



Republic of the Philippines
House of Representatives
Quezon City, Metro Manila

Seventeenth Congress
1ST Regular Session

HOUSE BILL NO. **2993**

HOUSE OF REPRESENTATIVES	
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Introduced By:
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1ST District, Surigao del Norte (*Siargao Island*)

EXPLANATORY NOTE

According to the Philippine Drug Enforcement Agency, the Philippines remains to be both a producing and consuming country of illegal drugs. As of December 2015, 11,321 of the 42,036 barangays in the country or 26.93% are drug affected. The National Capital Region remains to be the mostly affected with 99.26% of its barangays affected by drugs.

The Dangerous Drugs Board estimates that there are 1.3 Million drug users in the country. In 2012, the United Nations said the Philippines had the highest rate of methamphetamine use in East Asia. According to a U.S. State Department report, 2.1% of Filipinos aged 16 to 64 use shabu.

It is under this scenario that the Philippine National Police (PNP), through its Criminal Investigation and Detection Group (CIDG), has intensified its Anti-Illegal Drugs campaign.

The CIDG was created pursuant to Republic Act 6975, otherwise known as An Act establishing the Philippine National Police, under a reorganized Department of the Interior and Local Government, and for other purposes, primarily to undertake the monitoring, investigation and prosecution of all crimes involving economic sabotage and other crimes of such magnitude and extent and to investigate all major cases involving violation of the Revised Penal Code (RPC) and to conduct operations against organized crime group (OCGs).

A perusal of the provisions of RA 6975 shows that it did not provide the PNP or the CIDG with the power to administer oath and to issue subpoena or subpoena duces tecum. On the other hand, RA 6975 gave the NAPOLCOM the power to issue subpoena and subpoena duces tecum in matters pertaining to the discharge of its own powers and duties pertaining to cases against its personnel.

It bears stressing that our statutes allowed some agencies with the power to issue administrative subpoena and subpoena duces tecum such as The Ombudsman, Department of Justice, National Bureau of Investigation, the Philippine Drug Enforcement Agency, NAPOLCOM, Bureau of Internal Revenue and the Cybercrime Operation Center of the Cybercrime Investigation Coordination Center.

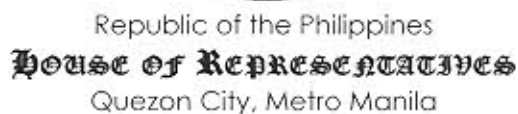
It is surprising that the PNP-CIDG, the main enforcement agency of the country does not possess such power to issue administrative subpoena which plays a significant role in any fact finding or investigation.

With regard to the current fight against drugs, the PNP-CIDG has been met with difficulty in conducting investigations particularly in the fight against illegal drugs spearheaded by no less than our President because of its inability to procure documents and witnesses. This bill seeks to remedy that situation by giving the PNP-CIDG subpoena/subpoena duces tecum powers in relation to the conduct of investigations.

It must be noted that the life blood of the investigation is the flow of fact, the gathering, the organization and the analysis of evidence. Investigations are useful for all administrative functions, not only for rule making, adjudication, but also for prosecuting, for supervising and directing, for determining general policy, for recommending legislation, and for purposes no more specific than illuminating obscure areas to find out what if anything should be done. An administrative agency may be authorized to make investigations, not only in proceedings of a legislative or judicial nature, but also in proceedings whose sole purpose is to obtain information upon which future action of a legislative or judicial nature may be taken and require the attendance of witnesses in proceedings of a purely investigatory nature. It may conduct general inquiries into evils calling for correction, and to report findings to appropriate bodies and make recommendations for actions. Along this line, it is with more reasons that the PNP-CIDG, an investigative unit, should be given the power to issue subpoena and subpoena duces tecum in the furtherance of its mandated functions, especially in the fight against the evils of illegal drugs.

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


FRANCISCO JOSE F. MATUGAS II



HOUSE BILL NO. 2993

AN ACT AMENDING REPUBLIC ACT NO. 6975, OTHERWISE KNOWN AS
THE DEPARTMENT OF THE INTERIOR AND LOCAL GOVERNMENT ACT OF
1990, AS AMENDED, PROVIDING FOR THE AUTHORITY OF THE
PHILIPPINE NATIONAL POLICE-CRIMINAL INVESTIGATION AND
DETECTION GROUP (PNP-CIDG) TO ISSUE SUBPOENA/SUBPOENA DUCES
TECUM

Section 1. Section 35 (b)(4) of Republic Act No. 6975, otherwise known as “Department of the Interior and Local Government Act of 1990” is hereby amended to read as follows:

(b) Operational Support Units. —

(4) Criminal Investigation Unit. – Headed by a Director with the rank of Police Chief Superintendent, the Criminal Investigation Unit shall undertake the monitoring, investigation and prosecution of all crimes involving economic sabotage and other crimes of such magnitude and extent as to indicate their commission by highly placed or professional criminal syndicates and organizations.

This Unit shall likewise investigate all major cases involving violations of the Revised Penal Code and operated against organized

1 THE CHIEF AND DEPUTY OF THE CRIMINAL
2 INVESTIGATION UNIT SHALL HAVE THE POWER TO ISSUE
3 SUBPOENA AND SUBPOENA DUCES TECUM IN CONNECTION
4 WITH THE INVESTIGATION OF CASES COGNIZABLE BY IT AND
5 ADMINISTER OATHS IN CONNECTION THEREWITH.”
6

7 Sec. 2. *Implementing Rules and Regulations.* - The Department of the Interior
8 and Local Government, in coordination with the Philippine National Police, shall
9 promulgate rules and regulations for the effective implementation of this Act. Such
10 rules and regulations shall take effect upon their publication in three (3)
11 newspapers of general circulation.
12

13 Sec. 3. *Repealing Clause.* -All laws, executive orders, decrees, rules and
14 regulations and other issuances inconsistent with any provisions of this Act are
15 hereby deemed amended and modified accordingly.
16

17 Sec. 4. *Effectivity Clause.* - This act shall take effect fifteen (15) days from its
18 publication in the *Official Gazette* or in a newspaper of general circulation.
19

20 Approved,