

SIXTH CONGRESS OF THE REPUBLIC
OF THE PHILIPPINES
Third Special Session

H. No. 6951

[REPUBLIC ACT No. 4864]

AN ACT CREATING THE POLICE COMMISSION,
AMENDING AND REVISING THE LAWS RELATIVE TO THE LOCAL POLICE SYSTEM, AND FOR OTHER PURPOSES.

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

SECTION 1. *Title of Act.*—This Act shall be known and may be cited as the “Police Act of 1966”.

SEC. 2. *Purposes.*—It is hereby declared to be the policy and purpose of this Act to achieve and attain a higher degree of efficiency in the organization, administration, and operation of local police agencies with the end in view that peace and order may be maintained more effectively and the laws enforced with more impartiality. It is also the object of this Act to place the local police service on a professional level.

SEC. 3. *Creation of Police Commission.*—To carry out the objectives of this Act, there is hereby created a Police Commission under the Office of the President of the Philippines composed of a chairman and two other members, to be appointed by the President with the consent of the Commission on Appointments, and who shall hold office for a term of seven years and may not be reappointed. Of the members of the Police Commission first appointed, one shall hold office for seven years, another for five years and the other for three years. The Chairman and members of the Police Commission may only be removed from office for cause.

No person shall be appointed chairman or member of the Commission unless he is a member of the Philippine Bar and has experience in police work for at least ten years, or a holder of a bachelor's degree in police administration or criminology and has experience in police work for at least ten years.

The Director of the National Bureau of Investigation and the Chief of the Philippine Constabulary shall be ex-officio members of the Police Commission. The ex-officio members shall participate in the deliberations of the Commission but shall not have the right to vote. They shall receive no compensation but shall be entitled to reimbursement of actual expenses incurred in the performance of their duties, which shall not exceed two hundred pesos a month.

The Commission, which shall sit en banc, shall decide by majority vote. Disqualification to decide cases brought to it shall be governed by Rule 137 of the Rules of Court.

Until Congress shall provide otherwise, the Chairman shall receive an annual salary of twenty thousand pesos and the other members shall receive an annual salary of eighteen thousand pesos each.

The Chairman shall be the executive officer of the Commission. In case of absence due to temporary incapacity or disqualification of the Chairman, the member who was appointed earlier shall act as Chairman in an acting capacity. In case of death or permanent incapacity or disqualification of the chairman, the said member shall also act as chairman until a new chairman shall have been appointed.

The Chairman and members of the Police Commission shall not, during their continuance in office, engage in the practice of any profession, or intervene directly or indirectly, in the management or control of any private enterprise which in anyway may be affected by the functions of their office. They shall not be, directly or indirectly, financially interested in any contract with the government or any subdivision or instrumentality thereof, including government-owned or controlled corporations.

SEC. 4. *Powers and Duties of the Commission.*—The Commission shall have the following powers and duties:

(a) To advise the President on all matters involving local police administration;

(b) To examine and audit, on a continuing basis, the performance, activities, and facilities of all local police agencies throughout the country;

(c) To prepare a police manual prescribing rules and regulations for the efficient organization, administration, and operation of the local police, including their recruitment, selection and promotion;

(d) To conduct surveys and compile statistical data for the proper evaluation of the state of efficiency of all local police agencies;

(e) To study, prepare and recommend to Congress the passage of appropriate legislations defining questions of jurisdiction between the National Bureau of Investigation, the Philippine Constabulary, and local police agencies;

(f) To recommend to the President, after due investigation conducted by the Police Commission *en banc*, the placing of any local police agency under Philippine Constabulary control. When the President of the Philippines has placed a local police agency under Philippine Constabulary control, the Police Commission shall thereupon undertake the necessary investigation and make the necessary recommendations;

(g) To approve the appointments of confidential agents, security agents, special agents and informers by the governors or mayors which positions are not permanent in the plantilla as provided for in the annual budget;

(h) To submit to Congress a study on the feasibility of organizing a national police agency which shall be non-military and civilian in character;

(i) To organize and develop police training programs and to operate police academies;

(j) To establish a system of Uniform Crime Reports;

(k) To recommend within sixty days before the commencement of each fiscal year, a crime prevention program;

(l) To recommend in consultation with the Secretary of Finance, the release of funds as are herein or may hereafter be appropriated to carry out the provisions of this Act;

(m) To render an annual report to the President and to Congress of its activities and accomplishments during the calendar year, said report to be submitted within 30 days after the end of the calendar year with an appraisal of the conditions obtaining in the organization and administration of local police agencies, and of the conditions of peace and order prevailing in the cities, provinces and municipalities throughout the country with recommendation of appropriate remedial legislation; and

(n) To prescribe minimum standard arms equipment, police uniform, insignia of ranks, awards, and medals of honor for all local police agencies after due consultation with the Philippine Heraldry Commission.

SEC. 5. *Staff of the Commission.*—The Commission shall organize its staff and with the approval of the President, may call upon qualified law-enforcement experts in the government service to help in carrying out its functions and responsibilities.

SEC. 6. *Constitution of a City or Municipal Police Force.*—In each city or municipality, there shall be a chief of police and such number of policemen as the municipal board or council shall determine in accordance with Section nineteen hereof. The council shall fix the compensation of the officers and members of the local police agency in accordance with Section twenty hereof.

Each municipality or city concerned shall, at its own expense, provide all necessary police equipment, including arms, uniforms, and insignia in conformity with the specifications of the Commission.

The Chief of Police shall be the proper custodian of all police equipment and arms not issued to individual policemen for use and shall be responsible therefor. Individual policemen shall be responsible for equipment, arms, uniforms, and insignia issued to them for use.

SEC. 7. *Duties of Peace Officers.*—All members of the police agency shall be peace officers. It shall be their duty to preserve peace and order; prevent the commission of crimes; protect life, liberty and property; and arrest all violators of laws and ordinances within their jurisdiction. They shall exercise the general powers to make arrest, searches and seizures in accordance with law. They shall detain an arrested person only within the period prescribed by law.

SEC. 8. *Power to Appoint.*—Upon approval of this Act, appointment to a local police agency shall be made by the mayor from the list of eligibles certified by the Civil Service Commission: *Provided*, That in those cities where the city council participates in the appointment of members of the Police Force, the said power shall be maintained in accordance with their respective charters: *Provided, further*, That all such appointments shall be on probationary basis for a period of six months with an evaluation and recommendation report for retention or dismissal by the chief of police prior to the expiration thereof: *Provided, furthermore*, That the power to appoint the Chief of Police, Assistant Chief of Police or Chief of the Secret Service of the Police Department in accordance with the provisions of existing city charters shall continue to be vested in the President until December 31, 1967.

In the event of disagreements between the mayor and the municipal board or city council in those chartered cities where the municipal board or city council participates in the appointment of members of the police force, and between the municipal mayor and municipal council in case of municipalities regarding the appointment of Chief of Police, and such disagreements shall continue for a period of ninety days, the same shall be referred to the Police Commission whose decision shall be final.

The provisions of this section shall be without prejudice to the tenure of the incumbent chiefs of police, assistant or deputy chiefs of police and chiefs of the secret service and those holding office on January 1, 1968 in accordance

with existing laws and/or civil service rules and regulations all of whom can only be removed for cause: *Provided, finally*, That the municipal mayor, city mayor and provincial governor shall in no case appoint special policemen or special agents or confidential agents within sixty days before and after every election.

SEC. 9. *General Qualifications for Appointment.*—No person shall be appointed to a local police agency unless he possesses the following qualifications:

- (1) He must be a citizen of the Philippines;
- (2) He must be a person of good habits and moral conduct;
- (3) He must be of sound mind and body;
- (4) For appointment in the municipalities he must have at least completed high school, and for provinces and cities, at least completed two years college;
- (5) He must have no criminal record;
- (6) He must not have been dishonorably discharged from military employment or dismissed for cause from any civilian position in the government;
- (7) He must not be less than twenty-three nor more than thirty-three years of age;
- (8) He must be at least five feet, five inches in height in the case of provinces and chartered cities and five feet four inches in the case of municipalities; and,
- (9) He must not weigh less than one hundred twenty pounds.

Persons who at the time of the approval of this Act have rendered at least five years of satisfactory service in a provincial, city or municipal police agency although they have not qualified in an appropriate civil service examination are considered as civil service eligibles for the purpose of this Act.

SEC. 10. *Minimum qualification for appointment as Chief of Police Agency.*—No person may be appointed chief of a city police agency unless he holds a bachelor's degree from a recognized institution of learning and has served either in the Armed Forces of the Philippines or the Na-

tional Bureau of Investigation, or has served as chief of police with exemplary record, or has served in the police department of any city with the rank of captain or its equivalent therein for at least three years; or any high school graduate who has served as officer in the armed forces for at least eight years with the rank of captain and/or higher.

No person may be appointed chief of a municipal police agency unless he holds a bachelor's degree from a recognized institution of learning or any high school graduate who has served the police agency of a city or a municipality or has served as officer in the Armed Forces for at least five years from the rank of lieutenant or detective lieutenant and/or higher.

Where no civil service eligible is available, provisional appointment may be made in accordance with Civil Service Law and rules: *Provided*, That the appointee possesses the above educational qualification: *Provided, further*, That in no case shall such appointment extend beyond six months, except for a valid cause, and with the approval of the Civil Service Commission.

SEC. 11. *Qualifications for Permanent Appointment; Preference; Temporary Appointment.*—Except as herein provided, no person shall be permanently appointed to any position in the local police force or agency unless he has qualified in an appropriate or police service examination. In the absence of civil service eligibles preference for appointment shall be given to candidates who have completed police training courses abroad sponsored by the NEC-AID or any other sponsoring agency, or the police training courses of the Philippine Constabulary School or the National Bureau of Investigation Academy, or any public or private police training school accredited by the government, or have completed military trainee instructions, or are officers or enlisted men who have been honorably discharged from the Armed Forces of the Philippines.

Where no civil service eligible is available, provisional appointment may be made in accordance with Civil Service

Laws and rules: *Provided*, That in case of a patrolman-appointee, he shall possess at least the general qualifications provided for in Section nine of this Act.

SEC. 12. *Promotional Rules*.—Promotions shall be made by the local chief executive concerned upon consultation or advice of the chief of the local police agency from among those who shall have passed the corresponding promotional examination given by the Civil Service Commission.

SEC. 13. *Civil Service Examination*.—All examinations in relation to police service shall be conducted by the Civil Service Commission. The Civil Service Commissioner shall announce from time to time, the date and place of examination, which shall not be less than once in two years, to qualify for all ranks and grades in the police service, which examinations shall be held in accordance with the rules and regulations promulgated in the Police Manual: *Provided, however*, That the bar examinations are declared as civil service examination for purposes of original and promotional appointment. The Civil Service Commission shall likewise prescribe, announce and hold examinations to qualify for technical positions in police laboratories such as questioned documents experts, ballistics experts, and other fields of scientific criminology.

SEC. 14. *Removal and suspension of members of the Police Force or Agency*.—Members of the local police agency shall not be suspended or removed except upon written complaint filed under oath with the Board of Investigators herein provided for misconduct or incompetency, dishonesty, disloyalty to the Government, serious irregularities in the performance of their duties, and violation of law.

SEC. 15. *Board of Investigators*.—In every local police agency there shall be a Board of Investigators. Charges against any member of the city and/or municipal police agency shall be investigated by a Board of Investigators of three members, composed of the city or municipal treasurer, as chairman, a representative of the Provincial Commander, and a councilor, elected by a majority of the city or municipal council concerned, as members.

Copy of the charges shall be furnished the respondent by the chairman of the Board of Investigators within five days from the date of filing of said charges, and the respondent shall answer within five days from receipt thereof. The Board of Investigators shall conduct its investigation in public within five days from receipt of respondent's answer to the charges or from the expiration of respondent's period to answer, whichever is earlier and unless for good cause shown, the investigation shall be finished within thirty days thereafter, and the Board shall submit the records of the investigation, its findings and recommendations to the Police Commission within thirty days after the termination of the investigation. The decision of the Police Commission shall be final and must be rendered within seventy-five days from the time of receipt of the findings of the Board. Disciplinary jurisdiction of offenses involving suspension of not more than ten days or forfeiture of not more than fifteen days' pay is vested in the chief of the police agency concerned whose decision shall be final.

The Board of Investigators shall also conduct investigations and decide claims relative to benefits as provided under this Act, subject to appeal to the Police Commission whose decision shall be final.

SEC. 16. *Suspension of Members of the Police Force or Agency.*—When an administrative charge is filed under oath against any member of the local police agency, the city mayor or municipal mayor, as the case may be, may suspend the respondent: *Provided*, That the charge involves disloyalty to the government, dishonesty, oppression, grave misconduct, serious irregularities, or serious neglect of duty, if there are strong reasons to believe that the respondent is probably guilty thereof which would warrant his suspension or removal from the service. The preventive suspension shall not be more than sixty days, after which the respondent shall be reinstated to the service without prejudice to the continuation of the case until its final disposition: *Provided, however*, That if the delay in the disposition of the case is due to the fault, negligence, or pe-

tition of the respondent, the period of the delay shall not be counted in computing the period of suspension herein provided. The respondent shall be entitled to his salary for the period of suspension upon exoneration.

When a member of the police force or agency is accused in court of any felony or violation of law by the city or municipal attorney or by the chief of the municipal police or the provincial or assistant provincial fiscal or city or assistant city fiscal, as the case may be, the city mayor or municipal mayor concerned, shall immediately suspend the accused from office pending the final decision by the court, and in case of acquittal, the accused shall be entitled to immediate reinstatement and the payment of the entire salary he failed to receive during his suspension: *Provided, however,* That trial and disposition of criminal cases against members of the police forces shall be accorded priority by the courts.

SEC. 17. *Filling of Vacancy.*—In case of vacancy caused by death, retirement, resignation, suspension or removal in a local police agency, the mayor shall fill such vacancy as provided for in this Act. In case of suspension and when required by the exigencies of the service, the appointment will only be for the duration of the suspension. Whenever a temporary vacancy occurs in the office of the Chief of Police, the Deputy Chief of Police shall automatically assume the office.

SEC. 18. *City or municipal police ranks and positions.*—For purposes of efficient administration, uniformity, and discipline, the ranks and positions in the city or municipal police force shall remain as they have heretofore been in use in the police service: *Provided,* That all incumbents extended permanent appointments in the police force under any provision of law prior to the effectivity of this Act, shall continue in office and shall enjoy the full protection for all intents and purposes, of this Act.

SEC. 19. *Police Strength.*—The minimum number of policemen in a city or municipality shall be proportionate to its population, according to the latest official census, at the

rate of at least one policeman for every one thousand inhabitants: *Provided*, That the minimum number of policemen in a municipality shall in no case be less than that prescribed hereunder:

For first-class municipalities, at least fifty members; for second-class municipalities, at least forty members; for third-class municipalities, at least twenty members; for fourth-class municipalities, at least fifteen members; for fifth-class municipalities, at least ten members; for sixth and seventh-class municipalities, at least eight members: *Provided*, That in municipal districts of lower category, there must at least be one patrolman.

SEC. 20. *Salaries*.—Minimum salaries of the members of the city or municipal police force shall be as prescribed hereunder:

(a) *Minimum Salaries of Municipal Police*.—The salaries of the members of the municipal police shall be fixed by their respective municipal councils subject to the following limitations:

In first-class municipalities, the minimum salaries of patrolmen shall be two thousand four hundred pesos *per annum*: in second-class municipalities, two thousand two hundred eighty pesos *per annum* in third-class municipalities to the seventh-class, two thousand one hundred sixty pesos *per annum*: *Provided*, That for purposes of this Act, first-class municipal districts shall be considered as seventh, class municipalities.

(b) *Minimum salaries for City Police*.—The salaries of the members of the city police shall be fixed by their respective city councils subject to the following limitations: In first-class cities, the minimum salaries of patrolmen shall not be less than three thousand pesos *per annum*; in second-class cities, not less than two thousand six hundred forty pesos *per annum*; in third-class cities, not less than two thousand four hundred pesos *per annum*; and in fourth and fifth-class cities, not less than two thousand one hundred sixty pesos *per annum*.

(c) The annual salary of the chief of police in chartered cities as classified under Republic Act Numbered Three thousand seven hundred nineteen shall not be less than the following:

First-class cities, the annual salary of twelve thousand pesos; second-class cities, the annual salary of nine thousand six hundred pesos; third-class cities, the annual salary of eight thousand four hundred pesos; fourth-class cities, the annual salary of seven thousand eight hundred pesos; and fifth-class cities, the annual salary of seven thousand two hundred pesos.

(d) The annual salary of the chief of police in municipalities as classified under Republic Act Numbered Two thousand three hundred sixty-eight shall not be less than the following:

First-class (first-one), the annual salary of six thousand pesos; first-class (first-two), the annual salary of five thousand four hundred pesos; first-class (first-three), the annual salary of five thousand one hundred pesos; first-class (first-four) the annual salary of four thousand eight hundred pesos; first-class (first-five) the annual salary of four thousand five hundred pesos; second-class, the annual salary of four thousand two hundred pesos; third-class, the annual salary of three thousand six hundred pesos; fourth-class, the annual salary of three thousand pesos; fifth, sixth and seventh-classes, the annual salary of two thousand four hundred pesos.

(e) In both city and municipal police, the difference in monthly salary from one rank to the next higher rank shall not be less than twenty pesos.

(f) No member of the city or municipal police shall suffer any decrease in salary by operation of this Act.

(g) Salary subsidies shall be given to cities and municipalities by the National Government in the amount of one-half of the total minimum annual salaries for the police force as prescribed herein: *Provided, however,* That salaries of additional policemen in excess of the prescribed minimum number shall be borne exclusively by the city or municipality concerned.

SEC. 21. *Death and Disability Benefits.*—Notwithstanding any provision of existing laws, rules and regulations to the contrary, when a member of a local police force or agency is injured while in the performance of duty or contracts sickness or disease arising out of the performance of duty, absence during any period of such disability thereby occasioned, shall be on full pay, and he shall be entitled to payment of medicines, medical attendance, hospital fees, necessary transportation and subsistence. Absence in the cases enumerated above shall not be charged against vacation or sick leaves. He shall, in addition, be entitled to a lump sum gratuity of from one hundred to two thousand pesos, depending upon the merits of the case.

In addition to premiums due the Government Service Insurance System for members of the local policy agency, the proper governmental entity shall pay the premiums due for whatever group insurance policy which may be in force.

If a member is killed or dies from injuries suffered or sickness contracted in line of duty, the surviving spouse or if there be none, dependents, or the surviving parents or brothers and sisters, shall be entitled, in addition to the foregoing benefits, to one year's salary which shall in no case be less than four thousand pesos, and burial expenses equivalent to three month's salary, which shall in no case be less than five hundred pesos.

If such member is permanently disabled as a result of injuries suffered or sickness contracted in line of duty, the city or municipal mayor shall cause the compulsory retirement of such member upon certification by the city or municipal health officer that the extent of the disability or sickness renders such member unfit or unable to further perform the duties of peace officer, in which case he shall be entitled to a gratuity equivalent to one year's salary which shall in no case be less than four thousand pesos in addition to the foregoing benefits, and

to a lifetime pension equivalent to eighty per cent of his last salary.

In the event the disabled party believes that he is not totally disabled, he can appeal to the Police Commission whose decision shall be final.

All disbursements herein contemplated shall be authorized by the Commission upon recommendation of the Board of Investigators.

All compensation herein granted shall not be subject to attachment, levy, execution or any tax whatsoever, nor affect benefits received or to be received from the Government Service Insurance System. Claims under this Act shall not prescribe.

SEC. 22. *Appropriation.*—For purposes of underwriting as aid to cities and municipalities, the compensation of the police forces or agencies and the benefits as provided for in the preceding sections, the extension of scholarship training or study grants to deserving police officers, and for the operation of the Police Commission, the sum of twenty million pesos or so much thereof as may be necessary is hereby appropriated out of any funds in the National Treasury not otherwise appropriated: *Provided*, That not more than two per cent of the appropriation herein provided shall be used for the salaries of the members of the staff provided for in Section five of this Act for administrative purposes. Thereafter, such amount as is necessary to carry out the provisions of this Act shall be included in the annual General Appropriations Act.

SEC. 23. *Prohibition.*—Within two months immediately preceding any election for public office and within one month thereafter, unless authorized by the Commission on Elections, it shall be unlawful for any member of the city or municipal police force to act as bodyguard or security guard of any public official or of any person who is a candidate for any elective public office or position.

SEC. 24. *Penal Clause.*—Any person who, in violation of the provisions of this Act and/or Civil Service rules and regulations, unduly interferes in the performance of

the legitimate functions of law enforcement or that of the Board of Investigators, shall be punished with imprisonment for not less than three months nor more than one year, and a fine not exceeding one thousand pesos.

SEC. 25. *Repealing Clause.*—The provisions of Republic Act Numbered Five hundred fifty-seven and of executive orders, rules and regulations, inconsistent with this Act are hereby repealed or modified accordingly.

SEC. 26. *Saving Clause.*—All pending administrative cases involving police service and personnel shall be absorbed by the Police Commission one hundred days after the publication of the Police Manual containing rules and regulations relative to such matters.

SEC. 27. *Separability Clause.*—If any part, section, or provision of this Act be held invalid or unconstitutional, no other part, section or provision thereof shall be affected thereby.

SEC. 28. *Effectivity.*—This Act shall take effect upon its approval.

Approved, September 8, 1966.

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