

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



HOUSE OF REPRESENTATIVES

H. B. No. 4914

Introduced by Rep. Vilma Santos-Recto
6th District of Batangas

AN ACT

**TO ENSURE THE SECURITY OF MEMBERS, OFFICIALS, EMPLOYEES AND
GUESTS OF CONGRESS AND THE SAFETY OF CONGRESSIONAL PREMISES,
CREATING FOR THE PURPOSE THE CONGRESSIONAL POLICE FORCE,
APPROPRIATING FUNDS THEREFOR AND FOR OTHER PURPOSES**

EXPLANATORY NOTE

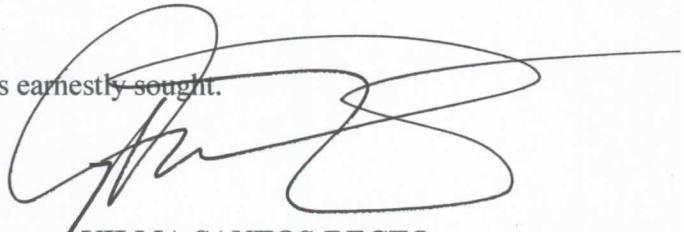
Congress has traditionally relied upon law enforcement agencies like the Armed Forces of the Philippines and the Philippine National Police to complement the Offices of Sergeant-at-Arms of the House of Representatives and the Senate in ensuring the security of Members and Officials of Congress as well as the safety of congressional premises. In more than one occasion, Congress has had to rely on the military and police officers to perform functions essential to legislation, such as serving *subpoenas*, contempt orders, and warrants of arrest. Such dependence on the executive agencies, while legally sanctioned, nonetheless impairs the independence of the Legislature and its capacity to establish its own security and operational protocols within its own premises.

This bill seeks to create a Congressional Police Force mandated to maintain peace and order, safety and security in Congress, and to perform tasks essential for Congress to carry out its legislative mandates. As the primary law enforcement agency concerned with the security of Congress, the Congressional Police shall be mandated to safeguard Members and Officials of Congress and members of their respective immediate families, as well as the employees and guests on congressional premises. As an agent of Congress, the Congressional Police is empowered to assist Members and Officials of Congress in the performance of their

constitutional duties, such as serving subpoenas and warrants, effecting arrests within congressional premises, and facilitating the processing of firearms licenses and permits.

Ultimately, this bill intends to protect a cornerstone of Philippine democracy – a safe, independent, open and functioning legislature.

In view of the foregoing, approval of this bill is earnestly sought.

A handwritten signature in black ink, appearing to read "Vilma Santos-Recto". The signature is fluid and cursive, with a large, stylized 'S' at the beginning.

VILMA SANTOS-RECTO

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

1 Section 1. *Short Title.* – This Act shall be known as the “*Congressional Police Force*
2 *Act.*”

3 Sec. 2. *Declaration of Policy.* – It is hereby declared the policy of the State to ensure
4 that government agencies and instrumentalities perform their respective constitutional and
5 legal mandate in a safe, secure and open environment. Towards this end, a law enforcement
6 organization under the direct control and supervision of Congress shall be organized to ensure
7 the effective and unimpeded performance of the Legislature of its constitutionally-enshrined
8 duty to the Filipino People.

9 Sec. 3. *Definition of Terms.* – For the purpose of this Act:

10 a) *Congress* shall refer to the bicameral legislative body comprised of the House of
11 Representatives and the Senate;

12 b) *Congressional Premises* shall refer to any land, office, building or facility acquired
13 through lease, donation, purchase, inter-government transfer, or otherwise, for the use of the
14 House of Representatives and the Senate;

15 c) *Legislative Employees* shall refer to the following: permanent, contractual and casual
16 employees of the Secretariat of the House of Representatives or the Senate, *co-terminus* staff
17 of incumbent district and party-list representatives or senators, and consultants with valid

1 contract of service with any office, bureau or service under the House of Representatives or the
2 Senate;

3 d) *Members of Congress* shall refer to duly-elected representatives of legislative
4 districts and party-lists, and senators; and

5 e) *Officials of Congress* shall refer to the following: the Speaker of the House of
6 Representatives, Deputy Speakers of the House of Representatives, Majority Leader of the
7 House of Representatives, Minority Leader of the House of Representatives, Secretary-General
8 of the House of Representatives, Sergeant-at-Arms of the House of Representatives, President
9 of the Senate, President *Pro Tempore* of the Senate, Majority Leader of the Senate, Minority
10 Leader of the Senate, Secretary of the Senate and Sergeant-at-Arms of the Senate, or any
11 other official elected by a majority of Members of the House of Representatives or the Senate;

12 Sec. 4. *Congressional Police Force.* – The Congressional Police Force is hereby
13 created for the purpose of effectively discharging the functions provided in this Act and shall
14 be composed of the Congressional Police Board and the Congressional Police. For the purpose
15 of administration and appropriation, the Congressional Police Force shall be created as an
16 attached agency to the Congress of the Philippines.

17 Sec. 5. *Congressional Police Board.* – The Congressional Police Board, hereinafter
18 referred to as the Board, is hereby created as an agency mandated to exercise administrative
19 control and operational supervision over the Congressional Police. The Board shall be a
20 collegial body composed of three regular commissioners composed of the Sergeant-at-Arms of
21 the House of Representatives, Sergeant-at-Arms of the Senate, and the Chief of the
22 Congressional Police.

23 Sec. 6. *Powers and Functions of the Board.* – The Board shall exercise the following
24 powers and functions:

25 a) Exercise administrative control over the Congressional Police;

26 b) Advise the Speaker of the House of Representatives and the President of the Senate
27 on all matters involving the security of Members and Officials of Congress and the safety of
28 congressional premises and legislative employees;

29 c) Foster and develop policies and promulgate rules and regulations, standards and
30 procedures to improve the capacity of the Congressional Police to perform its duties and
31 functions;

32 d) Prepare a congressional police manual prescribing rules and regulations for efficient
33 organization, administration, and operation, including personnel recruitment, selection,
34 promotion, separation and retirement;

1 e) Approve or modify plans and programs on education and training, logistical
2 requirements, communications, records, information systems, and other matters pertinent to the
3 operations of the Congressional Police;

4 f) Resolve any complaint filed against officials and members of the Congressional
5 Police, including the determination and imposition of appropriate punishment and penalties;

6 g) Prescribe minimum standards for arms, equipment, and uniforms and, after
7 consultation with the National Historical Commission of the Philippines (NHCP), for insignia
8 of ranks, awards and medals of honor;

9 h) Issue *subpoena* and *subpoena duces tecum* on matters pertaining to the
10 administration of the Congressional Police; and

11 i) Perform such other duties and exercise all other functions as may be provided by law
12 or assigned by the Speaker of the House of Representatives or the President of the Senate.

13 *Sec. 7. Summary Dismissal Powers of the Congressional Police Board and the Chief of
14 the Congressional Police.* – The Board and the Chief of the Congressional Police, after due
15 notice and summary hearings, may immediately remove or dismiss any respondent
16 Congressional Police member in any of the following cases:

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

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

20 c) When the respondent is guilty of a serious offense involving conduct unbecoming of
21 a Congressional Police officer.

22 Any commissioned or non-commissioned officer of the Congressional Police who shall
23 be absent without official leave (AWOL) for a continuous period of thirty (30) days or more
24 may be dismissed immediately from the service. The activities and whereabouts of the erring
25 congressional police officer during the period shall be investigated and, if warranted,
26 prosecuted accordingly.

27 *Sec. 8. Congressional Police.* – The Congressional Police is hereby created as a law
28 enforcement organization dedicated to secure Members and Officials of Congress and
29 members of their respective families, legislative employees and guests, to ensure safety of
30 congressional premises, and to sustain the unimpeded performance of the Legislature of its
31 constitutional mandate. The Congressional Police shall be initially comprised of employees
32 under the Office of Sergeant-at-Arms of the House of Representatives and the Senate engaged
33 in the implementation of security rules, regulations and protocols of Congress, protection of
34 Members and Officials of Congress, maintenance of peace, order, and safety within

1 congressional premises, procurement of logistics and other supplies, execution or serving of
2 summons, warrants or *subpoena*, and other similar duties and functions. Thereafter,
3 commissioned and non-commissioned officers of the Congressional Police shall be recruited in
4 accordance with the provisions of this Act.

5 *Sec. 9. Duties and Functions.* – The Congressional Police shall exercise the following
6 duties and functions:

7 a) Protect the person of any Member or Official of Congress, or any member of their
8 immediate family, in any location within the Philippines, upon the determination of the Board
9 that such protection is necessary;

10 b) Ensure the safety of legislative employees and guests within congressional facilities;

11 c) Protect congressional offices, buildings and grounds and other facilities owned or
12 used by Congress;

13 d) Enforce all laws and ordinances relative to the protection of lives and properties
14 within congressional premises;

15 e) Maintain peace and order and take all necessary steps to ensure public safety within
16 congressional premises;

17 f) Effect the arrest, with or without warrant, for any offense against the Republic of the
18 Philippines committed in their presence, or for any felony as cognizable under the Philippine
19 laws committed or being committed within congressional premises;

20 g) Serve warrants and *subpoenas* that may be issued by or upon order of the House of
21 Representatives or the Senate;

22 h) Coordinate with other law enforcement agencies in providing physical security for
23 Members and Officials of Congress outside congressional premises and in collecting and
24 sharing intelligence pertinent in ensuring the security of congressional premises and the safety
25 of Members and Officials of Congress and the members of their immediate family;

26 i) Procure and maintain firearms, ammunitions and other equipment and facilities
27 necessary for the performance of its duties and functions;

28 j) Facilitate the application and issuance of License to Own and Possess Firearms
29 (LTOPF) or Permit to Carry Firearms Outside Residence (PTCFOR) to Members and Officials
30 of Congress, members of the Congressional Police, and qualified legislative employees; and

31 k) Perform such other duties and exercise all other functions as may be provided by law
32 or assigned by the Board.

1 Sec. 10. *Organization.* – The Congressional Police shall be headed by a Chief who
2 shall be assisted by two (2) deputy chiefs. The Chief and Deputy Chiefs of the Congressional
3 Police shall be appointed jointly by the Speaker of the House and the President of the Senate.

4 Sec. 11. *Powers and Functions of the Chief of the Congressional Police.* – The
5 command and direction of the Congressional Police shall be vested in the Chief of the
6 Congressional Police who shall have the power to direct and control tactical as well as strategic
7 movements, deployment, placement, utilization of the Congressional Police or any of its units
8 and personnel, including its equipment, facilities and other resources.

9 Sec. 12. *Rank Classification.* – For purposes of efficient administration, supervision
10 and control, the rank classification of the members of the Congressional Police shall be as
11 follows:

12 Congressional Police Major General
13 Congressional Police Brigadier General
14 Congressional Police Colonel
15 Congressional Police Lieutenant Colonel
16 Congressional Police Major
17 Congressional Police Captain
18 Congressional Police Lieutenant
19 Congressional Police Executive Master Sergeant
20 Congressional Police Chief Master Sergeant.
21 Congressional Police Senior Master Sergeant
22 Congressional Police Master Sergeant
23 Congressional Police Staff Sergeant
24 Congressional Police Corporal
25 Congressional Patrolman/Patrolwoman

26 Sec. 13. *Qualifications.* – No person shall be appointed as officer or member of the
27 Congressional Police unless the prospective congressional police officer possesses the
28 following minimum qualifications:

29 a) A citizen of the Philippines;
30 b) A person of good moral conduct;
31 c) Must have passed the psychiatric/psychological, drug and physical tests to be
32 conducted by any government hospital for the purpose of determining physical and mental
33 health;

- 1 d) Must possess a formal baccalaureate degree from a recognized institution of
2 learning;
- 3 e) Must be eligible in accordance with the standards set by the Commission;
- 4 f) Must not have been dishonorably discharged from military employment or
5 dismissed for cause from any civilian position in the Government;
- 6 g) Must not have been convicted by final judgment of an offense or crime involving
7 moral turpitude;
- 8 h) Must be eligible in accordance with the standards set by the Board; and
- 9 i) For a new applicant, must not be less than twenty-one (21) nor more than thirty (30)
10 years of age:

11 *Provided*, That with the exception of the last qualification, the above-enumerated qualifications
12 shall be continuing in character and an absence of any one of them at any given time shall be a
13 ground for separation or retirement from the service.

14 *Sec. 14. Training Program.* – All uniformed members of the Congressional Police shall
15 undergo a training program involving actual experience in patrol operations, executive
16 protection and physical defense, emergency medical response, firearms and marksmanship,
17 intelligence gathering and investigation, search and seizure, disaster and crisis response, and
18 other relevant skills and proficiencies as a requirement for permanency of their appointment.
19 Commissioned and non-commissioned officers of the Congressional Police shall undergo
20 training and education in the Philippine Public Safety College or any equivalent training
21 institutions to be selected by the Board.

22 *Sec. 15. Salaries and Benefits.* – The uniformed personnel and civilian employees of
23 the Congressional Police shall receive salaries, benefits, and allowances authorized for their
24 respective positions pursuant to existing laws, rules and regulations.

25 *Sec. 16. Uniformed Personnel Promotion.* – Any commissioned or non-commissioned
26 officer of the Congressional Police shall be eligible for promotion upon the satisfaction of all
27 requirements for promotion prescribed by the Board: *Provided*, That special or meritorious
28 promotion may be extended, upon validation of the Board, to any commissioned or non-
29 commissioned officer of the Congressional Police for actions demonstrating a deed of personal
30 bravery, courage, gallantry, or self-sacrifice above and beyond the call of duty.

31 *Sec. 17. Death and Disability Benefits.* – Commissioned or non-commissioned officers
32 of the Congressional Police and/or their legal beneficiaries shall be entitled to all benefits
33 relative to the death or permanent incapacity suffered in the performance of their duty as
34 provided for under this Act and other existing laws.

1 A commissioned or non-commissioned officer of the Congressional Police who is
2 permanently and totally disabled as a result of injuries suffered or sickness contracted in the
3 performance of the officer's duty shall, upon finding and certification by the appropriate
4 medical officer that the extent of the disability or sickness renders such congressional police
5 officer is unfit or unable to further perform the duties of the said officer's position as duly
6 certified by the Board, be entitled to one year's salary and to lifetime pension equivalent to
7 eighty percent (80%) of the officer's last salary, in addition to other benefits as provided under
8 existing laws.

9 Should such congressional police officer who has been retired under permanent total
10 disability under this section dies within five (5) years from the officer's retirement, the
11 officer's surviving legal spouse or, if there be none, the surviving dependent legitimate
12 children shall be entitled to the pension for the remainder of the five (5) years guaranteed
13 period.

14 Sec. 18. *Compulsory Retirement.* – Compulsory retirement shall be upon the attainment
15 of age fifty-six (56) years for commissioned and non-commissioned officers of the
16 Congressional Police.

17 Sec. 19. *Optional Retirement.* – A commissioned and non-commissioned officer of the
18 Congressional Police shall, at the officer's own request and with the approval of the
19 Commission, be retired from the service and entitled to receive benefits provided for by law:
20 *Provided*, That the commissioned and non-commissioned officer concerned must accumulate
21 at least twenty (20) years of satisfactory active service prior to the application for optional
22 retirement.

23 Sec. 20. *Retirement in the Next Higher Rank.* – Commissioned and non-commissioned
24 officers of the Congressional Police shall, for the purpose of retirement pay, be retired in one
25 (1) rank higher than the permanent rank last held: *Provided*, That they have served for at least
26 one (1) year of active service in the permanent rank.

27 Sec. 21. *Retirement Benefits.* – Monthly retirement pay shall be fifty percent (50%) of
28 the base pay and longevity pay of the retired rank in case of twenty (20) years of active service,
29 increasing by two and one-half percent (2.5%) for every year of active service rendered beyond
30 twenty (20) years to a maximum of ninety percent (90%) for thirty-six (36) years of active
31 service and over: *Provided*, That, the commissioned and non-commissioned officers of the
32 Congressional Police shall have the option to receive in advance and in lump sum their
33 respective retirement pay for the first five (5) years: *Provided, further*, That payment of the
34 retirement benefits in lump sum shall be made within one (1) month from effectivity date of

1 retirement and/or completion: *Provided, finally,* That retirement pay of the commissioned and
2 non-commissioned officers of the Congressional Police shall be subject to adjustments based
3 on the prevailing scale of base pay of police personnel in the active service.

4 Sec. 22. *Uniformed Personnel Pension Fund.* – A Uniformed Personnel (U/P)
5 Insurance Fund, hereinafter referred to as U/P Insurance Fund, shall be created to manage and
6 finance the pension requirements of the uniformed personnel of the Congressional Police.

7 The Government Service Insurance System (GSIS) shall be responsible for the
8 administration of the U/P Insurance Fund and the implementation of the pertinent provisions of
9 this Act: *Provided,* That the U/P Insurance Fund shall be administered and reported separately
10 from the GSIS Social Insurance Fund provided under Section 34 of Republic Act No. 8291,
11 otherwise known as “*The Government Service Insurance System Act of 1997.*”

12 The U/P Insurance Fund shall not be used for purposes other than those provided for
13 under this Act. No portion of the U/P Insurance Fund or income thereof shall accrue to the
14 General Fund of the national government and its political subdivisions, instrumentalities and
15 other agencies including government-owned and controlled corporations except as may be
16 allowed under this Act.

17 Sec. 23. *Insurance Fund Generation.* – Congress shall, on a monthly basis, contribute
18 to the U/P Insurance Fund an amount equivalent to fifteen percent (15%) of the monthly base
19 pay of their uniformed personnel of the Congressional Police. Uniformed personnel of the
20 Congressional Police shall, on a monthly basis, contribute to the U/P Insurance Fund an
21 amount equivalent to six percent (6%) of their respective monthly base pay.

22 The manner of collection and remittance of contributions to the U/P Insurance Fund
23 shall be in accordance with the relevant provisions of Republic Act No. 8291, otherwise
24 known as “*The Government Service Insurance System Act of 1997.*”

25 Sec. 24. *Insurance Fund Investments.* – The portions of the U/P Insurance Fund which
26 are not needed to meet any current obligation may be invested in accordance with Section 36
27 of Republic Act No. 8291, otherwise known as “*The Government Service Insurance System
28 Act of 1997.*”

29 Sec. 25. *Grant of Additional Retirement and Separation Benefits.* – GSIS may, upon
30 determination of actuarial soundness, provide better pension benefits to qualified uniformed
31 personnel retirees covered by the U/P Insurance Fund.

32 Sec. 26. *Insurance Fund Exemptions from Tax, Legal Process and Lien.* – Any
33 provision of the law to the contrary notwithstanding, all contributions for the U/P Insurance
34 Fund and all accruals thereto and income or investment earnings therefrom shall be exempt

1 from any tax, assessment, fee, charge, or customs or import duty in accordance with Section 39
2 of Republic Act No. 8291, otherwise known as “*The Government Service Insurance System*
3 *Act of 1997.*”

4 Sec. 27. *Insurance Fund Guarantee.* – The government of the Republic of the
5 Philippines hereby guarantees the fulfillment of the obligations of the GSIS to uniformed
6 personnel of the Congressional Police covered by the U/P Insurance Fund as and when they
7 fall due.

8 Sec. 28. *Cost of U/P Insurance Fund Administration.* – The U/P Insurance Fund shall
9 bear the costs of its administration and development, in such amounts and for limits as the
10 GSIS Board of Trustees may deem appropriate, but not exceeding ten percent (10%) of the
11 annual revenues from all sources: *Provided, That* the President of the Philippines may, on the
12 basis of actuarial and management studies, increase allotment for the administrative and
13 operational expenses for the U/P Insurance Fund.

14 Sec. 29. *Insurance Fund Audit.* – The audit of the U/P Insurance Fund shall be
15 conducted in accordance with Section 22 of Republic Act No. 8291, otherwise known as “*The*
16 *Government Service Insurance System Act of 1997.*”

17 Sec. 30. *Retirement and Separation of Non-Uniformed Personnel Employees of the*
18 *Congressional Police.* – The retirement and separation of non-uniformed personnel of the
19 Congressional Police shall be in accordance with existing civil service laws, rules and
20 regulations.

21 Sec. 31. *Rationalization of Retirement and Separation Benefits.* – The Board shall
22 formulate a rationalized retirement and separation benefits schedule and program within one
23 (1) year from the effectivity of this Act for approval by Congress: *Provided, That* the approved
24 schedule and program shall have retroactive effect in favor of commissioned and non-
25 commissioned officers of the Congressional Police retired or separated from the time specified
26 in the law, unless the retirement or separation is for cause and the decision denies the grant of
27 benefits.

28 Sec. 32. *Assistance of Agencies under the Executive Department.* – Upon the request of
29 the Board, government agencies and instrumentalities under the Executive Department may
30 extend assistance to the Congressional Police in the performance of its duties and functions by
31 providing services (including personnel), equipment, and facilities on a temporary or
32 permanent basis.

33 Sec. 33. *Organizational Structure and Staffing Pattern.* – Subject to the approval of the
34 Department of Budget and Management (DBM), the Board and the Congressional Police shall

1 determine its organizational structure and create new bureaus, divisions or units as it may deem
2 necessary, and shall appoint officers and personnel in accordance with existing laws, rules, and
3 regulations.

4 Sec. 34. *Transition Period.* – The transfer of the pertinent functions, assets, funds,
5 equipment, properties, records, transactions, and personnel, and the formulation of the internal
6 organic structure, staffing pattern, operating system, and budget for the Congressional Police,
7 shall be completed within six (6) months from the effectivity of this Act, during which time,
8 the existing personnel shall continue to assume their posts in holdover capacities until new
9 appointments are issued: *Provided*, That the Board, in coordination with the DBM, shall
10 determine and create new positions and its corresponding funding requirements: *Provided*,
11 *further*, That any permanent or regular employee transferred to the Congressional Police shall
12 not suffer any reduction, diminution or withdrawal of salaries and benefits already enjoyed by
13 the employee concerned.

14 Sec. 35. *Appropriations.* – The amount necessary for the implementation of the
15 provisions of this Act shall be included in the annual General Appropriations Act following its
16 enactment into law.

17 Sec. 36. *Implementing Rules and Regulations.* – The House of Representatives and the
18 Senate, in consultation with the Civil Service Commission, DBM and GSIS, shall jointly
19 promulgate the necessary implementing rules and regulations within thirty (30) days upon the
20 effectivity of this Act.

21 Sec. 37. *Repealing Clause.* – All laws, decrees, orders, rules and regulations or parts
22 thereof inconsistent with any of the provisions of this Act are hereby repealed, amended or
23 modified accordingly.

24 Sec. 38. *Separability Clause.* - If, for any reason, any provision of this Act or any part
25 thereof shall be held unconstitutional and invalid, the other parts or provisions of this Act,
26 which are not affected thereby, shall remain in full force and effect.

27 Sec. 39. *Effectivity Clause.* – This Act shall take effect fifteen (15) days after its
28 complete publication in the *Official Gazette* or in at least two (2) newspapers of general
29 circulation.

Approved,