HON. RAFAEL M. ALUNAN III, NATIONAL POLICE COMMISSION, COMMISSIONERS GUILLERMO P. ENRIQUEZ, JR., EDGAR DULA TORRE, FEDERICO S. COMANDANTE, ALEXIS CANONIZADO, PNP CHIEF SUPTS. AN...

G.R. No. 115824. January 28, 2000

Ponente: YNARES-SANTIAGO, J.

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YNARES-SANTIAGO, J.:

The instant Petition seeks a review of the June 2, 1994 Judgment[1] of the Regional Trial Court of Quezon City, Branch 104, in Civil Case No. Q-93-18393 for Prohibition and Mandamus.

Subject of the controversy is Resolution No. 93-032[2] issued by petitioner National Police Commission (NAPOLCOM), through its Chairman, petitioner Rafael Alunan III and its four Commissioners, Guillermo P. Enriquez, Jr., Edgar Dula Torre, Federico S. Comandante and Alexis Canonizado. The Resolution provides, as follows –

> "NOW THEREFORE, the Commission, in the exercise of its power to administer and control the PNP under Sec. 6, Art. XVI, of the Constitution, in relation with (sic) Sec. 14, R.A. No. 6975, has resolved, as it hereby resolves, to issue the following clarificatory guidelines regarding the application of Board of Officers Resolution No. 5, dated 2 January 1992, as amended by Resolution No. 10, dated June 19, 1992:
>
> - That CIS Agents, including the NAPOLCOM operatives, who opted to be absorbed as non-uniformed personnel of the PNP and who were appointed to plantilla positions thereof, shall be considered as civilian personnel of the PNP and covered by existing civil service laws, rules and regulations affecting government employees in general;
>
> - That not being a part of the uniformed personnel of the PNP, such CIS Agents and NAPOLCOM operatives are not empowered to exercise the powers of peace officers vested by law to the PNP; such as (a) enforcement of laws; (b) effecting arrest, search and seizures; and (c) investigation of the commission of crimes and offenses;
>
> - That as civilian personnel of the PNP, they shall be utilized mainly in purely administrative, technical, monitoring or research work;
>
> - That the assignment of equivalent ranks to the aforementioned PNP non-uniformed personnel should not be construed as an investiture of any command authority over the lower level PNP uniformed personnel."[3]

This Resolution became the subject of a Prohibition and Mandamus suit filed with respondent court by private respondents in their capacity as agents and regular employees of the Criminal Investigation Service (CIS).[4] Private respondents complained that the Resolution violates provisions of R.A. No. 6975, creating the Philippine National Police (PNP) and R.A. No. 5750, the law governing CIS agents. According to private respondents, R.A. No. 5750, which granted CIS agents, including civilian operatives, police powers, has not been repealed by R.A.

No. 6975, such that the CIS agents absorbed into the PNP, including civilian operatives, still enjoy the police powers granted to them by R.A. No. 5750.

On November 25, 1993, respondent court issued a Temporary Restraining Order[5] against petitioners, followed by a writ of preliminary injunction[6] enjoining the implementation of the Resolution. Following hearing on the merits of the case, respondent Court rendered the Judgment subject of the instant Petition, granting the Petition for Prohibition and Mandamus filed by private respondents; thereby permanently enjoining the implementation of the subject Resolution and any plans to phase out the CIS civilian operatives or deprive them of their police functions.

Hence, the instant Petition anchored upon the following lone ground –

> "RESPONDENT COURT ERRED IN NOT HOLDING THAT RESOLUTION NO. 92-032 DOES NOT VIOLATE R.A. NO. 6975 BUT ACTUALLY IMPLEMENTS IT."[7]

It is not disputed that the questioned Resolution strips members of the CIS with police power and instead, classifies them as civilian personnel of the PNP. This does not hold true for all former members of the CIS, but only applies to those who opted to be absorbed as non-uniformed personnel of the PNP.

Does this violate R.A. No. 6975? We find that it does not.

Urged by the Constitutional mandate for the establishment and maintenance of one police force,[8] R.A. No. 6975 was promulgated creating the Philippine National Police. The new police force absorbed the members of the former National Police Commission, Philippine Constabulary and Integrated National Police, all three of which were accordingly abolished.[9]

R.A. No. 6975, therefore, had the effect of revising the whole police force system and substituting a new unified one in its place. This, alone, proves that R.A. No. 5750 has already been repealed because a subsequent statute revising the whole subject matter of a former statute, and evidently intended as a substitute for it, operates to repeal the earlier statute. The revising statute is in effect a legislative declaration that whatever is embraced in the new statute shall prevail, and whatever is excluded therefrom is discarded.[10]

Further, with the abolition of the Philippine Constabulary, including, necessarily, its Criminal Investigation Service (CIS), R.A. No. 5750, which provides for the qualifications, selection and appointment of civilian investigation agents of the CIS as well as their powers as peace officers, has been rendered inutile. Indeed, considering that CIS members have been absorbed by the new PNP, R.A. No. 5750 has lost its function.

Not only has R.A. No. 5750 lost its raison d'etre by reason of the abolition of the CIS which is its sole subject matter. A point by point analysis of the law itself will readily show that it has, indeed, been superseded by R.A. No. 6975, the PNP law.

To start off, Section 30 of R.A. No. 6975 lists down the qualifications for appointment to the PNP, thus superseding Section 1 of R.A. No. 5750. Then, too, the position of Deputy Chief as provided for under Section 2 no longer exists inasmuch as the head of the equivalent Criminal Investigation Unit is now, under Section 35(b)(4), a Director with the rank of chief superintendent. Neither is the period within which to comply with qualification requirements provided for under Section 4 of R.A. No. 5750, still available under the PNP law, which only concedes alternative requirements insofar as educational requirements are concerned for those already in the service upon its effectivity. Finally, the police powers provided for under Section 5, as well as the oath and subpoena powers under Section 6, of R.A. No. 5750 are also provided for under Section 24 of R.A. No. 6975.

In light of the foregoing, it stands clear that respondent court was in error in holding that "(W)ithout an express provision in the PNP Law which states clearly and explicitly that RA 5750 has been modified or repealed, such

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repeal or modification cannot be assumed."

At any rate, it is beyond dispute that the police powers provided for under R.A. No. 5750 are also provided for under the PNP law. The issue lies in the question as to who can exercise such police powers. We must stress that the questioned Resolution does not strip all former CIS agents of police powers. As clarified above, only those who opted not to join the uniformed personnel of the PNP are effectively denied such powers.

In effect, therefore, what is being introduced by the questioned Resolution is the concept that CIS civilian operatives may no longer, under the PNP structure, enjoy police powers. As stated in the questioned Resolution, "R.A. No. 6975 envisioned the PNP as a single national police organization, composed entirely of uniformed personnel who are to be appointed to their respective police ranks, governed by one set of standards and covered by its own retirement and disciplinary systems." Accordingly, police powers have been reserved for such uniformed personnel of the PNP.

That it is futile for private respondents to insist that they have a vested right to such powers may be demonstrated. Section 88 of R.A. No. 6975 provides, as follows –

> "SEC. 88. Transfer, Merger and Absorption of Offices and Personnel. - All properties, equipment and finances of the transferred and absorbed agencies, including their respective financial accountabilities, are hereby transferred to the Department.
>
> The transfer, merger and/or absorption of any government office/unit concerned shall include the functions, appropriations, funds, records, equipment, facilities, choses in action, rights, other assets and liabilities, if any, of the transferred office/unit as well as the personnel thereof, who shall, unless removed for cause and after due process, in a holdover capacity, continue to perform their respective duties and responsibilities and receive their corresponding salaries and benefits. Those personnel of the transferred, merged and/or absorbed office/unit whose positions are not included in the new position structure and staffing pattern approved by the Department or who are not reappointed shall be given preference to join the Department or any of the offices thereunder or shall be allowed to retire under existing laws, rules and regulations. x x x." (underscoring, Ours)

It is clear from the aforequoted provision that the personnel of the absorbed office or unit, such as private respondents, shall continue to perform their respective duties and responsibilities only in a hold-over capacity. This necessarily implies that such duties and responsibilities may very well be modified, changed or completely removed.

WHEREFORE, premises considered, the instant Petition is GRANTED. The Decision dated June 2, 1994 of the Regional Trial Court of Quezon City, Branch 104 in Civil Case No. Q-93-18393 is SET ASIDE. Let new judgment issue dismissing Civil Case No. Q-93-18393 for lack of merit.

SO ORDERED.

Davide, Jr., C.J., (Chairman), Puno, Kapunan, and Pardo, JJ., concur.

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[1] Records, Vol. I, pp. 180-186.

[2] Exh. "D"; Vol. II.

[3] Id.

[4] See Complaint, Civil Case No. Q-93-18393, Records, Vol. I, pp. 1-45.

[5] Records, Vol. I, pp. 47-48.

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[6] Id., p. 96.

[7] Petition, p. 7; Rollo, p. 14.

[8] Section 6, Article XVI, 1986 Constitution.

[9] See Section 90 of R.A. No. 6975.

[10] People vs. Almuete, G.R. No. L-26551, 69 SCRA 410, 414 [1976].

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