

AN ACT REORGANIZING THE POLICE DEPARTMENT OF THE CITY OF MANILA; CREATING A MERIT AND TRIAL BOARD; EXEMPTING THE MANILA POLICE DEPARTMENT FROM CIVIL SERVICE RULES AND REGULATION...

Commonwealth Act No. 698, October 15, 1945

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

SECTION 1. There is hereby created a Merit and Trial Board in the City of Manila which shall be composed of the Mayor as chairman, the Chief of Police as vice-chairman, the Deputy Chief of Police who, in the absence of both the Mayor and the Chief of Police, shall act as chairman, the Inspector of Police, the Director of Traffic, the Chief of Uniformed Police, the Chief of Criminal Reports and Records Division, and the Chief of Detectives, as members, and the administrative officer of the Police Department, as secretary. The Board shall have the following powers and duties:

- (a) To consider and pass upon all applications for appointment in the city police force;
- (b) To prepare and hold all examinations for applicants to the department, rank promotion within the department, or any special examination that may be deemed necessary for the purpose of reclassification of personnel.
- (c) To consider and pass upon all recommendations for promotion in the service;
- (d) To consider and accept all resignations;
- (e) To act on and pass upon all discharges and dismissals from the service for cause;
- (f) To conduct administrative investigations on all charges made against any member of the police department and for this purpose the Board is empowered to issue subpoena against any person requiring him to appear and testify before said Board on any matter therein under investigation; and
- (g) From time to time, to issue such rules and regulations calculated to improve the service or promote the welfare of the members of the police department.

SEC. 2. The chairman and members of the Merit and Trial Board shall receive no additional compensation for their services and they shall not be entitled to the payment of any per diems for attending any of the meetings of the Board.

SEC. 3. The Merit and Trial Board shall meet regularly, once a month, on a day to be fixed by the chairman thereof. When in the opinion of the chairman there are urgent matters requiring immediate action he may convene the Board to a special session. The Board may likewise meet in a special session upon the written request of at least three of its members.

SEC. 4. No person shall be appointed to any position in the police department unless he has qualified in an examination given by the Merit and Trial Board for such position and his appointment has been passed upon and

approved by a two-thirds vote of the members of the Merit and Trial Board.

SEC. 5. The Merit and Trial Board herein created shall require any applicant for a position in the Manila Police Department to take and successfully pass any physical or mental examinations that the Board may desire to hold to determine the physical or mental fitness of the applicant for the service to be rendered.

SEC. 6. Applicants who have passed the examinations given by the Commissioner of Civil Service shall, upon certification by the Merit and Trial Board as to their qualification and fitness, be required to undergo training in the Police Training School established under the rules and regulations of the Police Department for such period of time as may be deemed sufficient for such purpose.

SEC. 7. Applicants who shall have passed the course of instruction and training provided for in the preceding section shall, upon admission to the force, be placed on probation for a period of six months, after which if their services have been found to be satisfactory, they shall be given permanent appointment as regular members of the force.

SEC. 8. No member of the police department shall be dismissed or discharged from the service for cause without the two-thirds vote of all the members of the Board: Provided, That if the officer under investigation happens to be a member of the Board he shall be ineligible to sit and/or vote in the deliberations of said body and in such cases the Board may designate any officer of the city to take his place.

SEC. 9. In the deliberations of the Board, a vote of the majority of all its members shall be necessary to approve any motion or resolution: Provided, however, That for routine matters a majority vote of all the members present shall be sufficient, it being understood that in such session a quorum exists. A quorum as here used shall be understood to mean the presence of any number which is one more than one-half of all members.

SEC. 10. Any member of the Manila Police Department who is not satisfied with any decision of the Merit and Trial Board may, within five days from and after the receipt by him of said decision, appeal to the Secretary of the Interior who shall decide the appeal in thirty days. The decision of the Secretary of the Interior shall be final.

SEC. 11. In conformity with the provisions of section one hereof, the Manila Police Department is hereby exempted in all matters of appointments, promotions, discipline and removals from civil service rules and regulations and hereafter all appointments, promotions and removals in the Manila Police Department shall be made in the manner provided in this Act.

SEC. 12. The Chief of Police of the City of Manila shall be appointed by the President of the Philippines with the consent of the Commission on Appointments of the Congress of the Philippines. Appointments and promotions to all positions in the Manila Police Department, including that of Deputy Chief of Police shall, in accordance with the rules and regulations laid down by the Merit and Trial Board, be made by the Chief of Police with the consent of the Merit and Trial Board.

SEC. 13. Section twenty-four hundred and sixty of the Administrative Code, as amended, is hereby further amended, so as to read as follows:

"SEC. 2460. Powers and duties of chief of police.-There shall be a chief of police who shall have charge of the police department and everything pertaining thereto, including the organization, and disposition of the city police and detective bureau; shall quell riots, disorders, disturbances of the peace, and shall arrest and prosecute violators of any law or ordinance; shall exercise police supervision over all land and water within the police jurisdiction of the city; shall be charged with the protection of the rights of persons and property wherever found within the jurisdiction of the city, and shall arrest without warrant, when necessary to prevent the escape of the offender,

violators of any law or ordinance, and all who obstruct or interfere with him in the discharge of his duty; shall exercise supervision, administration, and control over the city jail and municipal prisoners; shall be responsible for the safekeeping of all prisoners in the city jail until they shall be released from custody, in accordance with law or delivered to the warden of the proper prison upon order from a court of competent jurisdiction; may take good and sufficient bail for the appearance before the city court of any person arrested for violation of any city ordinance; Provided, however, That he shall not exercise this power in cases of violation of any penal law, except when the fiscal of the city shall so recommend and fix the bail to be required of the person arrested; shall have authority, within the police jurisdiction of the city, to serve and execute criminal processes of any court; shall, either in person or by deputy, attend all sessions of the city court, shall promptly and faithfully execute all orders of the mayor, and all writs and processes of the city courts, and all criminal processes of the Court of First Instance of the city, when placed in his hands for that purpose; shall exercise supervision over the police training school established in accordance with the rules and regulations of the police department, and shall be vice-chairman of the Merit and Trial Board of the Police department. He shall have such other powers and perform such other duties as may be prescribed by law or ordinance."

SEC. 14. All appointments, promotions, dismissals and disciplinary measures made and ordered by the Provost Marshal as Chief of Police of Manila and all other acts or orders adopted and carried into effect during the period the United States Army exercised control and supervision over the Manila Police Department are hereby confirmed.

SEC. 15. The provisions of the Administrative Code and of Commonwealth Act Numbered One hundred seventy-seven and all other acts or parts of acts which are inconsistent with the provisions of this Act are hereby repealed or modified.

SEC. 16. This Act shall take effect on its approval.

Approved, October 15, 1945.

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