

[PRESIDENTIAL DECREE NO. 1847, July 25, 1982]

AMENDING SECTION FOUR OF PRESIDENTIAL DECREE NO 971 ENTITLED "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 INTEGRATED NATIONAL POLICE, APPROPRIATING FUNDS THEREFOR AND FOR OTHER PURPOSES."

WHEREAS, Section 4 of Presidential Decree No. 971 directs the immediate preventive suspension of members of the Integrated National Police who are charged in court pending final decision by the court of their cases;

WHEREAS, court records reveal that a significant number of criminal cases filed against members of the Integrated National Police resulted in the acquittal of the accused, for the reason that a large number of these cases were filed for purposes of harassment or to obtain leverage for settlement;

WHEREAS, the existing procedure has proven to be prejudicial to the public interest since the automatic preventive suspension of members of the Integrated National Police charged in court unduly deprives the police service of personnel who could otherwise perform their duties and responsibilities, and onerous to public finance, since upon acquittal, the accused are by law authorized to receive back salaries corresponding to the period of their preventive suspension; and

WHEREAS, there is a need to adopt a judicious procedure in the issuance of suspension orders with the end in view of limiting preventive suspension only to cases where public interest so requires;

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 the following:

SECTION 1. Section 4 of Presidential Decree No. 971 is hereby amended to read as follows:

"SECTION 4. Preventive Suspension by reason of pending criminal case.
—Any provision of law to the contrary notwithstanding, no member of the Integrated National Police who is charged in court with any felony or violation of law shall be preventively suspended except in accordance with the following conditions and procedure:

"1. A motion for the preventive suspension of the accused may at any time after the filing of the complaint or information be filed by the prosecution in the court having jurisdiction to try the case on the merits.

"2. The court shall immediately conduct a summary hearing to determine the necessity of the suspension, taking into consideration the nature of the offense, the circumstances attendant to the commission, thereof, the record of service of the accused and other relevant factors. The motion shall be resolved within ten (10) days from the filing thereof.