

AN ACT TO ABOLISH THE STATE POLICE FORCE, TO REORGANIZE THE PHILIPPINE CONSTABULARY INTO A NATIONAL POLICE FORCE AND PROVIDING FUNDS THEREFOR.

Commonwealth Act No. 343, June 23, 1938

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Be it enacted by the National Assembly of the Philippines:

SECTION 1. Commonwealth Act Numbered Eighty-eight entitled "Ar. Act to provide for the organization and maintenance of a State Police Force," is repealed.

SEC. 2. Effective upon the approval of this Act the President of the Philippines shall establish a national police force by detailing from the army, and organizing as an independent unit, or under such department of the Government, as he may determine, the Philippine Constabulary, including such numbers of officers, enlisted men, and civil employees as in his judgment may be necessary. The organization so established shall continue to be known as the Philippine Constabulary and shall retain all police and law enforcement powers, functions, and responsibilities heretofore pertaining to the Constabulary Division of the army, or as may have previously devolved by law and regulations upon the Philippine Constabulary, but shall not retain those powers, functions, and responsibilities that are military in nature heretofore pertaining to the Provost Marshal General. The members of the Philippine Constabulary shall be peace officers, authorized, and empowered to prevent and suppress brigandage, unlawful assemblies, riots, insurrections, and other breaches of the peace and violations of the law. They are empowered to make arrests and seizures according to law and required to execute any lawful warrant or order of arrest issued against any person or persons for violation of law.

SEC. 3. Officers and enlisted men detached from the army and transferred to the national police force shall, after January first, nineteen hundred and thirty-nine, be separately paid, maintained, and supported, and shall not be counted as part of such strength as may from time to time be authorized for the army, but they shall retain their identity and legal rights and obligations as officers and enlisted men of the army, and the President may, at his discretion, transfer at any time any officer or enlisted man to or from the army and to the Constabulary, respectively. All service performed in the Constabulary by any officer or enlisted man shall count for all legal purposes as military service. All individuals of the Constabulary shall be subject to such orders and regulations as the President may approve for their administration, conduct, and control, and they may be assigned to any position with any title authorized by the President in the organization.

SEC. 4. The uniform of the Philippine Constabulary shall be different from that of the army, as may be prescribed by the President, and no individual not a member of the Constabulary, shall be authorized to wear the same or a closely similar uniform. Violation of this provision shall be deemed a misdemeanor, punishable upon conviction of the offender, by a fine not exceeding five hundred pesos or by imprisonment not exceeding six months, or both, in the discretion of the court.

SEC. 5. The President is authorized to transfer from the army to the Constabulary such armament, weapons, equipment, supplies, clothing, buildings, real estate, and other appurtenances as may in his judgment be necessary

for the proper organization of the Philippine Constabulary, and where such transfer will not interfere with the legal and necessary activities, duties, and responsibilities of the army. Upon accomplishment of such transfer, all property involved will be removed from the accounts of the army and charged against and accounted for by the Constabulary. The President is authorized to procure, within the limits of the appropriations herein, or as may hereafter be provided, such quarters, equipment, and supplies, including armament motor vehicles, and other items required for the efficient administration and functioning of the Constabulary as may in his judgment be necessary,

SEC. 6. Upon the approval of this Act, all members of the state police and personnel appointed under the provisions of Commonwealth Act Numbered Eighty-eight, by the President or by the Secretary of the Interior or the Commissioner of Public Safety, shall cease to hold office under such appointments and shall be, in so far as practicable, returned to such governmental or other positions as may have been held by them respectively immediately preceding such appointments, and all provincial, city or other local fire and police bodies or provincial guards as may have been wholly or partially removed from the control of local officials by the provisions of Commonwealth Act Numbered Eighty-eight shall be reorganized under such regulations governing appointment, organization, and administration as the corresponding head of department with the approval of the President may prescribe, and returned to the control, to be exercised under the supervision of the corresponding Department Head, of appropriate municipal, city, and provincial officials. If and when practicable, such members of the state police force as may have ceased to hold office by virtue of this Act, but who are civil service eligibles and are otherwise qualified, shall be appointed to the new national police organization.

SEC. 7. It shall be the duty of the Philippine Constabulary, under the supervision of the President or of the department head, to perform such duties and functions and exercise such authority with respect to local police bodies as authorized by law or regulation, and to cooperate with and to assist all city, municipal, and other duly established bodies of local police in the Philippines. Members of the Constabulary shall carry out such policies, orders and regulations as the President may from time to time promulgate pertaining to inspecting, advising, training and assisting local officials in police matters, which orders, regulations, and policies shall have the force of law with respect to all concerned, and, any member of any city or local police, or officer or enlisted man of the Constabulary who is found guilty, after proper investigation, of violating such policies, orders, and regulations, may be removed from the service by the President.

SEC. 8. To provide for expenses incident to the separation of the Constabulary from the army, for separate housing of Constabulary headquarters, and for purchases of additional motor and other equipment, supplies, and property essential to the efficiency of the Constabulary, there is appropriated the sum of five hundred thousand pesos to be spent for the purposes above enumerated as the President may direct: Provided, That during the remainder of the year nineteen hundred and thirty-eight, all salaries and allowances for quarters and rations for all personnel transferred from the army to the Constabulary shall continue to be paid from army appropriations. For the year nineteen hundred and thirty-nine, the sum of three million, two hundred and fifty thousand pesos is appropriated from any excess of the actual collections over the estimated ordinary income of the National Government, for the payment of the salaries and allowances of the personnel and all other expenses of every kind of the Philippine Constabulary: Provided, further, That, in the event no such excess in actual collections of the ordinary income is realized over the amount estimated, or the said excess is not sufficient to cover the full amount herein appropriated, all, or part of, the said expenses, as the case may be, shall continue to be charged against the authorized appropriations for the Philippine Army: Provided, furthermore, That for all years subsequent to nineteen hundred and thirty-nine the budget of the Philippine Constabulary shall be presented to the National Assembly in detailed estimates, and shall be carried under a separate heading entitled "Philippine Constabulary": And, provided, finally, That no transfer of; funds between the amounts carried under this heading and those

carried under other purposes in annual army appropriation acts shall be authorized or permitted.

SEC. 9. This Act shall take effect upon its approval.

Approved, June 23, 1938.

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