

HISTORICAL BACKGROUND ON THE EVOLUTION OF THE PHILIPPINE POLICING SYSTEM.

A. Stages of Philippine Policing System

Historically, the Philippine policing system from its inception to present has been ruled, structured and organized by different system. These systems are equally effective as to its respective period of existence. However, there was one darkest point in the policing history where the police are publicly condemned as unfriendly and hostile to the community. These were spurred by the alleged human rights violation, brutality and abuses committed at that time. On the other hand, the most interesting among the system so far is the traditional type of police where the public regards as their hero and savior.

Above all, knowing the attributes of each system helps the learner to understand suitable police structure based from the state declaration and in its vision and mission.

1. Early Time

No available record of the early or Pre-Spanish policing system. But as far as law is concerned, the code of Kalantiao and Maragtas had been in the forefront of the early policing system in the Philippines. Kalantiao and Maragtas are known rulers of some islands in the archipelago. Rulers in the country before the Spaniards came are known as Hari, Datu, Sultan and Rajah.

They have their own method of protecting their citizenry by encouraging all able-bodied constituents in the community to help these rulers and take part in protecting its citizenry and crops against enemy and wild animals. The criminal justice process also at this period solely lies on the hand of these rulers and their advisers.

It was in this period where authorities then informally used the Doctrine of *Posse Comitatus*, which eventually served as the forerunner of the Contemporary Patrol function of the Police for Crime Prevention.

Inclusion of the Doctrine under the Law

Basically, the doctrine of *Posse Comitatus* was adopted in Section 2275, Book III, Title IX, Article XI of the Revised Administrative Code of the Philippines, approved on March 10, 1917.

Further, Section 4, Article II of the 1987 Constitution provides that "The prime duty of the government is to serve and protect the people. The government may call upon the people to defend the state and, in the fulfillment thereof, all citizens may be required, under conditions provided by law, to render personal military or civil service."

2. Spanish Era

Members of the police force during Spanish time are under the Governor General.

The Police organization during the Spanish period are:

- a. *Cuadrillos*
- b. Carabineros de Seguridad Publica
- c. Guardia Civil
- d. *Guardia Civil Beterana*

The Cuadrillos or Guardrilleros: this was a body of rural police organized in each town and established by the Royal decree of January 8, 1836. This act provides that 5% of the able bodied-male residents of each town were to be enlisted in this Police Organization for three years. At first, they were armed with lance, spare and bolos but later on they were allowed to use firearms, most of which were, however, muzzle loading rifles. They were compensated for at least P3.00 a month for 3 years while other progressive provinces received P4.00 to P5.00 a month.

Basic Functions:

- They act as messenger.
- To guard dark and unsafe places.
- To make patrol.
- To guard the municipal buildings and halls.
- Prison Guard.

The Carabineros de Seguridad Publica: this was organized in 1712 for the purpose of carrying out the regulations of the department of state. It was armed, as its name indicates with carbines. In 1781, it was given the special commission of government custodies of the tobacco monopoly. By Royal decree of December 20, 1842, it was organized and called **Cuerpo de Carabineros de Seguridad Publica (Corps of Carabines for Public Safety)**. This was the 1st group to be arm with rifle in the history of Philippine Police System.

The Guardia Civil: this was created by a Royal Decree issued by the Crown on February 12, 1852, to partially relieve the Spanish Peninsula troops of their work in policing towns. It consisted of a body of Filipino policemen organized originally in each of the provincial capitals of the central province of Luzon under the Alkalde. This semi military police institution was armed as the Spanish Infantry, very Martial in Appearance because of its bright and showy uniform and distinctly prominent insignia, plus a rigidly maintained military bearing.

The Guardia Civil Beterana: In 1860, Manila has established a local police force composed partially of non-military personnel. This was in line with Spanish reform in colonial civil administration. The significant police reform was the division of the city into three (3) police districts with a "Comisario" (Deputy of Police) which rendered service on the call of the local authorities, Manila by that time had two (2) police bodies, namely: "The Cuerpo de Vigilancia Publica" and "The Torcio Civil de Manila" in 1872, both police bodies were abolished and their stead was established the "Guardia Civil Beterana". This police organization was patterned after the Guardia Civil.

3. American Regime

The Spanish Government ceded the Philippines to the United States in December 10, 1898.

The Schurman Commission offered to Gen. Emilio Aguinaldo on May 4, 1899 a plan of self-government. One important point is the self-policing system in the Philippines.

It was on January 21, 1901 when the Department of Public Instruction was created. This department became the basis of the United States in creating the Western Police District (WPD) to police Manila.

On July 31, 1901 and by virtue of Act No.183, the Western Police District was created which is famously known as the Manila Police Department and eventually called as the Manila's Finest. The 1st Chief of Police for WPD was Capt. George Eastman Currey. The Police Force was placed under the direct supervision of the Governor.

Another important event that transpired on August 01, 1901 was the creation of the Philippine Constabulary, which was considered as the 1st Insular Police Force in the country.

On the other hand, the Revised Administrative Code of the Philippines was approved on March 20, 1917. Section 2275, Title IX, Book III of the Code provides for the creation of Policemen in any City or Municipality thru the approval of the Provincial Governor if a town is infested with:

1. *Outlaws;*
2. *Lawbreakers; and*
3. *Suspicious looking characters.*

For this purpose, services of Military Force are not allowed.

4. Japanese Invasion

As a result of World War II, on January 2, 1942 the Japanese Imperial Force captured Manila and WPD was re-named Metropolitan Constabulary under the Japanese Military Police (KEMPETAI) which eventually supplanted all types of Police Forces.

5. Re-occupation by the Americans

True to his words "I shall return," Gen. Douglas Mc Arthur returned to the Philippines on February 7, 1945. Shortly after liberation, all police forces were again reconstituted including WPD and placed under the leadership of Col. Marcus Ellis Jones.

6. Other Pertinent Laws creating Policing System in the Philippines:

1. R.A. No. 541 - This Law was created to improve the Police Service and Administration, it is also known as the Police Pension Law, but later said law was proved to be defective that contributed more problems and conflict in the policing system

2. R.A. No. 4864 - This Law was passed on September 8, 1966 and is otherwise known as the Police Act of 1966. It was passed and approved by Congress with the end in view of professionalizing the police service which serves as the code of all local police departments in the country, some of its pertinent provisions reads:

"Sec. 2. Purpose – It is hereby declared to be the policy and purpose of this Act to achieve and attain a high degree of efficiency with the end in view that peace and order may be maintained more effectively and the laws enforced with more impartiality. It is also the object of this Act to place the local police service on a professional level."

One of the most significant provisions of RA 4864 is Section 7 which specifically define the duties of peace officers expressly provide that:

"Sec. 7. Duties of Peace officers – All members of the police agency shall be PEACE OFFICERS. It shall be their duty to preserve peace and order; prevent the commission of crimes; protect life, liberty and property; and arrest all violators of laws and ordinances within their jurisdiction. They shall exercise the general powers to make arrest, searches and seizures IN ACCORDANCE WITH LAW. They shall detain an arrested person only within the period prescribed by law.

By virtue of this provisions, the local police agencies were expressly granted the authority in law as **PEACE OFFICERS** so lawfully exercise general police powers limited within their respective jurisdiction.

Some of the features of this law are:

- *The Local Police is still under local executives but the salaries are subsidized by the Government,*
- *It created the Police Commission (Now NAPOLCOM)*
- *It provided standard qualification and training for the service.*

3. Amendatory Laws of RA No. 4864

Subsequent Presidential Decrees were issued amending and modifying RA No. 4864 to suit the needs of those who are close to the Palace. On the

21st day of March 1974, **Presidential Decree No. 421** was issued modifying and/or repealing certain pertinent provisions of the Revised Administrative Code, further amending RA No. 4864, the provisions of the city charter of Manila, Quezon, Caloocan, and Pasay, as well as all existing laws, rules and regulations governing the police force in the country.

By express mandate of PD 421, the **Metropolitan Police Force** (MPF) was formed and created whose officers and men are regular members of the Philippine Constabulary. The four cities and thirteen municipalities comprising Greater Manila Area (GMA) at that time were placed under the exclusive military and police authority of the MPF.

The real plan however was to utilize Greater Manila Area as an experimental ground to test the propriety and effectiveness of integrating all the police agencies in the country into one Integrated National Police. It would seem that the military authorities were then anticipating that officers and men of the different local police agencies may possibly band together and rebel against the dictatorship. To thwart the possibility, it was decided to integrate them under the *direct control and supervision of the **Philippine Constabulary***.

On the 13th day of June 1974, PD No. 482 was issued, the principal purpose of which ("purportedly") is to bolster the entire police agencies in the country (2nd, 3rd and 4th paragraphs, pd no. 482). as distinguished from pd 421, pd 482 specifically lodged to the **Philippine Constabulary** the powers of direct control, direction & supervision over the provincial integrated police forces (1st sentence, sec. 4, supra.). Several presidential decrees were subsequently issued complementing, modifying and/or amending other existing PDs.

4. Proclamation No. 1081

By virtue of this proclamation, the entire Nation was declared under Martial Law in September 1972. Three (3) years after the declaration of Martial Law, President Ferdinand E. Marcos felt the need to have a new type of Police Force to augment with what he referred to as the New Society. For this purpose, he signed Presidential Decree No. 765 on the **8th day of August, 1975**.

Presidential Decree No. 765

This is otherwise known as the Police Integration Law of 1975 or most popularly known as the PC/INP Law.

The Organizational structure of which is Semi-Military, and Semi-Civilian. The organization retained its Military attribute since the Philippine Constabulary—being the Nucleus belongs to a Military Organization, in fact, it is one among the then (4) branches of Armed Forces of the Philippines, namely:

1. *Philippine Air Force*

2. *Philippine Army*
3. *Philippine Constabulary*
4. *Philippine Navy*

The issuance of PD 765 somehow finds constitutional basis under Section 9, Article XIV of the 1935 Constitution which expressly provides: "Section 9 – The government shall organize and maintain as national police force to preserve the public order and enforce the law."

Observe the language of the law. "The Constitutional duty of the INP under the 1935 Constitution is merely to preserve public order and enforce the law. To defend and protect the people were not included thereto as distinguished from the 1987 Constitution.

Excerpts from the said Presidential Decree read as follows:

"Section 1. – **Constitution of the Integrated National Police** – There is hereby established and constituted the Integrated National Police which shall be composed of the Philippine Constabulary as the NUCLEUS and the Integrated (National) Police Forces established under the Department of National Defense."

The word composed as provided in that provision of law makes the Philippine Constabulary a cohesive part of the INP. It became the central point of authority, even as it remained as one of the major services of the Armed Forces of the Philippines (Section 5, PD 765).

While the previously mentioned Military organizations are under the Department of National Defense and said department belongs to the executive branch of government, their functional concern is more on National Security (Both Internal and External) and Insurgency Problem.

On the other hand, the PC/INP organization is also considered civilian because the Integrated National Police, consists of Civilian components namely:

1. *The Police Force*
2. *The Fire Fighting Force*
3. *The Jail Force*

Some of the important innovations introduced by the law are:

1. *All components are considered as national employees*
2. *There is standardized system on recruitment*
3. *While the local executives retain some control over police assigned in their locality, they have no power to hire or fire any member.*

B. The 1987 Constitution

Due to the ouster of President Ferdinand E. Marcos from position as a result of the People's Power (EDSA Revolution) at EDSA sometime in February 1986, the then President Corazon C. Aquino selected and appointed the brightest people in the country for the formulation of new fundamental law of the land

which after ratification by the people in a plebiscite held is now known as the 1987 Constitution.

1. Constitutional Basis on the Creation of the PNP

Section 6, Art. XVI of the 1987 Constitution provides "The State shall establish and maintain one Police force, which shall be national in scope and civilian in character, to be administered and controlled by a National Police Commission.

The authority of local executives over the police units in their Jurisdiction shall be provided by law".

The above-constitutional provision explicitly calls for one police force, which shall be National in scope and civilian in character.

The phrase "national in scope" means a police force that could effectively function throughout the nation or in any part of the country. In short, any member of the organization can be assigned and reassigned elsewhere in the Philippines.

In response to public clamor against several abuses allegedly committed by the Police Force as experienced during Martial Law Regime—and such violations were attributed to the "Militaristic" character of the organization—the constitution in like manner mandates that the Police Force to be created shall be *civilian in character*.

The wisdom of this provision is now laid to rest all the issues particularly on the dual structural components of the previous Police organization. By this, the public expects that this police force described by the constitution would perform its tasks more on civilian approach such as respect for human rights and humane system of identifying and arresting offenders be adhered in accordance with civilized and civilianized orientation.

It is clear that the power to administer and control the PNP is lodged to the National Police Commission. The authority of the local executives over members of the PNP such as the power to employ, deploy and select the chief of the PNP in their respective area of responsibility is now provided under R.A. No. 6975, and amendatory laws.

a. Republic Act No. 6975

As a result of the Constitutional mandate already quoted, the Congress enacted and passed a law governing the present policing system which is R.A. No. 6975 otherwise known as "An Act Establishing the PNP under a Reorganized DILG and for after Purposes". It is also referred to as "DILG Act of 1990"

Aside from the already provided qualifications of the would-be members of the police force, R.A. No. 6975 added the following

qualifications which if strictly implemented would probably bring satisfactory service:

- *Collegiate units of at least 72 academic units*
- *Police Eligibility*
- *Age, height and weight qualifications*

b. R.A. No. 8551

Perhaps, to make the service Police Force more professional in sense and in action, the congress enacted and passed R.A. No. 8551 otherwise known as the PNP Reorganization and Reform Law” or “Police Reform & Reorganization of 1998”.

Notably and probably, R.A. No. 8551 is more rigid and serious than what other laws provide on the Educational Qualifications of members of the organization. The law now provides Collegiate Degree qualification, which must be obtained from a duly recognized institution of learning.

c. RA 9708

This is the latest law on Philippine Policing, it is known as “Police Education and Promotion Act of 2009”.

Sec 30 (1), of RA 6975 as amended by RA 8551 is further amended by RA. No. 9708, as follows:

1. Provides for the continuing education program to be provided by NAPOLCOM in coordination with the PNP, CSC, CHED and the CHR thru distance education or in-service training.
2. Continuing education program include Law Enforcement, Criminal Investigation, Human Rights or other similar programs

Other features of the law:

1. The law extends for Five Years the Reglementary Period for Complying with the Minimum Educational Qualification for Appointment to the PNP and Adjusting the Promotion System thereof, Amending for the purpose pertinent provisions of RA 6975 and RA 8551
2. The law also gives policemen who have not met the minimum educational qualification for appointment or promotion up to five years to fulfil the requirements to stay in the service
3. Policemen who are in the service for more than 15 years and who have exhibited exemplary performance is no longer required to comply with the minimum requirements.
4. The law also allows police personnel to avail of career advancement opportunities in the service through promotions despite harassment cases filed before the Ombudsman and the People’s Law Enforcement Board (PLEB)

2. Related Constitutional Basis (1987)

Section 3, Art. II of the 1987 Constitution provides "Civilian authority is, at all times, supreme over the Military. The Armed Forces of the Philippines is the protector of the people and the State. Its goal is to secure the sovereignty of the state and the integrity of the national territory".

While the above quoted provision expressly mentioned the words "Military" and "Armed Forces of the Philippines" this does not exclude the PNP Organization as the peace-keeping arm and anti-Crime force of the government.

Organizationally, the PNP is civilian in character. Nonetheless, the fact that members of the force are armed with low or high caliber firearms, the Constitution provides a guarantee to avoid any abuses that may be committed by the armed forces of the government, thus, recognizing the superiority of civilian over that of the armed forces.

3. Other newly enacted laws affecting the Philippine National Police

1. Republic Act 11200

An Act Providing for the Rank Classification in the Philippine National Police, Amending for the Purpose Section 28 of Republic Act 6975, as Amended Otherwise known as DILG Act of 1990.

2. Republic Act 11279

An Act Transferring the PNPA and the National Police Training Institute from the Philippine Public Safety College to the Philippine National Police, amending for the purpose sections 24, 35, 66, 67 and 68 of Republic Act 6975, otherwise known as the DILG Act of 1990, as Amended, Appropriating Funds Therefor and for other Purposes

3. Republic Act 11549

An Act Lowering the Minimum Height Requirement for Applicants of the PNP, BFP, BJMP and BUCOR, Amending Republic Act 6975, as Amended, RA 9263, and Republic Act 10575.