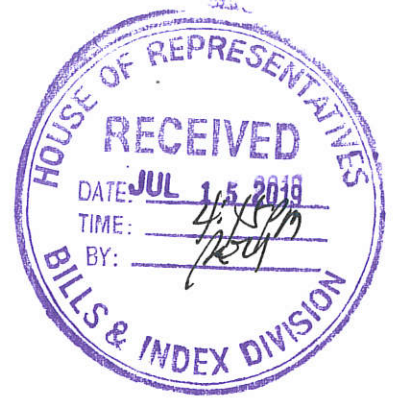


Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City, Metro Manila

Eighteenth Congress
First Regular Session

HOUSE BILL NO. 2124



Introduced by Honorable Joaquin M. Chipeco, Jr.

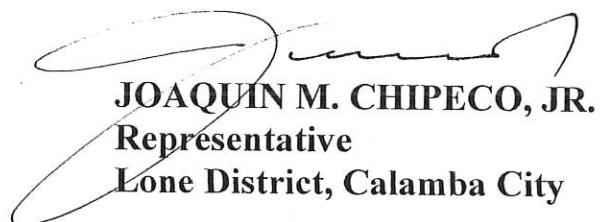
EXPLANATORY NOTE

One of important sidelights of the Senate hearings on extrajudicial killings was the emerging consensus on the seeming impotence of the so-called Peoples Law Enforcement Board (PLEB). Charges of “ineffective”, “confusing” and “insignificant” rang out from the Senate Chairman of the Committee on Justice, the Chief of the PNP and the president of the various PLEBs nationwide himself.

According to the aforesaid personalities, the PLEB held big hopes for the maintenance of internal discipline in the police force considering that it draws its membership from the community itself, that it is strategically positioned at the very site of the commission of the administrative offenses, and that it has first hand familiarity with the erring policemen and women, their victims and the potential witnesses. It was also observed that the Internal Affairs office of the PNP only has 700 personnel for the purpose whereas all municipalities nationwide have organized PLEBs.

To tap into the high promise of PLEBs as an institution for police discipline, various suggestions have been made that ranged from enlarging its composition so as to include the religious sector, NGOs and prominent members of the community in order to avoid bias in the decisions based on the political association of either the complainant(s) or the respondent(s), vigorous information dissemination as to its importance and, of course, remedial legislation.

This bill represents the last mentioned approach, which intends to strengthen the PLEBs via amendatory legislation to bring out the best in our police force. Its early approval is therefore fervently sought.



JOAQUIN M. CHIPECO, JR.
Representative
Lone District, Calamba City

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City, Metro Manila

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HOUSE BILL NO. 2124

Introduced by Honorable Joaquin M. Chipeco, Jr.

AN ACT
STRENGTHENING THE PEOPLE'S LAW ENFORCEMENT BOARD (PLEB), FURTHER AMENDING FOR THE PURPOSE REPUBLIC ACT NO. 6975, OTHERWISE KNOWN AS "THE DEPARTMENT OF THE INTERIOR AND LOCAL GOVERNMENT OF 1990" AS AMENDED BY REPUBLIC ACT NO. 8551, OTHERWISE KNOWN AS THE "PHILIPPINE NATIONAL POLICE REFORM AND REORGANIZATION ACT OF 1998"

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

SECTION 1. Paragraph (a), Section 43 of Republic Act No. 6975, as amended by Sec. 66 of Republic Act 8551 is hereby further amended to read as follows:

"SEC. 43. People's Law Enforcement Board (PLEB). – (a) Creation and Functions - The Sangguniang Panlungsod/Pambayan in every city and municipality such create such number of People's Law Enforcement Board (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. **A MUNICIPALITY WITH LESS THAN FIVE HUNDRED (500) POLICE PERSONNEL SHALL UTILIZE THE PLEB OF THE NEAREST MUNICIPALITY.**

"The PLEB shall be the central receiving entity for any citizen's complaint against the officers and members of the PNP, WHETHER OR NOT ASSIGNED IN A PARTICULAR MUNICIPALITY OR CITY AS LONG AS THE ACTS COMPLAINED OF WERE COMMITTED IN

SAID LOCALITY. [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.] THE PLEB SHALL HAVE ORIGINAL AND CONCURRENT JURISDICTION OVER ALL ADMINISTRATIVE CASES FILED AGAINST ANY UNIFORMED MEMBER OF THE PNP ASSIGNED IN A PARTICULAR CITY OR MUNICIPALITY.”

EXCEPT IN CRIMINAL AND CIVIL CASES, THE PLEB OF THE CITY OR MUNICIPALITY WHERE THE PRIVATE COMPLAINANT RESIDES SHALL HAVE EXCLUSIVE JURISDICTION IN ADMINISTRATIVE CASES INVOLVING A POLICE OFFICER ASSIGNED IN THE SAID CITY OR MUNICIPALITY; PROVIDED, THAT IF THERE ARE TWO OR MORE COMPLAINANTS WHO RESIDE IN DIFFERENT CITIES AND MUNICIPALITIES, EXCLUSIVE JURISDICTION IS VESTED UPON THE PLEB OF THE CITY OR MUNICIPALITY WHERE THE COMPLAINT WAS FIRST FILED: PROVIDED FURTHER, THAT AN ADMINISTRATIVE COMPLAINT ARISING FROM A CRIMINAL CASE FILED AGAINST A POLICE OFFICER SHALL BE COGNIZABLE BY THE PLEB OF THE CITY OR MUNICIPALITY WHERE THE PRIVATE COMPLAINANT RESIDES.”

SEC. 2. Number (3) of paragraph (b) Sec. 43 of Republic Act 6975 as amended by Sec. 67 of Republic Act 8551 is further amended to read as follows:

“(3) [Three (3)] **FIVE (5)** 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] PROVIDED ONE IS A WOMAN, ANOTHER IS A MEMBER OF THE RELIGIOUS SECTOR, ANOTHER A MEMBER OF A DULY REGISTERED NON-GOVERNMENTAL ORGANIZATION (NGO) OR PEOPLE’S ORGANIZATION (PO), AND FINALLY, 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.”

IF ONE OF THE MEMBERS OF THE PLEB IS A LAWYER, THE MEMBER SHALL IPSO FACTO BE THE CHAIRPERSON OF THE PLEB. IN THE ABSENCE OF A MEMBER OF THE BAR, [T]the Chairman] THE CHAIRPERSON 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 **AND SHALL BE ELIGIBLE FOR REAPPOINTMENTS FOR ANOTHER TWO (2) TERMS ONLY. NO PERSON SHALL BE APPOINTED AS A MEMBER OF THE SAME PLEB FOR MORE THAN THREE (3) CONSECUTIVE TERMS. VOLUNTARY RENUNCIATION OF OFFICE FOR ANY LENGTH OF TIME SHALL NOT BE CONSIDERED AS AN INTERRUPTION ON THE CONTINUITY OF SERVICE FOR THE FULL TERM FOR WHICH THE REPRESENTATIVE WAS APPOINTED.** Such member shall hold office until [his] A successor shall have been chosen and qualified."

SEC. 3. New provisions are hereby added as numbers (4) and (5) under Paragraph (b), Section 43 of Republic Act No. 6975, as amended by Section 67 of Republic Act No. 8551, to read as follows:

"(4) THE MEMBERS OF THE PLEB WHO WILL BE CHOSEN SHALL BE OF GOOD MORAL CHARACTER AND SHALL NOT HAVE BEEN CONVICTED BY FINAL JUDGMENT OF ANY CRIME INVOLVING MORAL TURPITUDE AT THE TIME OF APPOINTMENT AND THROUGHOUT THE TERM.

(5) A CONVICTION BY FINAL JUDGMENT OF ANY CRIME INVOLVING MORAL TURPITUDE OF ANY MEMBER OF THE PLEB WHILE SERVING THE TERM SHALL BE VALID CAUSE FOR TERMINATION. THE MEMBER SHALL BE REPLACED BY A QUALIFIED INDIVIDUAL IN ACCORDANCE WITH THIS ACT, WHO SHALL SERVE THE REMAINING PERIOD OF THE TERM."

SEC. 4. Paragraph (c) of Section 43 of Republic Act No. 6975, as amended by Section 69 of Republic Act No. 8551, is further amended to read as follows:

"(c) Compensation, [and] Benefits, ALLOWANCES AND OPERATIONAL EXPENSES - Membership in the PLEB is a civic duty. However, PLEB members shall be paid *per diem*, BUT IN NO WAY SHALL BE LESS THAN THE PER DIEM GRANTED TO AND RECEIVED BY PREVIOUS PLEB MEMBERS, and shall be provided with life insurance coverage and OTHER GRANTS AND BENEFITS as may be determined by the city or municipal council from city or municipal funds. THE INSURANCE COVERAGE SHALL BE INCLUDED IN THE ANNUAL BUDGETARY ALLOCATIONS OF

THE CITY OR MUNICIPALITY. The DILG shall provide for the per diem and insurance coverage of PLEB members in certain low-income municipalities. **THE SANGGUNIAN OF A CITY OR MUNICIPALITY, OR THE DILG IN THE CASE OF LOW-INCOME MUNICIPALITIES, SHALL REVIEW AND ADJUST THE PER DIEM OF THE PLEB MEMBERS EVERY TWO (2) YEARS.**

EACH MEMBER AND PERSONNEL OF THE PLEB SHALL BE ENTITLED TO RECEIVE CHRISTMAS CASH GIFTS GIVEN TO THE LOCAL GOVERNMENT EMPLOYEES.

THE CHAIRPERSON OF THE PLEB SHALL RECEIVE A MONTHLY REPRESENTATION ALLOWANCE IN THE AMOUNT OF FIVE THOUSAND PESOS (PHP 5,000.00) OVER AND ABOVE THE PER DIEM AS MEMBER OF THE PLEB.

THE OPERATIONAL EXPENSES OF PLEB SHALL BE INCLUDED IN THE ANNUAL BUDGETARY APPROPRIATIONS OF THE CITY OR MUNICIPALITY."

SEC. 5 Number (5), Paragraph (d), Section 43 of Republic Act No. 6975 is hereby amended to read as follows:

"(5) IN THE ABSENCE OF A MEMBER OF THE BAR IN THE PLEB, the Commission may assign the present NAPOLCOM hearing officers to act as legal consultants [of the PLEBs] **WITH A PER DIEM WHICH IS EQUIVALENT TO ONE HALF (1/2) OF WHAT IS BEING RECEIVED BY PLEB MEMBERS** and provide, whenever necessary, **AND AS REQUESTED BY THE PLEB OF A CERTAIN CITY/MUNICIPALITY,** legal services, assistance and advise to the PLEBs in hearing and deciding cases against officers and members of the PNP, especially those involving difficult questions of law. Provided, That these lawyers may also be assigned to investigate claims for death and disability benefits of PNP members or their heirs.

SEC. 6. Number (5), paragraph (e) of section 43 of Republic Act No. 6975 is hereby amended as follows:

"(e) Decisions. The decision of the PLEB shall [become] **BE IMMEDIATELY** final and executory: Provided, That a decision involving **SUSPENSION,** demotion or dismissal from the service may be

appealed by either party with the regional appellate board within ten (10) days from the receipt of the copy of the decision. **IN CASE OF SUSPENSION, DEMOTION OR DISMISSAL FROM THE SERVICE, THE POLICE OFFICER SHALL IMMEDIATELY SERVE THE SENTENCE : PROVIDED, THAT IN THE EVENT OF FINAL REVERSAL OF THE DECISION BY A HIGHER APPELLATE AUTHORITY, THE POLICE OFFICER SHALL BE ENTITLED TO IMMEDIATE REINSTATEMENT."**

SEC 7. Section 71 of Republic Act No. 8551 is amended to read as follows:

"Section 71. **ORDER** [Request] for Preventive Suspension.
- The PLEB may [ask] **ORDER** any authorized superior to impose preventive suspension against a subordinate police officer who is the subject of a complaint lasting up to a period **NOT EXCEEDING NINETY (90) DAYS**. [as may be allowed under the law. A request] **AN ORDER** for preventive suspension [shall not be denied by the superior officer] **BY THE PLEB IS WARRANTED UNDER** [in] the following cases:

- a) x x x;
- b) x x x;
- c) x x x;
- d) x x x;

Any superior who fails to act on [any request] **AN ORDER** for **PREVENTIVE** suspension **BY THE PLEB** without valid grounds, administratively liable for serious neglect of duty **WITHOUT PREJUDICE TO OTHER IMMEDIATE SANCTIONS TO BE DETERMINED BY THE PLEB."**

SEC 8. Implementing Rules and Regulations - Within sixty (60) days from the effectivity of this Act, the National Police 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.

SEC. 9. Separability Clause. - If any provision of this Act or any portion thereof is declared unconstitutional or invalid by a competent court, the other provisions shall not be affected thereby and shall remain valid and enforceable.

SEC 10. Repealing Clause. - All laws, presidential decrees, letters of instructions, executive orders, rules and regulations, or parts thereof, which are inconsistent with this Act, are hereby repealed or modified accordingly.

SEC 10. Effectivity. - This Act shall take effect fifteen (15) days after its publication in the *Official Gazette* or in a newspaper of general circulation.

Approved.