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[REPUBLIC ACT No. 6975, December 13, 1990]

AN ACT ESTABLISHING THE PHILIPPINE NATIONAL POLICE UNDER A REORGANIZED DEPARTMENT OF THE INTERIOR AND LOCAL GOVERNMENT, AND FOR OTHER PURPOSES

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

SECTION 1. *Title of the Act.* — This Act shall be known as the "Department of the Interior and Local Government Act of 1990."

SEC. 2. *Declarations of Policy.* — 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. Towards this end, the State shall bolster a system of coordination and cooperation among the citizenry, local executives and the integrated law enforcement and public safety agencies created under this Act.

The police force shall be organized, trained and equipped primarily for the performance of police functions. Its national scope and civilian character shall be paramount. No clement of the police force shall be military nor shall any position thereof be occupied by active members of the Armed Forces of the Philippines.

SEC. 3. *Promulgation of Comprehensive Policies by Congress.* — Subject to the limitations provided in the Constitution, the President shall recommend to Congress the promulgation of policies on public order and safety to protect the citizenry from all forms of lawlessness, criminality and other threats to peace and order.

CHAPTER I

THE DEPARTMENT OF THE INTERIOR AND LOCAL GOVERNMENT

SEC. 4. *The Department of the Interior and Local Government.* — To carry out the policies and purposes of this Act, the Department of Local Government is hereby reorganized into the Department of the Interior and Local Government, hereinafter referred to as the Department, in accordance with the provisions of this Act.

SEC. 5. *Powers and Functions of the Department.* — In furtherance of the objectives of this Act, the Department shall continue to exercise the powers and functions of the Department of Local Government in addition to the powers and functions as herein provided.

SEC. 6. *Organization.* — The Department shall consist of the Department Proper, the existing bureaus and offices of the Department of Local Government, the National Police Commission, the Philippine Public Safety College, and the following bureaus: the Philippine National Police, the Bureau of Fire Protection, and the Bureau of Jail Management and Penology.

SEC. 7. *Department Proper.* — The Department Proper shall consist of the existing staff services as provided for under Executive Order No. 262 and the following offices:

a. *Office of the Secretary* — The Office of the Secretary shall consist of the Secretary and his immediate staff, and
b. Office of the Undersecretaries and Assistant Secretaries -
   The Secretary shall be assisted by two (2) Undersecretaries, one (1) for local government and the other for peace and order, at least one (1) of whom must belong to the career executive service, and three (3) career Assistant Secretaries.

SEC. 8. *Head of the Department.* — the head of the Department, hereinafter referred to as the Secretary, shall also be the *ex officio* Chairman of the National Police Commission and shall be appointed by the President subject to confirmation of the Commission on Appointments. No retired or resigned military officer or police official may be appointed as Secretary within one (1) year from the date of his retirement or resignation.

SEC. 9. *General Powers, Term of Office and Compensation of the Secretary.* — The authority and responsibility for the exercise of the Department's powers and functions shall be vested in the Secretary, who shall hold office at the pleasure of the President and shall receive the compensation, allowances and other emoluments to which heads of departments are entitled.

SEC. 10. *Specific Powers and Functions of the Secretary.* — In addition to his powers and functions as provided in Executive Order No. 262, the Secretary as Department head shall have the following powers and functions:

a. Prepare and submit periodic reports, including a Quarterly Anti–Crime Operations Report and such other reports as the President and Congress may require;
b. Act as Chairman and Presiding Officer of the National Police Commission; and
c. Delegate authority to exercise any substantive or administrative function to the members of the National Police Commission or other officers of rank within the Department.

SEC. 11. *Regional Offices.* — The Department shall establish, operate and maintain a regional office in each of the administrative regions of the country to implement the policies and programs of the Department. Each regional office shall be headed by a regional director to be assisted by two (2) assistant regional directors: one (1) for jail management and penology and another for fire protection in addition to the present assistant regional directors of the Department of Local Government.

SEC. 12. *Relationship of the Department with the Department of National Defense.* — During a period of twenty–four (24) months from the effectivity of this Act, the Armed Forces of the Philippines (AFP) shall continue its present role of preserving the internal and external security of the State: *Provided*, That 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 of preserving 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 caliber 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.

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In times of national emergency, all elements of the PNP, the 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.

CHAPTER II

THE NATIONAL POLICE COMMISSION

SEC. 13. *Creation and Composition.* — A National Police Commission, hereinafter referred to as the Commission, is hereby created for the purpose of effectively discharging the functions prescribed in the Constitution and provided in this Act. The Commission shall be a collegial body within the Department. It shall be composed of a Chairman and four (4) regular commissioners, one (1) of whom shall be designated as Vice–Chairman by the President.

The Secretary of the Department shall be the *ex officio* Chairman of the Commission, while the Vice–Chairman shall act as the executive officer of the Commission.

SEC. 14. *Powers and Functions of the Commission.* — The Commission shall exercise the following powers and functions:

a. Exercise administrative control over the Philippine National Police;
b. Advise the President on all matters involving police functions and administration;
c. Foster and develop policies and promulgate rules and regulations, standards and procedures to improve police services based on sound professional concepts and principles;
d. Examine and audit, and thereafter establish the standards for such purposes on a continuing basis, the performance, activities, and facilities of all police agencies throughout the country;
e. Prepare a police manual prescribing rules and regulations for efficient organization, administration, and operation, including recruitment, selection, promotion and retirement;
f. Establish a system of uniform crime reporting;
g. Conduct surveys and compile statistical data for the proper evaluation of the efficiency and effectiveness of all police units in the country;
h. Render to the President and to Congress an annual report on its activities and accomplishments during the thirty (30) days after the end of the calendar year, which shall include an appraisal of the conditions obtaining in the organization and administration of police agencies in the municipalities, cities and provinces throughout the country, and recommendations for appropriate remedial legislation;
i. Approve or modify plans and programs on education and training, logistical requirements, communications, records, information systems, crime laboratory, crime prevention and crime reporting;
j. Affirm, reverse or modify, through the National Appellate Board, personnel disciplinary actions involving demotion or dismissal from the service imposed upon members of the Philippine National Police by the Chief of the Philippine National Police;
k. Exercise appellate jurisdiction through the regional appellate boards over administrative cases against policemen and over decisions on claims for police benefits;
l. Recommend to the President, through the Secretary, within sixty (60) days before the commencement of each calendar year, a crime prevention program;
m. Prescribe minimum standards for arms, equipment, and uniforms and, after consultation with the Philippine Heraldry Commission, for insignia of ranks, awards and medals of honor;
n. Issue subpoena and subpoena duces tecum in matters pertaining to the discharge of its own powers and duties, and designate who among its personnel can issue such processes and administer oaths in connection therewith; and
o. Perform such other functions necessary to carry out the provisions of this Act and as the President may direct.

SEC. 15. *Qualifications.* — No person shall be appointed regular member of the Commission unless:

a. He is at least thirty—five (35) years of age;
b. A member of the Philippine Bar or a holder of a master's degree in public administration, business administration, management, sociology, criminology, law enforcement, national security administration, defense studies, and other related disciplines; and
c. Has had experience in law enforcement work for at least five (5) years.

SEC. 16. *Term of Office.* — The four (4) regular and full—time commissioners shall be appointed by the President upon the recommendation of the Secretary. Of the first four (4) commissioners to be appointed, two (2) commissioners shall serve for six (6) years and the two (2) other commissioners for four (4) years. AU subsequent appointments shall be for a period of six (6) years each, without reappointment or extension.

SEC. 17. *Temporary or Permanent Incapacity of the Chairman.* — In case of absence due to temporary or permanent incapacity of the Chairman, the President shall designate an Acting Chairman. In case of death or permanent incapacity or disqualification of the Chairman, the Acting Chairman shall also act as such until a new Chairman shall have been appointed and qualified.

SEC. 18. *Removal from Office.* — The members of the Commission may be removed from office for cause. All vacancies in the Commission, except through expiration of term, shall be filled up for the unexpired term only: *Provided*, That any person who shall be appointed in this case shall be eligible for regular appointment for another full term.

SEC. 19. *Prohibitions.* — The Chairman and members of the Commission shall not engage in the practice of any profession, or intervene, directly or indirectly, in the management and control of any private enterprise. They shall not, directly or indirectly, have any financial or material interest in any transaction requiring the approval of their office.

SEC. 20. *Organizational Structure.* — The Commission shall consist of the following units:

a. Commission Proper — This is composed of the offices of the Chairman and the four (4) commissioners.
b. Staff Services — The staff services of the Commission shall be as follows:

    1. The Planning and Research Service, which shall provide technical services to the Commission in areas of overall policy formulation, strategic and operational planning, management systems or procedures, evaluation and monitoring of the Commission's programs, projects and internal operations; and shall conduct thorough research and analysis on social and economic conditions affecting peace and order in the country;
    2. The Legal Affairs Service, which shall provide the Commission with efficient and effective service as legal counsel of the Commission; draft or study contracts affecting the Commission and submit appropriate recommendations pertaining thereto; and render legal opinions arising from the administration and operation of the Philippine National Police and the Commission;
    3. The Crime Prevention and Coordination Service, which shall undertake criminological researches and studies; formulate a national crime prevention plan; develop a crime prevention and information program and provide editorial direction for all criminology research and crime prevention publications;
    4. The Administrative Service, which shall provide the Commission with assistance on budgetary and financial matters; provide the necessary services relating to records, correspondence, supplies, property and equipment, security and general services, and the maintenance and utilization of facilities; and provide services relating to manpower, career planning and development, personnel transactions and employee welfare;

5. The Inspection and Monitoring Service, which shall conduct continuous inspection and management audit of personnel, facilities and operations at all levels of command of the PNP and shall monitor the implementation of the Commission's programs and projects relative to law enforcement; and
6. The Installations and Logistics Service, which shall review the Commission's plans and programs and formulate policies and procedures regarding acquisition, inventory, control, distribution, maintenance and disposal of supplies and shall oversee the implementation of programs on transportation facilities and installations and the procurement and maintenance of supplies and equipment.

c. Disciplinary Appellate Boards — The Commission shall establish a formal administrative disciplinary appellate machinery consisting of the National Appellate Board and the regional appellate boards.

The National Appellate Board shall decide cases on appeal from decisions rendered by the PNP chief, while the regional appellate boards shall decide cases on appeal from decisions rendered by officers other than the PNP chief, the mayor, and the People's Law Enforcement Board (PLEB) created hereunder.

SEC. 21. Regional Offices. — The Commission shall establish, operate and maintain regional offices headed by regional directors who shall implement the policies and programs of the Commission in their respective regions. For administrative purposes, the regional offices of the Commission shall be attached to the regional offices of the Department.

Subject to the standards that shall be prescribed by the Commission, the regional offices shall likewise perform the function of adjudication of benefit claims.

SEC. 22. *Qualifications of Regional Directors.* — No person shall be appointed regional director unless:

a. He is at least thirty (30) years of age;
b. A holder of a baccalaureate degree and appropriate civil service eligibility; and
c. Has at last five (5) years experience in the field of law enforcement, criminology or police administration.

CHAPTER III

THE PHILIPPINE NATIONAL POLICE A. ORGANIZATION

SEC. 23. *Composition.* — Subject to the limitations provided for in this Act, the Philippine National Police, hereinafter referred to as the PNP, is hereby established, initially consisting of the members of the police forces who were integrated into the Integrated National Police (INP) pursuant to Presidential Decree No. 765, and the officers and enlisted personnel of the Philippine Constabulary (PC). For purposes of this Act, the officers and enlisted personnel of the PC shall include those assigned with the Narcotics Command (NARCOM) or the Criminal Investigation Service (CIS); and those of the technical services of the AFP assigned with the PC and the civilian operatives of the CIS. The regular operatives of the abolished NAPOLCOM Inspection, Investigation and Intelligence Branch may also be absorbed by the PNP. In addition, a PC officer or enlisted personnel may transfer to any of the branches or services of the Armed Forces of the Philippines in accordance with the provisions of Section 85 of this Act.

In order to be qualified for transfer to the PNP units in Metropolitan Manila and in highly urbanized cities, an individual must have completed not less than second year collegiate work or its equivalent in training of seventy–two (72) collegiate units. Anyone who has any pending administrative or criminal case or has been adjudged liable or convicted of any crime pending appeal shall be allowed to join the PNP provisionally without prejudice to final judgment by a body of competent jurisdiction.

The permanent civilian employees of the present PC, INP, Narcotics Command, CIS, and the technical services of the AFP assigned with the PC, including NAPOLCOM hearing officers holding regular items as such, shall be absorbed by the Department as employees thereof, subject to existing laws and regulations.

SEC. 24. *Powers and Functions.* — The PNP shall have the following powers and functions:

a. Enforce all laws and ordinances relative to the protection of lives and properties;
b. Maintain peace and order and take all necessary steps to ensure public safety;
c. Investigate and prevent crimes, effect the arrest of criminal offenders, bring offenders to justice and assist in their prosecution;
d. Exercise the general powers to make arrest, search and seizure in accordance with the Constitution and pertinent laws;
e. Detain an arrested person for a period not beyond what is prescribed by law, informing the person so detained of all his rights under the Constitution;
f. Issue licenses for the possession of firearms and explosives in accordance with law;
g. Supervise and control the training and operations of security agencies and issue licenses to operate security agencies, and to security guards and private detectives, for the practice of their professions; and
h. Perform such other duties and exercise all other functions as may be provided by law.

In addition, the PNP shall absorb the office of the National Action Committee on Anti–Hijacking (NACAH) of the Department of National Defense, all the functions of the present Philippine Air Force Security Command (PAFSECOM), as well as the police functions of the Coast Guard. In order to perform its powers and functions efficiently and effectively, the PNP shall be provided with adequate land, sea, and air capabilities and all necessary material means or resources.

SEC. 25. *Organization.* — The PNP shall be headed by a Chief who shall be assisted by two (2) deputy chiefs, one (1) for operations and one (1) for administration, both of whom shall be appointed by the President upon recommendation of the Commission from among the most senior and qualified officers in the service: *Provided, however,* That in no case shall any officer who has retired or is retirable within six (6) months from his compulsory retirement age be appointed as Chief of the PNP.

The PNP shall be composed of a national office, regional offices, provincial offices, district offices and city or municipal stations.

At the national level, the PNP shall maintain its office in Metropolitan Manila which shall house the directorial staff, service staff and special support units.

At the regional level, the PNP shall have regional offices, including that of the National Capital Region, which may be divided into two (2) separate regions without prejudice to the pertinent provisions of the Organic Act for the Autonomous Regions of the Cordilleras and Muslim Mindanao relative to the creation of a regional police force in the area of autonomy. Each of these regional offices shall be headed by a regional director for peace and order.

At the provincial level, there shall be a PNP office, each headed by a provincial director. In the case of large provinces, police districts may be established by the Commission to be headed by a district director.

At the city or municipal level, there shall be a PNP station, each headed by a chief of police.

The Chief of the PNP shall, within sixty (60) days from the effectivity of this Act and in accordance with the broad guidelines set forth herein, recommend the organizational structure and staffing pattern of the PNP to the

Commission.

SEC. 26. *Powers, Functions and Term of Office of the PNP Chief.* — The command and direction of the PNP shall be vested in the Chief of the PNP who shall have the power to direct and control tactical as well as strategic movements, deployment, placement, utilization of the PNP or any of its units and personnel, including its equipment, facilities and other resources. Such command and direction of the Chief of the PNP may be delegated to subordinate officials with respect to the units under their respective commands, in accordance with the rules and regulations prescribed by the Commission. The Chief of the PNP shall also have the power to issue detailed implementing policies and instructions regarding personnel, funds, properties, records, correspondence and such other matters as may be necessary to effectively carry out the functions, powers and duties of the Bureau. The Chief of the PNP shall be appointed by the President from among the senior officers down to the rank of chief superintendent, subject to confirmation by the Commission on Appointments: Provided, That the Chief of the PNP shall serve a term of office not to exceed four (4) years: *Provided, further,* That in times of war or other national emergency declared by Congress, the President may extend such term of office.

SEC. 27. *Manning Levels.* — On the average nationwide, the manning levels of the PNP shall be approximately in accordance with a police–to–population ratio of one (1) policeman for every five hundred (500) persons. The actual strength by cities and municipalities shall depend on the state of peace and order, population density and actual demands of the service in the particular area: *Provided,* That the minimum police–to–population ratio shall not be less than one (1) policeman for every one thousand (1,000) persons: *Provided, further,* That urban areas shall have a higher minimum police–to–population ratio as may be prescribed by regulations.

SEC. 28. *Rank Classification.* — For purposes of efficient administration, supervision and control, the rank classification of the members of the PNP shall be as follows:

Director General
Deputy Director General
Director Chief Superintendent
Senior Superintendent
Superintendent
Chief Inspector
Senior Inspector
Inspector
Senior Police Officer IV
Senior Police Officer III
Senior Police Officer II
Senior Police Officer I
Police Officer III
Police Officer II
Police Officer I

SEC. 29. *Key Positions.* — The head of the PNP with the rank of director general shall have the position title of Chief of the PNP. The second in command of the PNP with the rank of deputy director general shall be the Deputy Chief of the PNP for Administration. The third in command with the rank also of deputy director general shall be the Deputy Chief of the PNP for Operations.

At the national office, the head of the directorial staff with the rank of deputy director general shall be known as Chief of the Directorial Staff of the PNP.

The heads of the various staff divisions in the directorial staff shall have the rank of director with the position title of Director of the Directorial Staff of their respective functional divisions. The head of the Inspectorate Division with the rank of chief superintendent shall assume the position title of Inspector General. The heads of the administrative and operational support divisions shall have the rank of chief superintendent.

The head of the NCR with the rank of director shall assume the position title of NCR Director. The heads of the regional offices with the rank of chief superintendent shall assume the position title of Regional Director.

The heads of the NCR district offices with the rank of chief superintendent shall have the position title of District Director. The heads of the provincial offices with the rank of senior superintendent shall be known as Provincial Director. The heads of the district offices with the rank of superintendent shall have the position title of District Director. The heads of the municipality or city offices with the rank of chief inspector shall be known as Chief of Police.

SEC. 30. *General Qualifications for Appointment.* — No person shall be appointed as officer or member of the PNP unless he possesses the following minimum qualifications:

a. A citizen of the Philippines;
b. A person of good moral conduct;
c. Of sound mind and body;
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 or experience for those already in the service upon the effectivity of this Act:
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 (1.62 m.) in height for male and one meter and fifty–seven centimeters (1.57 m.) for female;
i. Must weigh not more or less than five kilograms (5 kg.) of 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.

SEC. 31. *Appointment of PNP Officers and Members.* — The appointment of the officers and members of the PNP shall be effected in the following manner:

a. Police Officer I to Senior Police Officer IV — Appointed by the PNP regional director for regional personnel or by the Chief of the PNP for the national headquarters personnel and attested by the Civil Service Commission;
b. *Inspector to Superintendent* — Appointed by the Chief of the PNP, as recommended by their immediate superiors, and attested by the Civil Service Commission;
c. *Senior Superintendent to Deputy Director General* —Appointed by the President upon recommendation of the Chief of the PNP, with proper endorsement by the Chairman of the Civil Service Commission and subject to confirmation by the Commission on Appointments; and
d. *Director General* — Appointed by the President from among the senior officers down to the rank of chief superintendent in the service, subject to confirmation by the Commission on Appointments: *Provided,* That the Chief of the PNP shall serve a tour of duty not to exceed four (4) years: *Provided, further,* That, in times of war or other national emergency declared by Congress, the President may extend such tour of duty.

SEC. 32. *Examinations for Policemen.* — The Civil Service Commission shall administer the qualifying entrance examinations for policemen on the basis of the standards set by the NAPOLCOM.

SEC. 33. *Lateral Entry of Officers into the PNP.* — In general, all original appointments of commissioned officers in the PNP shall commence with the rank of inspector, to include all those with highly technical qualifications applying for the PNP technical services, such as dentists, optometrists, nurses, engineers, and graduates of forensic sciences. Doctors of medicine, members of the Bar, and chaplains shall be appointed to the rank of senior inspector in their particular technical service. Graduates of the Philippine National Police Academy (PNPA) shall be automatically appointed to the initial rank of inspector. Licensed criminologists may be appointed to the rank of inspector to fill up any vacancy after promotions from the ranks are compacted.

SEC. 34. *Qualifications of Chief of City and Municipal Police Stations.* — No person may be appointed chief of a city police station unless he holds a bachelor's degree from a recognized institution of learning or has served in the Philippine Constabulary or in the police department of any city or municipality with the rank of captain or its equivalent therein for at least three (3) years.

No person may be appointed chief of a municipal police station unless he holds a bachelor's degree from a recognized institution of learning or has served as officer in the Philippine Constabulary or in the police department of any city or municipality for at least two (2) years with the rank of lieutenant or its equivalent: *Provided,* That a member of the Bar with at least Five (5) years experience in active law practice and who possesses the general qualifications under Section 30 of this Act shall be qualified for appointment as chief of a city or municipal police station: *Provided, further,* That the chief of police shall be appointed in accordance with the provisions of Section 51, paragraph (b), subparagraph (4)(i) of this Act.

SEC. 35. *Support Units.* — The PNP shall be supported by administrative and operational support units. The administrative support units shall consist of the Crime Laboratory, Logistics Unit, Communications Unit, Computer Center, Finance Center and Civil Security Unit. The operational support units shall be composed of the Maritime Police Unit, Police Intelligence Unit, Police Security Unit, Criminal Investigation Unit, Special Action Force, Narcotics Unit, Aviation Security Unit, Traffic Management Unit, the Medical and Dental Centers and the Civil Relations Unit.

To enhance police operational efficiency and effectiveness, the Chief of the PNP may constitute such other support units as may be necessary subject to the approval of the Commission: *Provided,* That no support unit headed by a chief superintendent or a higher rank can be created unless provided by law.

a. Administrative Support Units —

1. Crime Laboratory. There shall be established a central Crime Laboratory to be headed by a Director with the rank of chief superintendent, which shall provide scientific and technical investigative aid and support to the PNP and other government investigative agencies.

   It shall also provide crime laboratory examination, evaluation and identification of physical evidences involved in crimes with primary emphasis on their medical, chemical, biological and physical nature. There shall likewise be established regional and city crime laboratories as may be necessary in all regions and cities of the country.

2. Logistics Unit. Headed by a Director with the rank of chief superintendent, the Logistics Unit shall be responsible for the procurement, distribution and management of all the logistical requirements of the PNP including firearms and ammunition.
3. Communications Unit. Headed by a Director with the rank of chief superintendent, the Communications Unit shall be responsible for establishing an effective police communications network.
4. Computer Center. Headed by a Director with the rank of chief superintendent, the Computer Center shall be responsible for the design, implementation and maintenance of a database system for the PNP.
5. Finance Center. Headed by a Director with the rank of chief superintendent, the Finance Center shall be responsible for providing finance services to the PNP.
6. Civil Security Unit. Headed by a Director with the rank of chief superintendent, the Civil Security Unit shall provide administrative services and general supervision over the organization, business operation and activities of all organized private detectives, watchmen, security guard agencies and company guard forces.

The unit shall likewise supervise the licensing and registration of firearms and explosives.

The approval of applications for licenses to operate private security agencies, as well as the issuance of licenses to security guards and the licensing of firearms and explosives, shall be decentralized to the PNP regional offices.

b. Operational Support Units —

1. Maritime Police Unit. Headed by a Director with the rank of chief superintendent, the Maritime Police Unit shall perform all police functions over Philippine territorial waters and rivers.
2. Police Intelligence Unit. Headed by a Director with the rank of chief superintendent, the Police Intelligence Unit shall serve as the intelligence and counterintelligence operating unit of the PNP.
3. Police Security Unit. Headed by a Director with the rank of chief superintendent, the Police Security Unit shall provide security for government officials, visiting dignitaries and private individuals authorized to be given protection.
4. Criminal Investigation Unit. Headed by a Director with the rank of 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 operate against organized crime groups, unless the President assigns the case exclusively to the National Bureau of Investigation (NBI).

5. Special Action Force. Headed by a Director with the rank of chief superintendent, the Special Action Force shall function as a mobile strike force or reaction unit to augment regional, provincial, municipal and city police forces for civil disturbance control, counterinsurgency, hostage–taking rescue operations, and other special operations.
6. Narcotics Unit. Headed by a Director with the rank of chief superintendent, the Narcotics Unit shall enforce all laws relative to the protection of the citizenry against dangerous and other prohibited drugs and substances.
7. Aviation Security Unit. Headed by a Director with the rank of chief superintendent, the Aviation Security Unit, in coordination with airport authorities, shall secure all the country's airports against offensive and terroristic acts that threaten civil aviation, exercise operational control and supervision over all agencies involved in airport security operation, and enforce all laws and regulations relative to air travel protection and safety.
8. Traffic Management Unit. Headed by a Director with the rank of chief superintendent, the Traffic Management Unit shall enforce traffic laws and regulations.
9. Medical and Dental Centers. Headed by a Director with the rank of chief superintendent, the Medical and Dental Centers shall be responsible for providing medical and dental services for the PNP.
10. Civil Relations Unit. Headed by a Director with the rank of chief superintendent, the Civil Relations Unit shall implement plans and programs that will promote community and citizens' participation in the maintenance of peace and order and public safety.

SEC. 36. *Status of Members of the Philippine National Police.* ;–

The members of the PNP shall be considered employees of the National Government and shall draw their salaries therefrom: Provided, That PNP members assigned in Metropolitan Manila, chartered cities and first class municipalities may be paid an additional monthly allowance by the local government unit concerned.

B. PROFESSIONALISM, WELFARE AND BENEFITS

SEC. 37. *Performance Evaluation System.* — There shall be established a performance evaluation system which shall be administered in accordance with the rules, regulations and standards, and a code of conduct promulgated by the Commission for members of the PNP. Such performance evaluation system shall be administered in such a way as to foster the improvement of individual efficiency and behavioral discipline as well as the promotion of organizational effectiveness and respect for the constitutional and human rights of citizens, democratic principles and ideals and the supremacy of civilian authority over the military.

The rating system as contemplated herein shall be based on standards prescribed by the Commission and shall consider the results of annual physical, psychological and neuropsychiatric examinations conducted on the PNP officer or member concerned.

SEC. 38. *Promotions.* —

a. A member of the PNP shall not be eligible for promotion to a higher position or rank unless he has successfully passed the corresponding promotional examination given by the Commission, or the Bar or corresponding board examinations for technical services and other professions, and has satisfactorily completed an appropriate and accredited course in the PNPA or equivalent training institutions. In addition, no member of the PNP shall be eligible for promotion unless he has been cleared by the People's Law Enforcement Board (PLEB) of complaints proffered against him, if any.
b. Special promotion may be extended to any member of the PNP for acts of conspicuous courage and gallantry at the risk of his life above and beyond the call of duty, or selected as such in a nationwide search conducted by the PNP or any accredited civic organization.

SEC. 39. *Compulsory Retirement.* — Compulsory retirement, for officer and non–officer, shall be upon the attainment of age fifty–six (56): *Provided*, That, in case of any officer with the rank of chief superintendent, director or deputy director general, the Commission may allow his retention in the service for an unextendible period of one (1) year.

SEC. 40. *Optional Retirement.* — Upon accumulation of at least twenty (20) years of satisfactory active service, an officer or non–officer, at his own request and with the approval of the Commission, shall be retired from the service and entitled to receive benefits provided for by law.

C. ADMINISTRATIVE DISCIPLINARY MACHINERY

SEC. 41.

a. *Citizen's Complaints.* — Any complaint by an individual person against any member of the PNP shall be brought before the following:

    1. Chiefs of police, where the offense is punishable by withholding of privileges, restriction to specified limits, suspension or forfeiture of salary, or any combination thereof, for a period not exceeding fifteen (15) days;
    2. Mayors of cities or municipalities, where the offense is punishable by withholding of privileges, restriction to specified limits, suspension or forfeiture of salary, or any combination thereof, for a period of not less than sixteen (16) days but not exceeding thirty (30) days;
    3. People's Law Enforcement Board, as created under Section 43 hereof, where the offense is punishable by withholding of privileges, restriction to specified limits, suspension or forfeiture of salary, or any combination thereof, for a period exceeding thirty (30) days; or by dismissal.

    The Commission shall provide in its implementing rules and regulations a scale of penalties to be imposed upon any member of the PNP under this section.

b. *Internal Discipline.* — In dealing with minor offenses involving internal discipline found to have been committed by any regular member of their respective commands, the duly designated supervisors and equivalent officers of the PNP shall, after due notice and summary hearing, exercise disciplinary powers as follows:

    1. Chiefs of police or equivalent supervisors may summarily impose the administrative punishment of admonition or reprimand; restriction to specified limits; withholding of privileges; forfeiture of salary or suspension; or any of the combination of the foregoing: Provided, That, in all cases, the total period shall not exceed fifteen (15) days;
    2. Provincial directors or equivalent supervisors may summarily impose administrative punishment of admonition or reprimand; restriction to specified limits; withholding of privileges; forfeiture of salary or suspension; or any combination of the foregoing: Provided, That, in all cases, the total period shall not exceed thirty (30) days;
    3. Police regional directors or equivalent supervisors shall have the power to impose upon any member the disciplinary punishment of dismissal from the service. He may also impose the administrative punishment of admonition or reprimand; restriction to specified limits; withholding of privileges; suspension or forfeiture of salary; demotion; or any combination of the foregoing: Provided, That, in all cases, the total period shall not exceed sixty (60) days;
    4. The Chief of the PNP shall have the power to impose the disciplinary punishment of dismissal from the service; suspension or forfeiture of salary; or any combination thereof for a period not exceeding one hundred eighty (180) days.

c. *Exclusive Jurisdiction.* — A complaint or a charge filed against a PNP member shall be heard and decided exclusively by the disciplining authority who has acquired original jurisdiction over the case and notwithstanding the existence of concurrent jurisdiction as regards the offense: Provided, That offenses which carry higher penalties referred to a disciplining authority shall be referred to the appropriate authority which has jurisdiction over the offense.

For purposes of this Act, a "Minor offense" shall refer to an act or omission not involving moral turpitude, but affecting the internal discipline of the PNP, and shall include, but not be limited to:

1. Simple misconduct or negligence;
2. Insubordination;
3. Frequent absences or tardiness;
4. Habitual drunkenness; and
5. Gambling prohibited by law.

SEC. 42. *Summary Dismissal Powers of the PNP Chief and Regional Directors.* — The Chief of the PNP and regional directors, after due notice and summary hearings, may immediately remove or dismiss any respondent PNP member in any of the following cases:

a. When the charge is serious and the evidence of guilt Is strong;
b. When the respondent is a recidivist or has been repeatedly charged and there are reasonable grounds to believe that he is guilty of the charges; and
c. When the respondent is guilty of conduct unbecoming of a police officer.

SEC. 43. *People's Law Enforcement Board (PLEB).* —

a. *Creation and Functions* — Within thirty (30) days from the issuance of the implementing rules and regulations by the Commission, there shall be created by the sangguniang panglunsod/bayan in every city and municipality such number of People's Law Enforcement Boards (PLEBs) as may be necessary: *Provided*, That there shall be at least one (1) PLEB for every municipality and for each of the legislative districts in a city. The PLEB shall have jurisdiction to hear and decide citizens' complaints or cases filed before it against erring officers and members of the PNP. There shall be at least one (1) PLEB for every five hundred (500) city or municipal police personnel.
b. Composition and Term of Office — The PLEB shall be composed of the following:

    1. Any member of the sangguniang panglunsod/bayan chosen by his respective sanggunian;

1. Any member of the sanggunlang panglunsod/bayan chosen by his respective sanggunian;
2. Any barangay captain of the city or municipality concerned chosen by the association of barangay captains; and
3. Three (3) other members who shall be chosen by the 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 member of the Bar or, in the absence thereof, a college graduate, or the principal of the central elementary school in the locality.

The Chairman 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 two (2) years from assumption of office. Such member shall hold office until his successor shall have been chosen and qualified.

c. Compensation — Membership in the PLEB is a civic duty. However, PLEB members may be paid per diem as may be determined by the city or municipal council from city or municipal funds.
d. Procedure —

1. The PLEB, by a majority vote of all its members and its Chairman shall determine whether or not the respondent officer or member of the PNP is guilty of the charge upon which the complaint is based.
2. Each case shall be decided within sixty (60) days from the time the case has been filed with the PLEB.
3. The procedures in the PLEB shall be summary in nature, conducted in accordance with due process, but without strict regard to technical rules of evidence.
4. The Commission shall issue the necessary implementing guidelines and procedures to be adopted by the PLEB, including graduated penalties which may be imposed by the PLEB.
5. The Commission may assign the present NAPOLCOM hearing officers to act as legal consultants of the PLEBs and provide, whenever necessary, 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.

e. Decisions — The decision of the PLEB shall become final and executory: *Provided,* That a decision involving demotion or dismissal from the service may be appealed by either party with the regional appellate board within ten (10) days from receipt of the copy of the decision.

SEC. 44. *Disciplinary Appellate Boards.* — The formal administrative disciplinary machinery for the PNP shall be the National Appellate Board and the regional appellate boards. The National Appellate Board shall consist of four (4) divisions, each division composed of a Commissioner as Chairman and two (2) other members. The Board shall consider appeals from decisions of the Chief of the PNP.

The National Appellate Board may conduct its hearings or sessions in Metropolitan Manila or any part of the country as it may deem necessary.

There shall be at least one (1) regional appellate board per administrative region in the country to be composed of a senior officer of the regional Commission as Chairman and one (1) representative each from the PNP, and the regional peace and order council as members. It shall consider appeals from decisions of the regional directors, other officials, mayors, and the PLEBs: *Provided*, That the Commission may create additional regional appellate boards as the need arises.

SEC. 45. *Finality of Disciplitiaiy Action.* — The disciplinary action imposed upon a member of the PNP shall be final and executory: *Provided,* That a disciplinary action imposed by the regional director or by the PLEB involving demotion or dismissal from the service may be appealed to the regional appellate board within ten (10) days from receipt of the copy of the notice of decision: *Provided further,* That the disciplinary action imposed by the Chief of the PNP involving demotion or dismissal may be appealed to the National Appellate Board within ten (10) days from receipt thereof: *Provided, furthermore,* That the regional or National Appellate Board, as the case may be, shall decide the appeal within sixty (60) days from receipt of the notice of appeal: *Provided, finally,* That failure of the regional appellate board to act on the appeal within said period shall render the decision final and executory without prejudice, however, to the filing of an appeal by either party with the Secretary.

SEC. 46. *Jurisdiction in Criminal Cases.* — Any provision of law to the contrary notwithstanding, criminal cases involving PNP members shall be within the exclusive jurisdiction of the regular courts: *Provided,* That the courts–martial appointed pursuant to Presidential Decree No. 1850 shall continue to try PC–INP members who have already been arraigned, to include appropriate actions thereon by the reviewing authorities pursuant to Commonwealth Act No. 408, otherwise known as the Articles of War, as amended, and Executive Order No. 178, otherwise known as the Manual for Courts–Martial: *Provided, further,* That criminal cases against PC–INP members who may have not yet been arraigned upon the effectivity of this Act shall be transferred to the proper city or provincial prosecutor or municipal trial court judge.

SEC. 47. *Preventive Suspension Pending Criminal Case.* — Upon the filing of a complaint or information sufficient in form and substance against a member of the PNP for grave felonies where the penalty imposed by law is six (6) years and one (1) day or more, the court shall immediately suspend the accused from office until the case is terminated. Such case shall be subject to continuous trial and shall be terminated within ninety (90) days from arraignment of the accused.

SEC. 48. *Entitlement to Reinstatement and Salary.* — A member of the PNP who may have been suspended from office in accordance with the provisions of this Act or who shall have been terminated or separated from office shall, upon acquittal from the charges against him, be entitled to reinstatement and to prompt payment of salary, allowances and other benefits withheld from him by reason of such suspension or termination.

SEC. 49. *Legal Assistance.* — The Secretary of the Department of Justice, the Chairman of the Commission or the Chief of the PNP may authorize lawyers of their respective agencies to provide legal assistance to any member of the PNP who is facing before the prosecutor's office, the court or any competent body, a charge or charges arising from any incident which is related to the performance of his official duty: *Provided,* That government lawyers so authorized shall have the power to administer oaths.

The Secretary of Justice, the Chairman of the Commission, and the Chief of the PNP shall jointly promulgate rules and regulations to implement the provisions of this section.

SEC. 50. *Power to Administer Oaths.* — Officials of the Commission who are appointed by the President, as well as officers of the PNP from rank of inspector to senior superintendent, shall have the power to administer oaths on matters which are connected with the performance of their official duties.

D. PARTICIPATION OF LOCAL EXECUTIVES IN THE ADMINISTRATION OF THE PNP

SEC. 51. *Powers of Local Government Officials Over the PNP Units or Forces.* — Governors and mayors shall be deputized as representatives of the Commission in their respective territorial jurisdictions. As such, the local executives shall discharge the following functions:
a. Provincial Governor –

1. Power to Choose the Provincial Director. The provincial governor shall choose the provincial director from a list of three (3) eligibles recommended by the PNP regional director.
2. Overseeing the Provincial Public Safety Plan Implementation. The governor, as chairman of the provincial peace and order council, shall oversee the implementation of the provincial public safety plan, which is prepared taking into consideration the integrated community safety plans, as provided under paragraph (b)(2) of this section.

b. City and Municipal Mayors —

1. Operational Supervision and Control. The city and municipal mayors shall exercise operational supervision and control over PNP units in their respective jurisdictions except during the thirty (30) day period immediately preceding and the thirty (30) days following any national, local or barangay elections. During the said period, the local police forces shall be under the supervision and control of the Commission on Elections.

   The term "operational supervision and control" shall mean the power to direct, superintend, oversee and inspect the police units or forces.

   It shall include the power to employ and deploy units or elements of the PNP, through the station commander, to ensure public safety and effective maintenance of peace and order within the locality. For this purpose, the term "employ" and "deploy" shall mean as follows:

   "Employ" refers to the utilization of units or elements of the PNP for purposes of protection of lives and properties, enforcement of laws, maintenance of peace and order, prevention of crimes, arrest of criminal offenders and bringing the offenders to justice, and ensuring public safety, particularly in the suppression of disorders, riots, lawless violence, rebellious or seditious conspiracy, insurgency, subversion or other related activities.

   "Deploy" shall mean the orderly and organized physical movement of elements or units of the PNP within the province, city or municipality for purposes of employment as herein defined.

2. Integrated Community Safety Plans. The municipal/city mayor shall, in coordination with the local peace and order council of which he is the chairman pursuant to Executive Order No. 309, as amended, develop and establish an integrated area/community public safety plan embracing priorities of action and program thrusts for implementation by the local PNP stations.

   It shall, likewise, be the duty of the city or municipal mayor to sponsor periodic seminars for members of the PNP assigned or detailed in his city or municipality in order to update them regarding local ordinances and legislations.

3. Administrative Disciplinary Powers. In the areas of discipline, city and municipal mayors shall have the power to impose, after due notice and summary hearings, disciplinary penalties for minor offenses committed by members of the PNP assigned to their respective jurisdictions, as provided in Section 41 of this Act.
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 from a list of five (5) eligibles recommended by the provincial police director, preferably from the same province, city or municipality;
   ii. Authority to recommend 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 appointment shall be attested.

SEC. 52. *Suspension of Operational Supervision and Control.* — The President may, upon consultation with the provincial governor and congressman concerned, suspend the power of operational supervision and control of any local executive over police units assigned or stationed in his jurisdiction for any of the grounds:

a. Frequent unauthorized absences;
b. Abuse of authority;
c. Providing material support to criminal elements; or
d. Engaging in acts inimical to national security or which negate the effectiveness of the peace and order campaign. Upon good cause shown, the President may, motu proprio or upon the recommendation of the National Police Commission, restore such power withdrawn from any local executive.

CHAPTER IV

BUREAU OF FIRE PROTECTION

SEC. 53. *Composition.* — The Bureau of Fire Protection, hereinafter referred to as the Fire Bureau, is hereby created initially consisting of the existing officers and uniformed members of the fire service of the Integrated National Police as constituted under Presidential Decree No. 765.

SEC. 54. *Powers and Functions.* — The Fire Bureau shall be responsible for the prevention and suppression of all destructive fires on buildings, houses and other structures, forests, land transportation vehicles and equipment, ships or vessels docked at piers or wharves or anchored in major seaports, petroleum industry installations, plane crashes and other similar incidents, as well as the enforcement of the Fire Code and other related laws.

The Fire Bureau shall have the power to investigate all causes of fires and, if necessary, file the proper complaints with the city or provincial prosecutor who has jurisdiction over the case.

SEC. 55. *Organization.* — The Fire Bureau shall be headed by a Chief who shall be assisted by a deputy chief. It shall be composed of provincial offices, district offices and city or municipal stations.

At the provincial level, there shall be an office of the provincial fire marshal which shall implement the policies, plans and programs of the Department; and monitor, evaluate and coordinate the operations and activities of the fire service operating units at the city and municipal levels. In the case of large provinces, district offices may be established, to be headed by a district fire marshal. At the city or municipal level, there shall be a fire station, each headed by a city or municipal fire marshal: *Provided*, That, in the case of large cities and municipalities, a district office with subordinate fire stations headed by a district fire marshal may be organized as necessary.

The Fire Chief shall recommend to the Secretary the organizational structure and staffing pattern, as well as the disciplinary machinery for officers and men of the Bureau, in accordance with the guidelines set forth herein and as provided in Section 85 of this Act.

The local government units at the city and municipal levels shall be responsible for the fire protection and various emergency services such as rescue and evacuation of injured people at fire–related incidents and, in general, all fire prevention and suppression measures to secure the safety of life and property of the citizenry.

SEC. 56. *Establishment of Fire Station.* — There shall be established at least one (1) fire station with adequate personnel, firefighting facilities and equipment in every provincial capital, city and municipality subject to the standards, rules and regulations as may be promulgated by the Department. The local government unit shall, however, provide the necessary land or site of the station.

SEC. 57. *Qualification Standards.* — The qualification standards of the members of the Fire Bureau shall be as prescribed by the Department based on the requirement of the service.

SEC. 58. *Rank Classification.* — For purposes of efficient administration, supervision and control, the rank classification of the members of the Fire Bureau shall be as follows:

Director
Chief Superintendent
Senior Superintendent
Superintendent
Chief Inspector
Senior Inspector
Inspector
Senior Fire Officer IV
Senior Fire Officer III
Senior Fire Officer II
Senior Fire Officer I
Fire Officer III
Fire Officer II
Fire Officer I

SEC. 59. *Key Positions.* — The head of the Fire Bureau with the rank of director shall have the position title of Chief of the Fire Bureau. He shall be assisted by a deputy chief with the rank of chief superintendent.

The assistant heads of the Department's regional offices with the rank of senior superintendent shall assume the position title of Assistant Regional Director for Fire Protection as provided in Section 11 of this Act; the heads of the NCR district offices with the rank of senior superintendent shall have the position title of District Fire Marshal; the heads of the provincial offices with the rank of superintendent shall be known as Provincial Fire Marshal; the heads of the district offices with the rank of chief inspector shall have the position title of District Fire Marshal; and the heads of the municipal or city stations with the rank of senior inspector shall be known as Chief of Municipal/City Fire Station.

CHAPTER V

BUREAU OF JAIL MANAGEMENT AND PENOLOGY

SEC. 60. *Composition.* — The Bureau of Jail Management and Penology, hereinafter referred to as the Jail Bureau, is hereby created initially consisting of officers and uniformed members of the Jail Management and Penology Service as constituted under Presidential Decree No. 765.

SEC. 61. *Powers and Functions.* — The Jail Bureau shall exercise supervision and control over all city and municipal jails. The provincial jails shall be supervised and controlled by the provincial government within its jurisdiction, whose expenses shall be subsidized by the National Government for not more than three (3) years after the effectivity of this Act.

SEC. 62. Organization. — The Jail Bureau shall be headed by a Chief who shall be assisted by a deputy chief.

The Jail Bureau shall be composed of city and municipal jails, each headed by a city or municipal jail warden: *Provided*, That, in the case of large cities and municipalities, a district jail with subordinate jails headed by a district jail warden may be established as necessary.

The Chief of the Jail Bureau shall recommend to the Secretary the organizational structure and staffing pattern of the Bureau as well as the disciplinary machinery for officers and men of the Bureau In accordance with the guidelines set forth herein and as prescribed in Section 85 of this Act.

SEC. 63. *Establishment of District, City or Municipal Jail.* —There shall be established and maintained in every district, city and municipality a secured, clean, adequately equipped and sanitary jail for the custody and safekeeping of city and municipal prisoners, any fugitive from justice, or person detained awaiting investigation or trial and/or transfer to the national penitentiary, and/or violent mentally ill person who endangers himself or the safety of others, duly certified as such by the proper medical or health officer, pending the transfer to a mental institution.

The municipal or city jail service shall preferably be headed by a graduate of a four (4) year course in psychology, psychiatry, sociology, nursing, social work or criminology who shall assist in the immediate rehabilitation of individuals or detention of prisoners. Great care must be exercised so that the human rights of these prisoners are respected and protected, and their spiritual and physical well—being are properly and promptly attended to.

SEC. 64. *Rank Classification.* — For purposes of efficient administration, supervision and control, the rank classification of the members of the Jail Bureau shall be as follows: Director

Chief Superintendent
Senior Superintendent
Superintendent
Chief Inspector
Senior Inspector
Inspector
Senior Jail Officer IV
Senior Jail Officer III
Senior Jail Officer II
Senior Jail Officer I
Jail Officer III
Jail Officer II
Jail Officer I

SEC. 65. *Key Positions.* — The head of the Jail Bureau with the rank of director shall have the position title of Chief of Jail Bureau. He shall be assisted by a deputy chief with the rank of chief superintendent.

The assistant heads of the Department's regional offices with the rank of senior superintendent shall assume the position title of Assistant Regional Director of Jail Management and Penology as provided by Section 12 of this Act; the heads of district offices with the rank of chief inspector shall have the position title of District Jail Warden; and the heads of the city or municipal stations with the rank of senior inspector shall be known as City/Municipal Jail Warden.

CHAPTER VI

THE PHILIPPINE PUBLIC SAFETY COLLEGE

SEC. 66. *Creation of the Philippine Public Safety College.* —There is hereby created the Philippine Public Safety College (PPSC), which shall be the premier educational institution for the training, human resource development and continuing education of all personnel of the PNP, Fire and Jail Bureaus. Said College shall be under the direct supervision of a Board of Trustees composed of the Secretary and the three (3) bureau heads.

SEC. 67. *Composition, Powers and Functions.* — The College shall consist of the present Philippine National Police Academy (PNPA) established pursuant to Section 13 of Presidential Decree No. 1184, the Fire Service Training Center, the Philippine National Training Center (PNTC), the National Police College, and other special training centers as may be created by the Department, whose functions shall be as follows:

a. Formulate and implement training programs for the personnel of the Department;
b. Establish and maintain adequate physical training facilities;
c. Develop and implement research and development to support educational training programs;
d. Conduct an assessment of the training needs of all its clientele; and
e. Perform such other related functions as may be prescribed by the Secretary.

SEC. 68. *Organization.* — The structure and staffing pattern of the College shall be prescribed by the Secretary.

CHAPTER VII

COMMON PROVISIONS FOR UNIFORMED PERSONNEL

SEC. 69. *Incentives and Awards.* — There shall be established an incentives and awards system which shall be administered by a board under such rules, regulations and standards as may be promulgated by the Department: *Provided*, That equivalent awards shall be given by the Department for every award duly given by respectable civic organizations in a nationwide selection for outstanding achievement and/or performance of any member.

SEC. 70. *Health and Welfare.* — It shall be the concern of the Department to provide leadership and assistance in developing health and welfare programs for its personnel. The heads of all bureaus and other offices created under this Act shall take all proper steps towards the creation of an atmosphere conducive to a good supervisor–subordinate relationship and the improvement of personnel morale.

SEC. 71. *Longevity Pay and Allowances.* — Uniformed personnel of the Department shall be entitled to a longevity pay of ten percent (10%) of their basic monthly salaries for every five (5) years of service, which shall be reckoned from the date of the personnel's original appointment in the AFP, or appointment in the police, fire, jail or other allied services prior to the integration of the PC and the INP: *Provided*, That the totality of such longevity pay shall not exceed fifty percent (50%) of the basic pay. They shall also continue to enjoy the subsistence allowance, quarters allowance, clothing allowance, cost of living allowance, hazard pay, and all other allowances as provided by existing laws.

SEC. 72. *Active Service.* — For purposes of this Act, active service of the uniformed personnel shall refer to services rendered as an officer and non–officer, cadet, trainee or draftee in the PNP, Fire or Jail Force or in the municipal police prior to the integration of the PC–INP or in the AFP, and services rendered as a civilian official or employee in the Philippine Government prior to the date of separation or retirement from the PNP, Fire or Jail Force: *Provided,* That, for purposes of retirement, he shan have rendered at least ten (10) years of active service as officer or non–officer in the AFP, and/or in the INP and/or in the PNP, Fire or Jail Force: *Provided, further,* That services rendered as cadet, probationary officer, trainee or draftee in the AFP or as cadet or trainee in the INP and PNP shall be credited for purposes of longevity pay: *Provided, finally,* That, for cadet services, the maximum number of service to be credited shall not exceed the duration of the pre–commissionship course specified in the curriculum.

SEC. 73. *Permanent Physical Disability.* — An officer or non–officer who, having accumulated at least twenty (20) years of active service, incurs total permanent physical disability in line of duty shall be compulsorily retired: *Provided*, That, if he has accumulated less than twenty (20) years of active service, he shall be separated from the service and be entitled to a separation pay equivalent to one and one–fourth (I 1/4) months base pay for every year of service, or a fraction thereof, and longevity pay of the permanent grade he holds.

SEC. 74. *Retirement in the Next Higher Grade.* — Uniformed personnel covered under this Act shall, for purposes of retirement pay, be retired in one (1) grade higher than the permanent grade last held: *Provided*, That they have served for at least one (1) year of active service in the permanent grade.

SEC. 75. *Retirement Benefits.* — Monthly retirement pay shall be fifty percent (50%) of the base pay and longevity pay of the retired grade in case of twenty (20) years of active service, increasing by two and one–half percent (2.5%) for every year of active service rendered beyond twenty (20) years to a maximum of ninety percent (90%) for thirty–six (36) years of active service and over.

SEC. 76. *Death and Disability Benefits.* — A uniformed personnel and/or his heirs shall be entitled to all benefits relative to the death or permanent incapacity of said personnel, as provided for under this Act, and/or other existing laws.

SEC. 77. *Exemption from Attachment and Taxes.* — All benefits granted by this Act, including benefits received from the Government Service Insurance System, shall not be subject to attachment, levy, execution or any tax of whatever nature.

SEC. 78. *Uniformed Personnel Missing in Action.* — Any uniformed personnel who, while in the performance of duty or by reason of his being an officer or member of the PNP, Fire or Jail Force, is officially confirmed missing in action, kidnaped or captured by lawless elements shall, while so absent, be entitied to receive or to have credited to his account the same pay and allowances to which such officer or uniformed member was entitled at the time of the incident: *Provided,* That the compulsory retirement of a person missing in action shall be processed to allow the members of the next of kin to enjoy the retirement benefits: *Provided, further,* That should the Chief of the PNP, Fire or Jail Force, as the case may be, upon the recommendation of the proper authority and/or immediate supervisor, subsequently determine that the officer or uniformed member concerned have been absent from duty without authority, such member or his heirs shall reimburse the PNP, Fire or Jail Force all such amount and allowances received by him in accordance with this section and the following section.

SEC. 79. *Payment of Salary and Allowances to the Heirs of Uniformed Personnel.* — In case any uniformed personnel has been officially confirmed as missing in action under any of the circumstances provided in the preceding section, the Chief of the PNP, Fire or Jail Force, as the case may be, shall direct payment of the absent uniformed personnel's monthly salary and allowances and other emoluments pertinent thereto to his/her heirs for their support for a maximum period of one (1) year from the date of commencement of absence or when last heard from as those kidnaped or captured by lawless elements.

SEC. 80. *Finding of Death and Termination of Payment of Salary and Allowances.* — Upon the termination of the one (1) year period as specified in the preceding section, the missing uniformed personnel shall be automatically terminated. In the event said personnel shall thereafter be found to have been alive and is not entitled to the benefits paid under the preceding sections of this Act, said benefits shall be reimbursed to the State within six (6) months from the discovery of the fact or his reappearance. However, if his continued disappearance was fraudulent or made in bad faith he shall, together with his co–conspirators, be prosecuted according to law.

SEC. 81. *Complaints and Grievances.* — Uniformed personnel shall have the right to present complaints and grievances to their superiors or commanders and have them heard and adjudicated as expeditiously as possible in the best interest of the service, with due regard to due process in every case. Such complaints or grievances shall be resolved at the lowest possible level in the unit of command and the respondent shall have the right to appeal from an adverse decision to higher authorities.

SEC. 82. *Prohibitions; Penallies.* — As professional police, fire and jail officers and members responsible for the maintenance of peace and order and public safety, the members and officers of the PNP, Fire or Jail Force are hereby prohibited from engaging in strikes, rallies, demonstrations and other similar concerted activities, or performing other acts prejudicial to good order and police discipline.

Any PNP, Fire or Jail Force member found guilty by final judgment of violating the provisions of the preceding paragraph shall be dismissed from the service without prejudice to whatever criminal or civil liability he may have incurred in relation to such violations.

CHAPTER VIII

TRANSITORY PROVISIONS

SEC. 83. *Secretary of tHe Department of Local Government on Holdover Capacity.* — The incumbent Secretary of the Department of Local Government shall perform the functions of the Secretary of the Interior and Local Government on holdover capacity until such time when a new Secretary shall have been appointed by the President and confirmed by the Commission on Appointments.

SEC. 84. *Special Oversight Committee.* — A Special Oversight Committee is hereby created, composed of the Secretary as Chairman, the Secretary of Budget and Management as Cochairman, the Secretary of National Defense, the incumbent PC–INP Director General, the incumbent Chairman of the Civil Service Commission, the respective Chairmen of the Committee on Local Government and the Committee on National Defense and Security in the Senate, and the respective Chairmen of the Committee on Public Order and Security and the Committee on National Defense in the House of Representatives, as members, which shall plan and oversee the expeditious implementation of the transfer, merger and/or absorption into the Department of the personnel, property, appropriations and installations of involved agencies.

SEC. 85. *Phases of Implementation.* — The implementation of this Act shall be undertaken in three (3) phases, to wit:

Phase I – Exercise of option by the uniformed members of the Philippine Constabulary, the PC elements assigned with the Narcotics Command, CIS, and the personnel of the technical services of the AFP assigned with the PC to include the regular CIS investigating agents and the operatives and agents of the NAPOLCOM Inspection, Investigation and Intelligence Branch, and the personnel of the absorbed National Action Committee on Anti-Hijacking (NACAH) of the Department of National Defense, to be completed within six (6) months from the date of the effectivity of this Act. At the end of this phase, all personnel from the INP, PC, AFP Technical Services, NACAH and NAPOLCOM Inspection, Investigation and Intelligence Branch shall have been covered by official orders assigning them to the PNP, Fire and Jail Forces by their respective units.

Phase II – Approval of the table of organization and equipment of all bureaus and offices created under this Act, preparation and filling up of their staffing pattern, transfer of assets to the Department and organization of the Commission, to be completed within twelve (12) months from the effectivity date hereof. At the end of this phase, all personnel to be absorbed by the Department shall have been issued appointment papers, and the organized Commission and the PNP shall be fully operational. The PC officers and enlisted personnel who have not opted to join the PNP shall be reassigned to the Army, Navy or Air Force, or shall be allowed to retire under existing AFP rules and regulations. Any PC-INP officer or enlisted personnel may, within the twelve-month period from the effectivity of this Act, retire and be paid retirement benefits corresponding to a position two (2) ranks higher than his present grade, subject to the conditions that at the time he applies for retirement, he has rendered at least twenty (20) years of service and still has, at most, twenty-four (24) months of service remaining before the compulsory retirement age as provided by existing law for his office.

Phase III - Adjustment of ranks and establishment of one (1) lineal roster of officers and another for non-officers, and the rationalization of compensation and retirement systems, taking into consideration the existing compensation schemes and retirement and separation benefit systems of the different components of the PNP, to ensure that no member of the PNP shall suffer any diminution in basic longevity and incentive pays, allowances and retirement benefits due them before the creation of the PNP, to be completed within eighteen (18) months from the effectivity of this Act. To accomplish the tasks of Phase III, the Commission shall create a Board of Officers composed of the following: NAPOLCOM Commissioner as Chairman and one (1) representative each from the PC, INP, Civil Service Commission, and the Department of Budget and Management. Upon the effectivity of this Act, the Secretary shall exercise administrative supervision as well as operational control over the transferred, merged and/or absorbed AFP and INP units. The incumbent Director General of the PC-INP shall continue to act as Director General of the PNP until such time as he shall have been replaced by the President.

SEC. 86. *Assumption by the PNP of Police Functions.* — The PNP shall absorb the functions of the PC, the INP and the Narcotics Command upon the effectivity of this Act.

All functions of the PAFSECOM and the police functions of the Coast Guard shall be taken over by the PNP when it acquires the capability to perform such functions after the transition period of eighteen (18) months. The personnel of the PAFSECOM or the Coast Guard shall, within the transition period, have the option to join the PNP or remain with the PAFSECOM or the Coast Guard, as the case may be.

SEC. 87. *Absorption by the Department of the National Action Committee on Ant-Hijacking.* — The Department shall absorb the National Action Committee on Anti-Hijacking under the Department of National Defense, and the transfer of assets, personnel and accountabilities of this office to the Department shall proceed in accordance with the provisions of this chapter.

SEC. 88. *Transfer, Merger, and Absorption of Offices and Personnel.* — All properties, equipment, and finances of the transferred and absorbed agencies, including their respective financial accountabilities, are hereby transferred to the Department.

The transfer, merger and/or absorption of any government office/unit concerned shall include the functions, appropriations, funds, records, equipment, facilities, choses in action, rights, other assets, and liabilities, if any, of the transferred office/unit as well as the personnel thereof, who shall, unless removed for cause and after due process, in a holdover capacity, continue to perform their respective duties and responsibilities and receive their corresponding salaries and benefits. Those personnel of the transferred, merged, and/or absorbed office/unit whose positions are not included in the new position structure and staffing pattern approved by the Department or who are not reappointed shall be given preference to join the Department or any of the offices thereunder or shall be allowed to retire under existing laws, rules and regulations. Otherwise, they shall be deemed separated and paid gratuity equivalent to one and one-fourth (1 1/4) months basic salary for every year of service or a fraction thereof.

The personnel of the existing Department of Local Government shall, unless removed for cause and after due process, continue to perform their duties and responsibilities and shall receive their corresponding salaries and benefits.

The heads of the various bureaus and offices created under this Act shall, within six (6) months from the effectivity of this Act, recommend the organizational structure and staffing pattern of their bureaus and offices for approval by the Secretary.

SEC. 89. *Compulsory Retirement for INP Members.* — Any provision hereof to the contrary notwithstanding and within the transition period of four (4) years following the effectivity of this Act, the following members of the INP shall be considered compulsorily retired:

a. Those who shall attain the age of sixty (60) on the first year of the effectivity of this Act;
b. Those who shall attain the age of fifty-nine (59) on the second year of the effectivity of this Act;
c. Those who shall attain the age of fifty-eight (58) on the third year of the effectivity of this Act; and
d. Those who shall attain the age of fifty-seven (57) on the fourth year of the effectivity of this Act.

SEC. 90. *Status of Present NAPOLCOM, PC*-INP. — Upon the effectivity of this Act, the present National Police Commission, and the Philippine Constabulary-Integrated National Police shall cease to exist. The Philippine Constabulary, which is the nucleus of the integrated Philippine Constabulary-Integrated National Police, shall cease to be a major service of the Armed Forces of the Philippines. The Integrated National Police, which is the civilian component of the Philippine Constabulary-Integrated National Police, shall cease to be the national police force and in lieu thereof, a new police force shall be established and constituted pursuant to this Act.

CHAPTER IX

FINAL PROVISIONS

SEC. 91. *Application of Civil Service Laws.* — The Civil Service Law and its implementing rules and regulations shall apply to all personnel of the Department.

SEC. 92. *Funding.* — For purposes of organizing and constituting the Department, and for carrying out the provisions of this Act, the appropriations of the abolished, transferred or reconstituted offices for the current fiscal year shall be transferred to the Department. Thereafter, such amou*nts as may be necessary to carry out the provisions of this Act shall be included in the annual General Appropriations Act.

SEC. 93. *Implementing Rules and Regulations.* — Within ninety (90) days from his appointment, the Secretary shall promulgate rules and regulations necessary to ensure the effective implementation of this Act.

SEC. 94. *Separability Clause.* — If any portion or provision of this Act is declared unconstitutional, the same shall not affect the validity and effectivity of the other provisions not affected thereby.

SEC. 95. *Repealing Clause.* — All laws, decrees, executive orders, rules and regulations, and other issuances or parts thereof which are inconsistent with this Act are hereby repealed, amended or modified accordingly.

The provisions of Executive Order No. 262 shall remain valid insofar as they are not inconsistent with the provisions of this Act.

SEC. 96. *Effectivity.* — This Act shall take effect after fifteen (15) days following its publication in two (2) national newspapers of general circulation.

Approved,

(Sgd.) JOVITO R. SALONGA
President of the Senate

(Sgd.) RAMON V. MITRA
Speaker of the House of Representatives

This Act which is a consolidation of House Bill No. 23614 and Senate Bill No. 463 was finally passed by the House of Representatives and the Senate on November 19, 1990 and November 21, 1990, respectively.

(Sgd.) EDWIN P. ACOBA
Secretary of the Senate

(Sgd.) QUIRINO D. ABAD SANTOS, JR.
Secretary of the House of Representatives

Approved: December 13, 1990

(Sgd.) CORAZON C. AQUINO
President of the Philippines

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