, the immediate passage of this bill is earnestly sought.

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PURPOSE REPUBLIC ACT NO. 8551 AND FOR OTHER PURPOSES

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

SECTION 1. Short title. – This Act shall be known as the “PNP Internal
Affairs Act”.

SECTION 2. Declaration of Policy. – It is the policy of the State to
establish a highly efficient, effective, and competent police force, which is
national in scope, civilian in character, and administered and controlled by the
National Police Commission (NAPOLCOM).

As a community and service-oriented law enforcement agency, the
Philippine National Police (PNP) shall promote and respect human rights and
uphold the rule of law in the performance of its primary functions to maintain
peace and order and ensure public safety and security.

The State shall endeavor to establish and maintain a strengthened internal
affairs service in the Philippine National Police that shall be the primary
instrument to measure, enhance, and instill performance and discipline
among all PNP units and personnel and conduct investigation and prosecution
in an impartial, independent, expeditious and professional manner, thereby
ensuring the citizenry of unbiased police disciplinary mechanism.

SECTION 3. Organization of Internal Affairs (IA). – The Internal
Affairs Service (IAS) of the PNP created under Republic Act No. 8551 is hereby
reorganized as Internal Affairs.

The Internal Affairs (IA) shall be headed by an Inspector General (IG),
who is a civilian duly appointed by the President, upon recommendation of
the PNP Chief through NAPOLCOM.

The IG shall be assisted by a Deputy Inspector General who is uniformed
personnel with a rank of Police Major General, likewise appointed by the
President, upon the recommendation of the NAPOLCOM from among the most senior and qualified officers in the IA.

There shall be two (2) Assistant Deputies Inspector General, one for the Administration, and one for the Operations, both of whom has a rank of Police Brigadier General.

**SECTION 4. Functions of the IA.** – The IA shall exercise the following functions:

I. General Functions

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. Hear and decide with finality administrative case filed against uniformed members of the PNP facing administrative charges;
d. Submit a periodic report on the assessment, analysis, and evaluation of the character and behavioral conduct of the PNP personnel and units to the Chief, PNP, and NAPOLCOM;
e. File appropriate criminal cases against PNP members before the regular court as evidence warrants and assist in the prosecution of the case; and
f. Aid the Office of the Ombudsman in cases involving the members of the PNP.

II. Special Functions

The IA shall conduct *motu proprio* investigation on the following cases:

a. Unlawful discharge of firearm by police personnel;
b. When death, serious physical injury results in the conduct of police operations;
c. When there are allegations of human rights violations;
d. Evidence is compromised, tampered with, obliterated, or lost while in custody of police personnel;
e. When a suspect in police custody is seriously injured;
f. Violation of PNP Operational Procedure and other established rules of engagement; and
g. When there is a prima facie evidence to believe that the police personnel have committed a crime in the performance of his or her duties.

III. Other Functions

The IA shall make recommendations to the Department of Justice the protection of witnesses who are vital to the conduct of investigation and effective prosecution of a PNP personnel facing an administrative or criminal case.
SECTION 5. Organizational Structure of the IA – The IA shall be composed of the following units:

1. National IA – There shall be a National IA that shall have the following divisions, headed by uniformed personnel with the rank of Police Colonel:

   a. Personnel and Human Resource Division shall provide manpower, career planning and development trainings, personnel transactions and employee welfare;
   b. Logistics and Finance Division shall provide plans and programs, formulate policies and procedures on acquisition, inventory, control, distribution, maintenance and disposal of supplies, and shall oversee the implementation of programs on transportation facilities and installations, procurement and maintenance of supplies and equipment, and shall provide staff advice and assistance on budgetary and financial matters, including the overseeing of the processing and disbursement of funds;
   c. Planning and Research Division shall provide technical services in areas of overall policy formulation, strategic and operational planning, management systems of procedures, evaluation and monitoring of programs, projects and internal operations of the IA;
   d. Inspection and Audit Division shall conduct inspection and audit to determine character development, discipline, performance of personnel and operational readiness and procedures of the PNP units to improve police services and integrity.
   e. Intelligence and Investigation Division shall provide information for the recruitment of personnel of the PNP, placement, promotion, and in gathering of evidence in support of IA open investigation and prosecution of administrative and criminal cases;
   f. Legal Division shall provide efficient and effective summary hearing of administrative cases; serve as legal counsel of the IA; draft or study contracts, render legal opinions arising from the administration and operations of IA;
   g. Police Community Relations Division shall provide the necessary support programs, and activities to restore values, discipline, and performance of PNP personnel; provide alternative channel to report irregularities and anomalies;
   h. Information and Communication Technology Division shall be responsible for managing information, electronics and communications technology resources to promote, develop, and regulate integrated strategic ICT systems and reliable and efficient communications infrastructure. It shall provide and maintain reliable, secured, integrated, and cost-efficient information technology and communications services and facilities. It shall likewise be responsible for the design, implementation, and maintenance of the IA database system.

2. Regional IA – The Regional IA office shall be headed by a Director with a rank of Police Brigadier General except for the Director of the
National Capital Region IA who shall have a rank of Police Major General;

3. District IA – The District IA of the National Capital Region shall be headed by a District Director with a rank of Police Brigadier General.

4. Provincial and Highly Urbanized City IA – The Provincial and Highly Urbanized City IA offices shall be headed by a Director with a rank of at least Police Colonel or a civilian of equivalent grade.

5. City IA – The heads of the City IA offices shall have the rank of at least Police Lieutenant Colonel or a civilian or equivalent grade.

SECTION 6. Qualification and Term of Office of Inspector General. – To serve as IG, the appointee must possess the following qualifications:

a. Citizen of the Philippines;

b. At least fifty (50) years old; and

c. Must be a member of the Philippine Bar, in good standing, with at least ten (10) years of experience in handling criminal or administrative cases.

The IG shall serve for a term of six (6) years, without reappointment, or upon reaching the compulsory retirement age of sixty-five (65) years old, whichever comes first.

SECTION 7. Entry Qualification to the IA – The IA shall be composed of uniformed and non-uniformed personnel. The IG shall appoint the personnel of IA who shall occupy various positions in accordance with the established career path approved by NAPOLCOM.

The uniformed personnel of IA shall have its own set of uniform, rank classification, salary, recruitment and promotion processes, and retirement benefit system.

 Civilians recruited into the IA as Patrolman shall possess the same qualifications as provided for in Section 30 of Republic Act No. 6975, as amended by Section 14 of Republic Act No. 8551, and shall undergo similar screening procedures and training for Patrolmen recruited into the PNP.

Transfer of PNP personnel to IA shall be voluntary. Qualified PNP Uniformed Personnel may only exercise the option to join or transfer to the IA shall be subject to rigid screening where only those who have no derogatory records and who have at least ten (10) remaining years in the service shall be appointed.

Uniformed personnel, who are members of the Bar and graduates of related disciplines may enter the IA laterally.
SECTION 8. Prohibition. – Uniformed PNP personnel who joined or transferred to the IA shall be barred thereafter from joining or being appointed to any positions of other units of the PNP.

SECTION 9. Recruitment. – The IA shall have a rationalized staffing pattern in accordance with its organizational structure. It shall have a separate recruitment quota for Patrolman and non-uniformed personnel. The authorized personnel strength of the IA shall not exceed four percent (4%) of the total strength of the PNP. The allocation for non-uniformed personnel shall not exceed forty percent (40%) of the total personnel strength of the IA. The system of pay and allowances, career development and promotion as well as separation, attrition, and retirement for the IA personnel shall be patterned after the PNP system.

SECTION 10. Promotion. – Promotion of personnel of the national, regional, district, provincial, and city IA shall follow the general principles of the promotion system in the PNP with IG as the approving authority upon the recommendation of the IA placement board.

SECTION 11. Compulsory Retirement. – The compulsory retirement of the IG IA and NUP shall be governed by the existing laws, rules, and regulations for the civilian employees of the government. For uniformed personnel, the compulsory retirement shall be governed by the existing laws, rules, and regulations for the PNP personnel.

SECTION 12. Optional Retirement. – Upon accumulation of at least twenty (20) years of satisfactory active service, IA uniformed personnel, at the employee’s request, may retire from the service and entitled to receive the benefits provided by law. The optional retirement of the NUP of IA shall be governed by existing laws, rules and regulations for the civilian employees of the government;

SECTION 13. Occupational Specialty Pay/Incentives. – Personnel of the IA shall in addition to other pay and allowances authorized under existing laws be granted Occupational Specialty Pay which shall amount to fifty percent (50%) of their basic pay which should be paid monthly and shall be included as separate line item in the General Appropriations Act. This pay shall not be considered a forfeiture of other remunerations and allowances which are allowed under existing laws.

SECTION 14. Immediate Supervisor and Superior in IA Investigation. – The immediate supervisor or supervisor of the personnel or units being investigated under Section 32 of this Act shall be automatically included in the investigation of the IA to exclusively determine lapses in administration or supervision.

SECTION 15. Restrictive Custody of Personnel under Investigation. – Unit commanders of head of offices are allowed to place their personnel under restrictive custody pending investigation on alleged commission of serious or grave offenses. All firearms, PNP badge, ID, and other government properties
issued to the erring personnel shall be recalled by the Supply Accountable
Officer of their respective units.

For purposes of this section, the term restrictive custody refers to the
reasonable restraint and restriction of police personnel to specified limits of
the PNP pending investigation. It is permissible precautionary measure to
assure the PNP authorities that the police personnel concerned are always
accounted for.

Any police personnel who shall break the provisions of restrictive custody
shall be subjected to administrative investigation to determine liability, in
addition to the original complaint where said personnel is already being
investigated upon.

A facility for restrictive custody of PNP personnel shall be established in
every region.

SECTION 16. Police Justice System. – In cases of breach of internal
discipline, a separate and distinct Police Justice System, as promulgated by
the NAPOLCOM, upon recommendation of the Chief PNP shall be adopted.

SECTION 17. Jurisdiction and Penalties. – After notice and hearing,
disciplinary authorities may impose the following penalties:

a. For breach of internal discipline –

1. The Chief of Police or equivalent supervisor may impose the
   administrative punishment of reprimand, suspension or forfeiture
   of salary for a period not exceeding sixty (60) days, or any
   combination thereof;
2. Provincial Directors or equivalent supervisor may impose the
   administrative punishment of reprimand, suspension or forfeiture
   of salary for a period not exceeding one hundred twenty (120) days,
   or any combination thereof
3. Police Regional Directors or equivalent supervisor may impose the
   administrative punishment of reprimand, suspension or forfeiture
   of salary for a period not exceeding one hundred eighty (180) days,
   or any combination thereof;
4. The Chief of Police may impose the disciplinary punishment of
   reprimand, suspension or forfeiture of salary for a period not
   exceeding one hundred eighty (180) days; or any combination
   thereof, or dismissal from service;

b. Arising from Citizen’s Complaint – The IA has the sole jurisdiction to
resolve any citizen’s complaint filed against the uniformed personnel
of the PNP. The apportionment and exercise of jurisdiction is as
follows:

1. The City IA or equivalent supervisors may impose the
administrative punishment of reprimand, suspension or forfeiture
of salary for a period not exceeding sixty (60) days, or any combination thereof;

2. The Provincial IA or equivalent supervisors may impose the administrative punishment of reprimand, suspension or forfeiture of salary for a period not exceeding one hundred twenty (120) days, or any combination thereof;

3. The Regional IA or equivalent supervisors may impose the administrative punishment of reprimand, suspension or forfeiture of salary for a period not exceeding one hundred eighty (180) days, or any combination thereof, or dismissal from service;

4. The IG IAS may impose the disciplinary punishment of reprimand, suspension or forfeiture of salary for a period not exceeding one hundred eighty (180) days; or any combination thereof, or dismissal from service;

c. For cases of summary dismissal – The Chief of Police, regional directors, and the IA may immediately remove or summarily dismiss from service any respondent member of the police force, after due notice and hearing, in any of the following cases:

1. When the charge is serious and the evidence of guilt is strong;
2. When the respondent is a recidivist or has been repeatedly charged with the same or similar offense, and there are reasonable grounds to believe that he is guilty of the offenses charged; and
3. When the respondent is guilty of a serious offense that involves conduct unbecoming of a police officer.

Any member or officer of the police force who shall go on absence without official leave (AWOL) for a continuous period of thirty (30) days or more shall be immediately dismissed from service. The activities and whereabouts of any member or officer of the police force during the said period shall be investigated and, if he or she is found to have committed an offense, he or she shall be prosecuted accordingly.

d. Gradation of penalties – The NAPOLCOM shall provide a gradation of penalties to be imposed upon any member of officer of the police force in its implementing rules and regulations.

e. Exclusive jurisdiction of the disciplinary authority – When a complaint or charge is filed against any member or officer of the police force, the same shall be exclusively heard and decided by the disciplinary authority which first took cognizance of the complaint or charge. Any offense punishable by a higher or lower imposable penalty shall be accordingly referred to the appropriate disciplinary authority. Provided, that should any disciplinary authority or IA take cognizance of any complaint or charge that is beyond its jurisdiction and render a decision thereon, the same shall be void and shall not be a bar to the filing of a complaint against any member or officer of the police force before the proper disciplinary authority. Any violation of this provision committed by any disciplinary authority of IA shall be proceeded
against administratively for any serious irregularity in the performance of duty.

f. Forum shopping – When an administrative complaint is filed with a disciplinary authority, no other case involving the same cause of action shall be filed with any other disciplinary authority. In order to prevent forum shopping, the complainant or any party that seeks relief shall certify under oath in such pleading or in a sworn certification annexed thereto and simultaneously filed therewith to the truth of the facts contained therein and shall undertake the following:

1. That he has not commenced any other action or proceeding involving the same issues in other disciplinary forum;
2. That to the best of his knowledge, no such action or proceeding is pending in other police administrative disciplinary machinery or authority;
3. That if there is any pending action or proceeding, he must state the status thereof; and
4. 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.

SECTION 18. Preventive Suspension. – Immediately upon filing of a formal charge, the IA may, motu proprio or upon motion of the complaining party, order the preventive suspension of any police personnel who has been accused of having committed a serious or grave offense for a period not exceeding 90 days upon any of the following grounds:

a. That the evidence of guilt against the respondent is strong, and that he or she may unduly influence the course of the investigation or tamper with the evidence to be adduced against him or her; or
b. That there is evidence to show that respondent is harassing, intimidating, coercing or unduly influencing the complainant or any of his or her witnesses into withdrawing the charge filed against him or her.

Any police personnel placed under preventive suspension shall surrender his or her firearms, PNP badge, ID card, and other government properties issued to him or her upon receipt of the order of preventive suspension.

The superior who has direct supervision over any personnel placed under preventive suspension shall immediately implement the said order. Failure to abide with the order shall constitute dereliction of duty.

SECTION 19. Implementation of Decisions Rendered by the PNP Chief, RD and IA. – The concerned units of the PNP shall immediately implement the decisions rendered by the PNP Chief, RD or IA and shall impose the corresponding disciplinary measures or sanctions against the erring police personnel. Any decision rendered by the PNP Chief, RD or IA that imposes a
penalty of suspension or dismissal for a period of at least six (6) months shall be immediately executory pending appeal. Any head of the concerned PNP unit or office who shall fail to implement the decisions rendered by the IA within fifteen (15) days from receipt thereof, or who shall act with abuse of discretion shall be liable for gross neglect of duty.

SECTION 20. Procedure on Appeal. –

a. Breach of Internal Discipline

1. Decisions rendered by the Chief of Police may be appealed to the Provincial Director whose decision shall become final, executory, and non-appealable.

2. Decisions rendered by the Provincial Director, in the exercise of his or her original jurisdiction, may be appealed to the Regional Director whose decision shall become final, executory, and non-appealable.

3. Decisions rendered by the Regional Director, in the exercise of his or her original jurisdiction, imposing a penalty of suspension or dismissal for a period of 180 days may be appealed to the PNP Chief.

4. Decisions rendered by the PNP Chief, in the exercise of his or her original or appellate jurisdiction, imposing a penalty of suspension or dismissal for a period of 180 days may be appealed to the National Appellate Board (NAB).

5. Decisions rendered by the NAB may be appealed to the Court of Appeals (CA).

b. The Internal Affairs

1. Decisions rendered by the City IA on a citizen’s complaint may be appealed to the Provincial IA whose decision shall be final, executory, and non-appealable.

2. Decisions rendered by the Provincial IA in the exercise of his or her original jurisdiction may be appealed to the Regional IA whose decision shall be final, executory, and non-appealable.

3. Decisions rendered by the Regional IA and the District IA in the exercise of his or her original jurisdiction imposing the penalty of suspension or dismissal for a period of six (6) months may be appealed to the IG.

4. Decisions rendered by the IG in the exercise of his or her original and appellate jurisdiction, may be appealed to the PNP Chief.

5. Decisions rendered by the PNP Chief in the exercise of his or her appellate jurisdiction may be appealed to the NAB.

6. Decisions rendered by the NAB may be appealed to the CA.

c. SD Cases

1. Decisions rendered by the PNP Chief, RD, IG and IA in the exercise of their SD power are appealable to the NAPOLCOM en banc.
SECTION 21. Appropriations. – The appropriations for the Internal Affairs including funds for the Occupational Safety Pay shall be included under a specific item in the Annual General Appropriations Act.

SECTION 22. Fiscal Independence. – In order to strengthen its fiscal independence, the Internal Affairs shall have an automatic, direct, and regular release of funds based on the approved annual general appropriations, subject to the existing rules, practices and regulations on auditing and accounting of the Commission on Audit. The IA shall likewise have its own Finance, Budget and Management, and Accounting Officers, and shall have a separate budget from the other units and offices of the PNP.

SECTION 23. Implementing Rules and Regulations. – Within one hundred eighty (180) days from the approval of this Act, the PNP Chief in coordination with the NAPOLCOM and the Secretary of Budget and Management shall promulgate the necessary rules and regulations for its effective implementation.

SECTION 24. Congressional Oversight Committee. – A congressional oversight committee shall be created to monitor and oversee the implementation of this Act. It shall be composed of six (6) members from the Senate and six (6) members from the House of Representatives. The Chairpersons of the Committee on Public Order and Illegal Drugs and the Committee on Public Order and Safety of both Houses shall be the Joint Chairpersons of the oversight committee. The Senate President and the Speaker of the House shall likewise designate the five (5) other members from each House who shall form part of the oversight committee.

SECTION 25. Separability Clause. – If any provision of this Act shall be declared unconstitutional or invalid, the other provisions shall not be affected and shall remain valid.

SECTION 26. Repealing Clause. – Section 45 of Republic Act No. 6975, and Sections 5, 39, 40, 42, 44, 45, 46, 50, 52 and 73 of Republic Act No. 8551, are hereby repealed. All other laws, executive orders, rules and regulations inconsistent with or contrary to this Act are hereby repealed or modified.

SECTION 27. Effectivity Clause. – This Act shall take effect after fifteen (15) days following its publication in two (2) national newspapers of general circulation.

Approved,