

# [ PRESIDENTIAL DECREE No. 448, May 09, 1974 ]

## **AMENDING CERTAIN SECTIONS OF REPUBLIC ACT NUMBERED FOUR THOUSAND EIGHT HUNDRED AND SIXTY-FOUR, OTHERWISE KNOWN AS THE "POLICE ACT OF 1966", AND PRESIDENTIAL DECREES NUMBERED TWELVE AND TWELVE-A, AS AMENDED.**

**WHEREAS**, Republic Act No. 4864, otherwise known as the Police Act of 1966, and Presidential Decrees No. 12 and 12-A as amended, were enacted with the primordial purpose of strengthening and upgrading the local police forces all over the country;

**WHEREAS**, in order to accelerate the attainment of the objectives of the aforecited laws and to provide more responsive police service, it is imperative that certain provisions of the same be amended;

**WHEREAS**, in order to enable the National Police Commission to discharge more effectively, its supervisory and disciplinary responsibility over members of local police agencies, it is imperative that the Commission be empowered to issue *subpoena* and *subpoena duces tecum* and to authorize some of its officers to exercise the general powers of peace officers while actually engaged in police investigation;

**WHEREAS**, in order to provide flexibility in the matter of appointment to the police service consistent with the policy of recruiting the most capable men to the service, it is advisable that a system of waiver be established in appointment to the police force, and that the minimum age, height and weight requirements for appointment be fixed at a more realistic level;

**WHEREAS**, in order to provide security and incentive to the staff of the Commission, it is advisable that compensation benefits be extended to officials and employees of the latter who die or incur disability in line of duty; **WHEREAS**, in order to accelerate the investigation of police administrative cases and claims for death and disability benefits, it is necessary that the Boards of Investigators as organized under the Police Act of 1966 and Presidential Decree No. 12, as amended, be replaced by full-time hearing officers;

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

1. Section 4 of Republic Act No. 4864 is hereby amended by adding thereto another paragraph to be known as paragraph (o), which shall read as follows:

"(o) To issue *subpoena* and *subpoena duces tecum* in matters pertaining to the discharge of its powers and duties, to designate who among its personnel can issue such process and administer oaths in connection therewith,, and to authorize some of its officers to exercise the general powers to make arrest, searches and seizures in accordance with law, while actually involved in police investigation."

2. SEC. 9 of Republic Act No. 4864 is hereby amended to read as follows:

**"SEC. 9. *General Qualifications for Appointment.*** – No person shall be appointed to a local police agency unless he possesses the following qualifications:

1. He must be a citizen of the Philippines;
2. He must be a person of good habits and moral conduct;
3. He must be of sound mind and body;
4. For appointment in the municipalities he must have at least completed high school, and for cities, at least completed two years of college;
5. He must have no criminal record;
6. He must not have been dishonorably discharged from military employment or dismissed for cause from any civilian position in the government;
7. He must not be less than twenty-one nor more than thirty-three years of age, for appointment to the rank of patrolman;
8. He must be at least one meter and sixty-two centimeters in height; provided, that a policewoman shall be at least one meter and fifty-seven centimeters in height; and
9. He must not weigh more or less than five kilograms of the standard weight corresponding to his height, age and sex.

"Persons who at the time of the approval of this Act have rendered at least five years of satisfactory service in a city or municipal police agency although they have not qualified in an appropriate civil service examination are considered as civil service eligibles for the purpose of this Act.

"When the exigency of the service so requires, the general requirements provided for in sub-paragraphs (7), (8) and (9) of this section may, upon recommendation of the appointing authority, duly supported by an evaluation report of the police screening committee on the merit and fitness of the applicant, be waived by the Chairman of the National Police Commission, taking into consideration any or a combination of such factors as possession of relevant police skills, special qualifications, police training, acquired experience in police or allied service, geographical location of the police department concerned, being a member of the cultural minority, and other allied factors, provided the applicant meets the other qualifications prescribed in this Act. Educational qualifications provided for in subparagraph (4) of this Section may, upon recommendation of the appointing authority, duly supported by an evaluation report of the police screening committee, be waived by the National Police Commission en bane, in consideration of highly exceptional accomplishment or deed of conspicuous gallantry in the interest of peace and order.

"No appointment shall be issued in favor of one who does not meet the minimum requirements for appointment prescribed in the first paragraph of this section, unless and until the required waiver is secured."

3. SEC. 10 of Republic Act No. 4864 is hereby amended to read as follows:

**"SEC. 10. Minimum qualification for appointment as Chief of Police Agency.**—No person may be appointed chief of a city police agency unless he holds a bachelor's degree from a recognized institution of learning and has Serve in the Armed Forces of the Philippines or the National Bureau of Investigation or the National Police Commission or has served as chief of police with exemplary record, or has served in the police department of any city with the rank of captain or its equivalent therein for at least three years; or any person who has completed at least two (2) years college and who has served as officer in the Armed Forces or the National Bureau of Investigation or the National Police Commission or the police department of a city for at least six years with the rank of captain or its equivalent.

"No person may be appointed chief of a municipal police agency unless he holds a bachelor's decree from a recognized institution of learning or any person who has completed at least two (2) years college and who has served the police agency of a city or municipality or has served as officer in the Armed Forces or the National Bureau of Investigation or the National Police Commission for at least six years regardless of rank or for at least two (2) years in the rank of lieutenant or its equivalent.

"When the exigency of the service so requires, the service requirement provided for in the preceding paragraphs may, upon recommendation of the appointing authority, duly supported by an evaluation report of the police screening committee on the merit and fitness of the applicant, be waived by the National Police Commission en bane, taking into consideration such factors as possession of relevant police skills, special qualifications, police training, acquired experience in police or allied service, geographical location of the police department concerned, being a member of the cultural minority, and other allied factors, provided the applicant meets the other qualifications prescribed in Sections 9 and 10 of this Act, provided, that a member of the bar with at least three (3) years experience in active law practice, shall be qualified for appointment as chief of a city or municipal police agency if he meets the general qualifications under Section 9 of this Act."

4. Section 12 as amended, of Republic Act No. 4864, is hereby further amended by adding thereto a second paragraph which shall read as follows:

"Any law or rules to the contrary notwithstanding, spot promotion may be extended to any member of the police force for acts of conspicuous courage and gallantry at the risk of his life over and beyond the call of duty. Recommendation of the appointing authority for spot promotion shall be referred to the Police Screening Committee of the locality for evaluation, after which the same shall be elevated to the National Police Commission for approval. If warranted, the Commission itself may direct the extension of spot promotion to deserving members of the police force."

5. Section 21 of R.A. 4864 is hereby amended to read as follows:

**"SEC. 21. Death and Disability Benefits.**—Notwithstanding any provision of existing laws, rules and regulations to the contrary, when a member of