

[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 element 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.

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