

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Constitution Hills, Quezon City

SEVENTEENTH CONGRESS

First Regular Session

HOUSE BILL NO. 3768



Introduced by: Representative JOHNNY T. PIMENTEL

EXPLANATORY NOTE

The Philippine Constabulary (PC) served as a gendarmerie being a distinct military branch holding jurisdiction in civil law enforcement since its creation in 1901. The same organization even preceded the formation of the other Philippine armed forces.

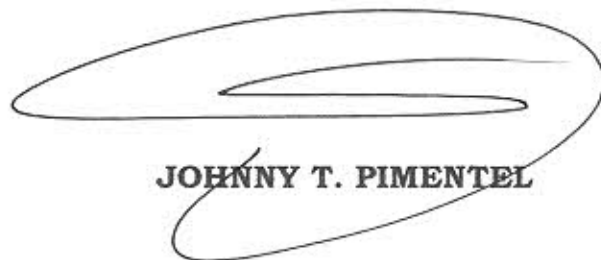
In 1990, Republic Act 6975 was enacted. The said law transferred the national police into the Department of Interior and Local Government creating a police force that is civilian in character. Subsequently, the Philippine Constabulary was integrated into the professionalized and armed Philippine National Police (PNP), pursuant to RA 6975 in 1991. The same law also transferred the jurisdiction of internal security to the PNP. This changed in 1998 when jurisdiction over internal security was returned again to the AFP pursuant to RA 8551.

Nevertheless, the growing regional instability in Asia-Pacific requires the three existing service commands of the Armed Forces of the Philippines – Army, Navy and Air Force, to concentrate solely in addressing the external threats. Their primary role in securing the national sovereignty and territorial integrity must be reaffirmed.

The reintroduction of the Philippine Constabulary devoted wholly in combating domestic threats, at the same time pursuing the State policy of professionalizing the police forces, is but timely. Its formation will help fight terrorism, insurgency and drug trafficking. The Philippine Constabulary shall

be useful in maintaining the peace and order in the non-metropolitan and non-urban areas as combat-oriented policemen.

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

A large, stylized handwritten signature in black ink, consisting of several loops and a long horizontal stroke, positioned above the printed name.

JOHNNY T. PIMENTEL

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AN ACT

REVIVING THE PHILIPPINE CONSTABULARY AND REORGANIZING THE PHILIPPINE NATIONAL POLICE, AMENDING CERTAIN PROVISIONS OF REPUBLIC ACT NUMBERED SIXTY – NINE HUNDRED AND SEVENTY – FIVE ENTITLED, "AN ACT ESTABLISHING THE PHILIPPINE NATIONAL POLICE UNDER A REORGANIZED DEPARTMENT OF THE INTERIOR AND LOCAL GOVERNMENT, AND FOR OTHER PURPOSES," AS AMENDED

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

SECTION 1. Title. – This Act shall be known as the "Revival of the Philippine Constabulary Act of 2016."

SECTION 2. Declaration of Policy and Principles. – It is hereby declared to be the policy of the State to promote peace and order, ensure public safety and further strengthen local government capability aimed towards the effective delivery of the basic services to the citizenry through the establishment of a highly efficient and competent police force that is national in scope and civilian in character.

SECTION 3. Section 12 of Republic Act No. 6975, as amended, is hereby amended to read as follows:

"SEC. 12. Relationship of the Department with the Department of National Defense. – During a period of thirty-six (36) months, the Armed Forces of the Philippines (AFP) shall continue its present role of preserving the internal and external security of the State: Provided, That the said period may be extended by the

President, if he finds it justifiable, for another period not exceeding twenty-four (24) months, after which, the Department shall automatically take over from the AFP the primary role of preserving internal security, leaving to the AFP its primary role in preserving the external security. However, even after the Department has assumed primary responsibility on matters affecting internal security, including the suppression of insurgency, and there are serious threats to national security and public order, such as where insurgents have gained considerable foothold in the community thereby necessitating the employment of bigger tactical forces and the utilization of higher calibre armaments and better armored vehicles, the President may, upon recommendation of the peace and order council, call upon the Armed Forces of the Philippines to assume the primary role and the Philippine National Police (PNP) to play the supportive role in the area concerned.

In times of national emergency, all elements of the PNP, Bureau of Fire Protection, and the Bureau of Jail Management and Penology shall, upon direction of the President, assist the Armed Forces of the Philippines in meeting the national emergency.

The complementary relationship between the Department of the Interior and Local Government and the Department of National Defense in any of the preceding eventualities shall be jointly prescribed by their respective Secretaries in a memorandum of agreement that shall thereafter be published and implemented.”

SECTION 4. *Formation of the Philippine Constabulary.* – The Philippine National Police (PNP) shall create the Philippine Constabulary (PC) consisting of the members of the police forces. The Philippine Constabulary shall serve as the component of the PNP tasked in maintaining peace and order in the non-metropolitan and non-urbanized areas of the Philippines. It is headed by a Director with the rank of chief superintendent.

The Special Action Force (SAF) is hereby integrated in the Philippine Constabulary.

SECTION 5. *Qualification.* – Notwithstanding the General Qualifications for Appointment of Uniformed Personnel of the PNP, no person shall be appointed as officer or member of the Philippine Constabulary unless he possesses the following minimum qualifications:

- a. A citizen of the Philippines;
- b. A person of good moral conduct;

- c. Must have passed the psychiatric/psychological, drug and physical tests to be administered by the PNP or by any NAPOLCOM accredited government hospital for the purpose of determining physical and mental health;
- d. Must possess a formal baccalaureate degree for appointment as officer and must have finished at least second year college or the equivalent of seventy-two (72) collegiate units for appointment as non-officer or an equivalent training.
- e. Must be eligible in accordance with the standards set by the Commission;
- f. Must not have been dishonorably discharged from military employment or dismissed for cause from any civilian position in the Government;
- g. Must not have been convicted by final judgment of an offense or crime involving moral turpitude;
- h. Must be at least one meter and sixty-two centimeters (1.62m.) in height for male or one meter and fifty – seven centimeters (1.57 m.) for female;
- i. Must weigh not more or less than five kilograms (5kgs) from the standard weight corresponding to his or her height, age, and sex; and
- j. For a new applicant, must not be less than twenty-one (21) nor more than thirty (30) years of age: except for the last qualification, the above-enumerated qualifications shall be continuing in character and an absence of any one of them at any given time shall be a ground for separation or retirement from the service.

For the purpose of determining the compliance with the requirements on physical and mental health, as well as the non-use of prohibited drugs, the PNP by itself or through a NAPOLCOM accredited government hospital shall conduct regular psychiatric, psychological drug and physical tests randomly and without notice.

SECTION 6. Training. – The Armed Forces of the Philippines, with the concurrence of the National Police Commission, shall take part in training of the Philippine Constabulary to be prepared in direct action combat.

SECTION 7. Recruitment. – The National Police Commission shall prescribe the rules and regulations for the efficient organization, administration, and operation, recruitment, and selection of the Philippine Constabulary.

SECTION 8. Transition. – The provisions on the reorganization of the PNP shall be effected within three (3) years after the effectivity of this Act.

SECTION 9. *Inclusion in the Appropriations Act.* – The amount necessary to implement the provisions of this Act shall be included in the General Appropriations Act for the year following the approval of this Act.

SECTION 10. *Repealing Clause.* – Any law, presidential decree or issuance, executive order, letter of instruction, administrative order, rule, regulation or ordinance contrary to or inconsistent with the provisions of the Act is hereby repealed, modified or amended accordingly.

SECTION 11. *Effectivity.* – This Act shall take effect fifteen (15) days after its publication in the Official Gazette or in at least two (2) national newspapers of general circulation.

Approved,