

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City Metro Manila

SEVENTEENTH CONGRESS
First Regular Session

House Bill 2663

HOUSE OF REPRESENTATIVES	
RECEIVED	
DATE:	<u>08 AUG 2016</u>
TIME:	<u>5:15 PM</u>
BY:	<u>rel</u>
REGISTRATION UNIT	
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Introduced by **REP. ENRICO A. PINEDA** and **REP. MICHAEL ODYLON L. ROMERO**

EXPLANATORY NOTE

This bill seeks to institute a stronger self-disciplining mechanism within the Philippine National Police. The lack of an empowered internal watchdog has been cited by experts as one reason why many infractions committed by men in uniform go unchecked or unpunished.

Without such tripwire against abuse, police officers can take advantage their rank and power with impunity. One way of maintaining discipline in the ranks, it has been recommended, is to make sure that when violations are committed, the certainty of discovery, investigation, and punishment follows.

No police can do its work without a strong Internal Affairs doing oversight. IAS do not hinder police work. Rather, by ensuring that police officers do not cross moral and legal red lines, they ensure discipline and boost morale.

This bill is written at a time when national focus is on the few erring members of the PNP. The nationwide crackdown on the illegal drug trade has revealed the role of bad cops. While they may be small, the stain they leave on the organization is big. For them to clean society of criminals, they themselves must be clean, and an independent IAS can help keep them that way.

The Internal Affairs Service (IAS) of the PNP was created by "The PNP Reform and Reorganization Act of 1998" (Republic Act No. 8551).

The IAS was meant to be an independent unit armed with disciplinary authority over members of the Philippine National Police. Unfortunately, the present IAS possesses no such powers, rendering it unable to impose sanctions on erring officer.

What it has at present is the power to merely recommend, its findings subject to approval or rejection by the Director General of the PNP, and even by PNP Regional Directors.

This bill, therefore, seeks to enhance the independence of the IAS, to grant it power to discipline, to insulate it from the supervision of higher offices of the very organization that it is supposed to police, and to strengthen its organizational structure so that it can do its duty impartially and without impediment.


ENRICO A. PINEDA


MICHAEL ODYLON L. ROMERO

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Introduced by **REP. ENRICO A. PINEDA and REP. MICHAEL ODYLON L. ROMERO**

AN ACT
TO STRENGTHEN THE INTERNAL AFFAIRS SERVICE OF THE PHILIPPINE NATIONAL POLICE, AMENDING FOR THIS PURPOSE CERTAIN PROVISIONS OF THE PNP LAW UNDER REPUBLIC ACT SIXTY NINE AND SEVENTY FIVE (RA 6975) AS AMENDED BY REPUBLIC ACT EIGHTY FIVE HUNDRED AND FIFTY ONE (RA 8551)

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

SECTION 1. This Act shall be known as the *“Police Internal Affairs Service Reform Act of 2016.”*

SECTION 2. Section 39 of Republic Act No. 8551 is hereby amended to read as follows:

“Section 39. Creation, Powers, and Functions. – An Internal Affairs Service (IAS) of the PNP is hereby created which shall:

- “a) Pro-actively conduct inspections and audits on PNP personnel and units;
- “b) Investigate complaints and gather evidence in support of an open investigation;
- “C) **HEAR AND DECIDE ADMINISTRATIVE CASES AGAINST ERRING UNIFORMED AND NON-UNIFORMED PNP PERSONNEL;**
- “[c] **D)** Submit a periodic report on the assessment, analysis, and evaluation of the character and behavior of PNP personnel and units to the Chief PNP and the Commission;
- “[d] **E)** File appropriate criminal cases against PNP members before the court as evidence warrants and assist in the prosecution of the case;
- “[e] **F)** Provide assistance to the Office of the Ombudsman in cases involving the personnel of the PNP.

“The IAS shall also conduct, *motu proprio*, automatic investigation of the following cases:

- “a) incidents where a police personnel discharges a firearm;

- “b) Incidents where death, serious physical injury, or any violation of human rights occurred in the conduct of a police operation;
- “c) Incidents where evidence was compromised, tampered with, obliterated, or lost while in the custody of police personnel;
- “d) Incidents where a suspect in the custody of the police was seriously injured; and
- “e) Incidents where the established rules of engagement have been violated.

“Finally, the IAS shall provide documents or recommendations as regards to the promotion of the members of the PNP or the assignment of PNP personnel to any key position.

“THE INTERNAL AFFAIRS SERVICE SHALL BE HEADED BY AN INSPECTOR GENERAL, WHO SHALL BE ASSISTED BY A DEPUTY INSPECTOR GENERAL.

“THE DISCIPLINARY POWERS HEREIN GRANTED TO THE INTERNAL AFFAIRS SERVICE SHALL BE WITHOUT PREJUDICE, AND SHALL NOT DIMINISH, THE DISCIPLINARY POWERS GRANTED TO THE COMMISSION, THE CHIEF OF THE PHILIPPINE NATIONAL POLICE, THE REGIONAL DIRECTORS AND THE PEOPLE’S LAW ENFORCEMENT BOARDS UNDER SECTIONS 42 AND 43 OF REPUBLIC ACT NO. 6975.”

SECTION 3. Section 40 of Republic Act No. 8551 is hereby amended to read as follows:

“Section 40. Organization. – There are hereby created national, regional, and provincial offices of the Internal Affairs Service. That national office shall be headed by the Inspector General. The regional offices shall each be headed by a Director. The provincial offices shall be headed by a Superintendent.

The Commission shall establish a rationalized staffing pattern in the Reorganization Plan as provided for in Section 13 hereof.

SECTION 4. Section 41 of Republic Act No. 8551 is hereby amended to read as follows:

“Section 41. Appointments. – The Inspector General and the Deputy Inspector General shall be civilians. They shall be appointed by the President from a list of three (3) nominees submitted to him by the Commission. No person shall be appointed Inspector General or Deputy Inspector General unless he or she is a Filipino citizen, at least forty-five (45) years of age, and a member of the Philippine Bar for at least ten (10) years prior to the date of his or her appointment.

“The Inspector General and the Deputy Inspector General shall serve for a term of five (5) years without reappointment. The Inspector General shall receive the salaries, benefits and privileges equivalent to those received by a Deputy Director General of the PNP. The Deputy

Inspector General shall receive the salaries, benefits and privileges equivalent to those received by a Director of the PNP.

“The heads of the Provincial and Regional Internal Affairs Offices shall be appointed by the Chief of the Philippine National Police upon the prior recommendation of the Inspector General.

“Appointments of other personnel of the Internal Affairs Service shall be made by the Inspector General and shall be based on an established career pattern and criteria to be promulgated by the Commission.”

SECTION 5. Section 49 of Republic Act No. 8551 is hereby amended to read as follows:

“Section 49. Procedure in Disciplinary Cases. – Proceedings before the Internal Affairs Service shall be summary in character and shall follow the following procedure:

(a) Complaints against erring uniformed or non-uniformed personnel of the PNP may be filed with either the Provincial Internal Affairs Office or the Regional Internal Affairs Office having jurisdiction over the place where the offense was committed.

(b) The complaint shall be in writing and under oath. The complainant shall submit, together with the complaint, all the real, documentary and testimonial evidence, by way of affidavits to support the complaint;

(c) Within five (5) days from receipt of the complaint, the Provincial or Regional Internal Affairs Office concerned shall cause the service of a copy of the complaint and its attachments upon the respondent, together with an order requiring the respondent to file his or her answer to the complaint, furnishing a copy thereof to the complainant, within a period of ten (10) days from his or her receipt of the complaint and the order.

(d) The respondent’s answer shall likewise be under oath and shall include all the real, documentary and testimonial evidence, by way of affidavits, in support of his defense.

(e) The parties may file their respective position papers within ten (10) days from the respondents’ filing of the answer.

(f) Within thirty (30) days from the parties’ submission of their respective position papers, or from the lapse of the period to file the same, the Provincial or Regional Internal Affairs Service Office concerned shall forward the entire records of the case to the Inspector General together with a written recommendation which shall include:

(i) The findings of fact;

(ii) The laws, rules or regulations violated by the respondent, if any; and

(iii) The penalty or penalties to be imposed upon the respondent.

(g) Within a period of thirty (30) days from his receipt of the records and recommendation, the Inspector General shall render a decision adopting, reversing or modifying the recommendation of the Provincial or Regional Internal Affairs Service Office concerned.

(h) The periods provided herein shall be non-extendible.

(i) The Inspector General shall make all records, proceedings, official documents of the Service's activities, rules, cases being handled compliant with Freedom of Information (FOI) regulations and laws except those explicit described as exempted from FOI.

SECTION 6. Section 50 of Republic Act No. 8551 is hereby amended to read as follows:

“Section 50. Appeals. - A decision of the Inspector General dismissing a case or imposing a penalty of lower than suspension for ninety (90) days or less, or forfeiture of benefits equivalent to ninety (90) days' pay or less shall be final, unappealable and immediately executory. A decision of the Inspector General imposing the penalty of dismissal from the service, demotion, suspension of more than ninety (90) days or forfeiture of benefits equivalent to more than ninety (90) days' pay may be appealed to the Commission within ten (10) days from the aggrieved party's receipt of the decision. The Commission shall resolve the appeal within ninety (90) days from its receipt of the appeal. The decision of the Commission shall be final and immediately executory.

SECTION 7. If any section or part of this Act is held unconstitutional, no other section or provision shall be affected.

SECTION 8. This Act shall take effect fifteen (15) days after its complete publication in the Official Gazette or in at least two (2) national newspapers of general circulation, whichever comes earlier.

Approved.