

AN ACT TO AMEND SECTIONS EIGHT HUNDRED AND THIRTY-FIVE AND TWENTY-TWO HUNDRED AND SEVENTY-TWO OF THE ADMINISTRATIVE CODE, RELATIVE TO THE SUSPENSION AND REMOVAL OF MEMBERS OF TH...

Act No. 3206, December 04, 1924

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Be it enacted by the Senate and House of Representatives of the Philippines in Legislature assembled and by the authority of the same:

SECTION 1. Section eight hundred and thirty-five of the Administrative Code is hereby amended to read as follows:

"SEC. 835. Suspension of police by municipal president.— When the Provincial Commander of the Constabulary finds that the officers or men of any body of municipal police are inefficient, dishonest, disloyal to the United States or the Philippine Government, or guilty of misconduct or any violation of law or duty, he shall at once file a complaint under oath with the president of the municipality, who shall have the power to suspend the accused pending investigation of the case under the provisions of section twenty-two hundred and seventy-two of the Administrative Code."

SEC. 2. Section twenty-two hundred and seventy-two of the Administrative Code is hereby amended to read as follows:

"SEC. 2272. Suspension and removal of members of municipal police.—Members of the municipal police shall not be removed and, except in cases of resignation, shall not be discharged except for misconduct or incompetency, dishonesty, disloyalty to the United States or Philippine Government, serious irregularities in the performance of their duties, and violation of law or duty, and in such cases charges shall be preferred under oath by the municipal president or by any other person and investigated by the municipal council, or a committee of three councilors designated for said purpose by a majority of the council, in public hearing, and the accused shall be given opportunity to make their defense. In every case filed against a member of the municipal police, a copy of the charges shall be furnished the accused by the municipal president personally or by registered mail, within five days from the date of the filing of the charges, and the council or its committee shall try the case within ten days from the date the accused has been notified of the charges, unless the accused, for good reasons, shall ask for a longer period to prepare his defense. The trial of the case shall be finished within a reasonable time, and if it is tried by a committee, the same shall submit its report and findings to the council within ten days after the conclusion of the trial, and the council shall decide the case within fifteen days from the receipt of the report of the committee. If the trial is conducted by the council itself, it shall decide the case within fifteen days after the conclusion of the trial. The decision of the council shall in all cases be appealable to the provincial board. The appellant shall exercise this right by filing with the municipal president a written appeal within fifteen days from the date he has been notified of the decision, and if within this period no appeal is taken, the decision shall stand final. In case of appeal, the municipal president shall forward the case with all its records to the provincial board within twenty days from the receipt by him of the appeal, and the provincial board shall investigate the case anew and render decision thereon within thirty days from the receipt of the records of the case and its decision shall be final and conclusive.

"When charges are filed against a member of the police under this section, the municipal president may suspend the accused, said suspension as well as the suspension the municipal president is bound to decree under section eight hundred and thirty-five of the Administrative Code, shall not be longer than thirty days. If, during this period of thirty days, the case shall not have been decided finally, the accused, if he is suspended, shall ipso facto be reinstated in office without prejudice to the continuation of the case until its final decision, unless the delay in the disposition of the case is due to the fault, negligence, or petition of the accused, in which case the period of the delay shall not be counted in computing the period of suspension herein provided.

"When a chief or member of the municipal police is accused in court of any felony or violation of law by the provincial fiscal, the municipal president shall immediately suspend the accused from office pending final decision of the case by the courts and, in case of acquittal, the accused shall be entitled to payment of the entire salary he failed to receive during his suspension if the court should so provide in its sentence.

"Failure to observe the provisions of this section shall subject the authorities concerned to such disciplinary action as may be imposed by the Chief of the Executive Bureau, who may also issue such order in the case as would bring about the immediate termination of the proceedings against the accused."

SEC. 3. Salary during suspension of a member of municipal police.—A member of the municipal police suspended from duty pending investigation of the charges against him shall receive no pay during such suspension, but, upon subsequent exoneration or reinstatement, the council may order the payment of the whole or part of the salary accruing during the suspension.

SEC. 4. Saving clause.—The provisions of section twenty- one hundred and eighty-eight of the Administrative Code as amended by Act Numbered Thirty-one hundred and sixty- seven, section twenty-two hundred and one and section twenty-two hundred and forty-three, paragraph (a), shall not apply to chiefs and members of the municipal police.

SEC. 5. Repealing clause.—All acts or parts of acts inconsistent with the provisions hereof are hereby repealed.

SEC. 6. This Act shall take effect on its approval.

Approved, December 4, 1924.

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