

HOUSE OF REPRESENTATIVES
House Bill No. 3784
By Honorable Representative Jose L. Atienza, Jr.



EXPLANATORY NOTE

The unfolding of a recent event has exposed the urgent necessity of strengthening the authority of the municipal and city mayors over the local police force, consistent with the provisions of the 1987 Constitution, particularly paragraph 2, Section 6 of Article XVI (General Provisions), which states that *“(T)he authority of the local executives over the police units in their jurisdiction shall be provided by law,”* as well as Section 2 of Article X (Local Government) thereof which declares that *“(T)he territorial and political subdivisions shall enjoy local autonomy,”* in furtherance of public interests.

The event referred to above pertains to the relief of the Chief of Police of the City of Cebu without the knowledge and prior consent of Mayor Tommy Osmeña as a result of which the peace and order plans and programs of Mayor Osmeña was put in jeopardy. Mayor Osmeña, in retaliation, refused to cooperate with the newly assigned Chief of Police, withdrew the police patrol cars that he had assigned to the police as well as the allowances other financial assistance being extended to the police by the local government unit. Needless to state, it was the public service that eventually suffered.

The confrontation between Mayor Osmeña and the police stemmed from the non-recognition by the national leadership of the concept of local autonomy under the Constitution. Under the present set up as mandated by the Constitution, Local Government Code (Section 116, Title Seven) and other issuances (Executive Order No. 309 Series of 1987), the maintenance of peace and order within a city or municipality is primarily the function and responsibility of the local chief executive. Thus, he should have more voice in choosing who his individual partners in the police will be because at the end of the day, the one answerable to the constituency is the local chief executive and not the police. The police will simply be transferred to another assignment. The proposed amendment to RA 6975, as amended by RA 8551 will give more spirit to the constitutionally mandated local autonomy.

The proposed amendments do not seek to supplant the powers of the National Police Commission (NAPOLCOM) and the Philippine National Police (PNP). For example, NAPOLCOM Resolution No. 2002-007 on reassignment, transfer or relief of PNP personnel would still be recognized, subject to the provisions of the proposed amendments. Rather, the proposed amendments compliment those institutions' authorities but with emphasis on giving teeth to the constitutional mandate of local autonomy.

In view thereof, I seek the body's full support for the passage of these proposed amendments.

Quezon City, September 16, 2016.



JOSE L. ATIENZA, JR.
Member of the House of Representatives

REPUBLIC OF THE PHILIPPINES)
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**AN ACT FURTHER AMENDING SECTION 51(b) PARAGRAPH 4
OF REPUBLIC ACT 6975, AS AMENDED BY REPUBLIC ACT 8551.**

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

SECTION 1. Section 51 (b) paragraph (4) of Republic Act 6975, as amended by Republic Act 8551 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 and members of the local police force: 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, ask for the relief, recall, reassignment or replacement of the chief of police or any member of the local police force when, in its perception, the concerned chief of police or any member of the local police force has been ineffective in combating crime or maintaining peace and order in the city or municipality by giving a 15-day notice to the provincial or regional director: Provided, further still, That such relief shall be based on guidelines established by the NAPOLCOM: Provided finally, That no chief of police or any member of the police force of any city or municipality shall be relieved, removed from his post or transferred to another assignment without the prior written consent of the city or municipal mayor, and any such relief, removal or transfer shall be premised on gross misconduct, willful disobedience to the lawful orders of the city or municipal mayors, habitual neglect of duty, incompetence in the performance of duties and responsibilities, or consent freely given by the city or municipal mayor upon the request for relief, removal, transfer or reassignment of the chief of police or any member of the police force of any

city or municipality by the provincial or regional director when the exigencies of law enforcement or force deployment so require;

"(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."

SECTION 2. Implementing Rules and Regulations. – The National Police Commission (NAPOLCOM) and the Philippine National Police (PNP) shall promulgate the necessary implementing rules and regulations to give effect and implement the provisions of this Act, which rules and regulations shall take effect upon its publication in two (2) newspapers of general circulation;

SECTION 3. Separability Clause. – In the event that any of the provision of this Act is declared unconstitutional, the remaining provisions which have not been affected by such declaration shall remain valid and effective;

SECTION 4. Repealing Clause. – All laws, decrees, executive orders, circulars, rules and regulations and other issuances or parts thereof that are inconsistent with the provisions of the Act is deemed repealed, amended or modified.

SECTION 5. Effectivity Clause. – This Act shall take effect after fifteen (15) days following its complete publication in at least two (2) newspapers of general circulation.

Approved.