

PROVIDING LEGAL ASSISTANCE FOR MEMBERS OF THE INTEGRATED NATIONAL POLICE WHO MAY BE CHARGED FOR SERVICE-CONNECTED OFFENSES AND IMPROVING THE DISCIPLINARY SYSTEM IN THE INTEGRATE...

PRESIDENTIAL DECREE NO. 971, July 27, 1976

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WHEREAS, Presidential Decree No. 765, dated August 8, 1975, has established the Integrated National Police to attain a hi?h level of efficiency and discipline in police administration under a unified command:

WHEREAS, the existing laws, decrees, rules and regulations need further strengthening to achieve the desired discipline and conduct in the service;

NOW, THEREFORE, I, FERDINAND E. MARCOS, President of the Philippines, by virtue of the powers in me vested by the Constitution, do hereby order and decree, as part of the laws of the land, the following:

SECTION 1. Summary Disciplinary Powers of Commanders.—The duly designated commanders in the Integrated National Police shall, in dealing with a minor offense committed by any regular or uniformed member of their respective commands, have the summary disciplinary powers as indicated below:

a. Municipal substation commanders, station and district commanders, and provincial police superintendents or officers holding equivalent commands may summarily impose the administrative punishment of admonition or reprimand; restriction to specified limits; withholding of privileges; forfeiture of salary for not more than ten (10) days; suspension for a period not exceeding ten (10) days; or any combination of the foregoing, provided that the total period shall not exceed ten (10) days.

b. The Regional or Zone Directors, including the Director of the Metropolitan Police Force, shall have the power to impose upon any of the members under their respective commands summary disciplinary punishment of suspension for not exceeding fifteen (15) days or forfeiture of salary of not more than fifteen (15) days.

c. The Director General shall have the power to impose upon the members of the Integrated National Police, summary disciplinary punishment of suspension for not exceeding thirty (30) days or forfeiture of salary of not more than thirty (30) days.

SEC. 2. Minor Offense, defined.—Minor offense refers to an act or omission not involving moral turpitude but affecting the internal discipline of the Integrated National Police.

Whether an offense is minor or not depends upon its nature, the time and place of its commission and the rank of the person committing it.

In no case shall the following offenses be considered as minor; disloyalty to the government; grave misconduct; gross inefficiency or incompetence; oppression; serious irregularities or serious neglect; notoriously disgraceful or immoral conduct; engaging directly or indirectly in partisan political activities; falsification; other crimes involving moral turpitude; directly or indirectly obstructing, defeating or violating the civil rights and liberties of an individual; receiving a fee, gift or other valuable thing from any person who gives the same in consideration of

services or favors received or in the hope or expectation of receiving a favor or better treatment than that accorded to other persons.

SEC. 3. Finality of Summary Disciplinary Action.—The summary disciplinary action imposed upon a member of the Integrated National Police shall be final and executory: Provided, that the disciplinary action taken by a commander lower than the Director General may be appealed to the next higher commander within ten (10) days from receipt of notice of the decision thereof by the member concerned.

SEC. 4. Preventive Suspension by Reason of Pending Criminal Case.—Whenever a member of the Integrated National Police is accused in the civil or military court of any felony or violation of law by the municipal or city attorney, the provincial or city fiscal, the prosecutor of the Department of Justice or the authorized representative of the Philippine Constabulary/Integrated National Police, the National Bureau of Investigation or any major service . of the Armed Forces of the Philippines, the station or higher commander concerned or the National Police Commission shall immediately suspend the accused from office pending final decision by the court. For this purpose, it shall be the duty of the judge or clerk of court concerned to furnish the station commander or police superintendent and the National Police Commission with the copy of the complaint or information against said member. The preventive suspension of the accused shall remain operative pending decision of the case by the court unless sooner lifted by the said Commission by reason of the exigency of the service upon recommendation of the Director General,

SEC. 5. Placement of the Accused in the Custody of his Commander.—When the charge against a member of the Integrated National Police, referred to in the preceding section, arose from the performance of duty, the court may, upon proper petition of the immediate commander, place the member concerned under the custody of such commander in lieu of requiring a bail bond.

SEC. 6. Entitlement to Reinstatement and Salary.—A member of the Integrated National Police who may have been suspended from office in accordance with the preceding sections shall, upon acquittal from the charges against him, be entitled to reinstatement by the station or higher commander and payment of any salary and/or allowances withheld from him by reason of such suspension.

SEC. 7. Suspension by reason of detention.—Any member of the Integrated National Police who may have been lawfully detained by the military authorities for offenses covered by Presidential General Order No. 2A, as amended, shall also be considered suspended from office during such detention: Provided, That, if he is released without formal charges having been filed against him in court, he shall be entitled to the rights provided for in the preceding section hereof.

SEC. 8. Removal and Suspension of Members of the Integrated National Police.—Members of the Integrated National Police may be suspended for a period not exceeding one year or removed from the service for misconduct, incompetency, dishonesty, disloyalty to the government, irregularities in the performance of duties, neglect of duty or violation of law, upon written complaint filed under oath with the Hearing Officer of the National Police Commission, in the province or city where such member is assigned: Provided, That once an administrative complaint on any of the grounds herein mentioned is filed under oath with the Hearing Officer or with the Commanders referred to in Section 1 of this Decree, such commanders may, based upon their own findings of fact and in the interest of the service suspend the respondent pending resolution of the case unless lifted by the Director General or the National Police Commission: Provided, further, That the commander concerned shall, in case the complaint is filed directly with him, refer the same to the Hearing Officer without unnecessary delay. In provinces where there, are no appointed Hearing Officers yet, such complaint shall be filed with the Board of Investigators of the locality.

Neglect of Duty or Non-feasance is the omission or refusal, without sufficient excuse, to perform an act or duty, which it was the officer's legal obligation to perform.

Irregularities in the Performance of Duties is the improper performance of some act which might lawfully be done.

Misconduct or Malfeasance is the doing either through ignorance, inattention or malice, of that which the officer had no legal right to do at all, as where he acts without any authority whatsoever or exceeds, ignores or abuses his powers.

Incompetency is the manifest lack of adequate ability and fitness for the satisfactory performance of official duties by reason of the officer's vice or vicious habits. This has reference to any physical moral or intellectual quality the lack of which substantially incapacitates one to perform the duties of a peace or public safety officer.

Dishonesty is the concealment or distortion of truth in a matter of fact relevant to one's office, or connected with the performance of his duties.

Disloyalty to the Government consists of abandonment or renunciation of one's loyalty to the Government of the Philippines, or advocating the overthrow of the Government.

Violation of Law presupposes conviction in Court of any crime or offense penalized under the Revised Penal Code or any other penal law or ordinance.

Upon the filing of the complaint against a member of the Integrated National Police with the Hearing Officer of the Province or City where the respondent is stationed, a copy of the said complaint shall be furnished the former by the Hearing Officer within five (5) days from the date of filing thereof, and the respondent shall answer within five (5) days from receipt thereof.

Within five (5) days from receipt of respondent's answer or from the expiration of respondent's period to answer, whichever is earlier, the Hearing Officer shall conduct a preliminary inquiry for the purpose of determining whether or not a prima facie case exists against the respondent. In such preliminary inquiry, the Hearing Officer shall examine under oath both parties and their witnesses, with a view of ascertaining the existence of a probable cause against respondent. Should the Hearing Officer find no prima facie case against the respondent, he shall drop the case. subject to appeal by the complainant to the Adjudication Board of the Commission, with fifteen (15) days from receipt of the notice of dismissal: Provided, That the Commission may order the reopening of the case *motu proprio* if the interest of justice so warrants.

Should the Hearing Officer find during the preliminary inquiry a prima facie case against the respondent, he shall within ten (10) days from the termination of the preliminary inquiry, conduct a formal investigation of the case. If the charge is serious and evidence of guilt appears strong, the Hearing Officer shall immediately recommend to the National Police Commission the suspension of the respondent, pending final disposition of the administrative case, unless sooner lifted.

Unless for good cause shown, the investigation shall be finished within thirty (30) days from the commencement thereof and the corresponding findings and recommendation thereon shall be submitted by the Hearing Officer within thirty (30) days from termination of the investigation to the Adjudication Board of the Commission for decision.

The decision of the Adjudication Board shall be final except where it involves removal or dismissal from the service, in which case the respondent may within fifteen (15) days from his receipt of the decision, appeal the same to the Appellate Committee of the National Police Commission for review and final disposition.

The term member as used in this Decree shall be understood to refer to the uniformed or regular police, jail or fire personnel of the Integrated National Police.

SEC. 9. Legal Assistance.—The Secretary of Justice, the Secretary of National Defense, the Chairman of the National Police Commission and the Director General of the Integrated National Police may authorize lawyers of their respective agencies to provide legal assistance and representation to any member of the Integrated National Police who is facing charges before fiscals and courts for any offenses arising from or connected with the performance of his official duty: Provided, That for the purposes of this Section, government lawyers so authorized shall have the power to administer oaths: Provided, further, That lawyers may be employed from the private sectors to provide such legal assistance where and when government lawyers are not readily available: Provided, finally, That the Secretaries of Justice and National Defense shall promulgate joint rules and regulations to implement the provisions of this Section.

SEC. 10. Appropriations.. The amount of two million pesos (P2,000,000) is hereby authorized to be appropriated out of the funds in the National Treasury not otherwise appropriated, to be administered by the Integrated National Police, to carry out the purpose of this Decree and thereafter, such amounts as may be necessary for this purpose shall be included in the annual appropriation of the Integrated National Police.

SEC. 11. Rules and Regulations.—The Director General of the Integrated National Police and the Chairman of the National Police Commission shall, with the approval of the Secretary of National Defense, promulgate the rules and regulations for the effective implementation of provisions of this Decree except as provided in Section 9 above.

SEC. 12. Repealing Clause.—The provisions of Republic Act No. 4864, otherwise known as the Police Act of 1966, as amended by Presidential Decree No. 12, dated October 3, 1972; No. 12-A, dated October 4, 1972; No. 12-B, dated October 28, 1972; No. 263, dated August 2, 1973; No. 307, dated October 9, 1973; No. 448, dated May 9, 1974; No. 580, dated November 13, 1974; No. 765, dated August 8, 1975 and the Revised Administrative Code, as amended; the provisions of all City Charters and all other laws, decrees, orders and rules and regulations which are inconsistent herewith are hereby repealed or modified accordingly.

SEC. 13. Effectivity.—This Decree takes effect upon approval.

Done in the City of Manila this 27th day of July, in the year of Our Lord, nineteen hundred and seventy-six.

(Sgd.) FERDINAND E. MARCOS
President of the Philippines

By the President:

(Sgd.) JUAN C. TUVERA
Presidential Assistant.

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