

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

THIRTEENTH CONGRESS

First Regular Session

HOUSE BILL NO. 2620



Introduced by HON. AMADO T. ESPINO, JR.

EXPLANATORY NOTE

This bill proposes to improve and enhance the effective and efficient delivery of public services through the establishment of a National Identification System.

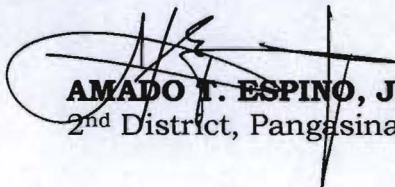
This proposal is but a revival of previous initiatives advanced in the past congresses. Due to time constraints resulting from the lengthy debates on the matter, in Congress and other public fora, the proposed measure was not enacted.

With the threat of terrorism becoming imminent as a result of the September 11 tragedy, interest on the proposal has been rekindled. But regardless of the incident, the demand for a more organized system that will facilitate speedy and accurate identification during transactions with the government remains a paramount concern.

The proposed National ID System will provide a comprehensive and integrated solution to the multiple ID system prevailing today in different government agencies. This system will develop and maintain a secure database that would service the needs of all government institutions by providing for a single tamper-proof ID card for each Philippine resident.

The use of ID card, however, is voluntary. It shall not in any way, diminish the right of any individual to government service.

Due to its importance, passage of this bill is earnestly requested.


AMADO T. ESPINO, JR.
2nd District, Pangasinan

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AN ACT
ESTABLISHING A NATIONAL IDENTIFICATION SYSTEM
(NIDS) IN THE PHILIPPINES

Be it enacted by the Senate and the House of Representatives of the Philippines in Congress assembled:

SECTION 1. Title – This Act shall be known as the National ID Act of 2004.

SECTION 2. Declaration of policies – It is a declared policy of the State in the exercise of its power and authority to protect and promote the general welfare of the people to encourage and cause the development of an effective and efficient delivery of public services through the implementation of a National Identification System that will establish (a) a standard verification of an individual's claim as to his identity when he/she transacts business with government and private entities; and, (b) a positive identification of an unknown individual; thereby reducing, if not eradicating, fraudulent transactions or misrepresentations; provided, that the use of the National ID Card shall be voluntary; and provided further, that the lack of a National ID shall not in any way diminish an individual's right to government services provided the qualifications under existing laws are met.

SECTION 3. Coverage – The following are qualified to apply for a tamper-proof National (NID) Card:

1. All Filipino citizens including those residing and working in other countries.

2. All foreign nationals residing in the Philippines for a period of six (6) months within a calendar year.

SECTION 4. Issuance of 1st NID Card – All Filipino citizens upon reaching the age of seven (7) shall be qualified to get their 1st NID Card. As such, every Filipino who reaches the age of seven (7) can register and submit an Application for ID (AID) to National ID Commission (NIDC), through his/her parent or guardian.

SECTION 5. Issuance of 2nd NID Card – All Filipino citizens upon becoming of legal age shall be qualified to get their 2ND NID Card. As such, every Filipino upon becoming of legal age can re-register and re-submit an AID to the NIDC for their permanent NID card. Foreign citizens having resided in the Philippines for a period of at least six (6) months within a calendar year may apply for a permanent NID card.

SECTION 6. – Use of NID Card – An individual possessing a valid NID Card may transact with any and all government agencies including government owned and controlled corporations, instrumentalities, local government units, and private individuals or entities without need of further proof as to his/her identity.

SECTION 7. – Biometrics technology and biological characteristics – For the purpose of this Act, biological characteristics such as fingerprint, facial photo image, and signature shall be gathered through the following biometrics technology, namely, digital fingerprint scanner, digital camera and electronic signature pad.

Data elements to be supplied by the requesting party as reflected in the Application for ID (AID) and captured during the processing of the application:

1. Local Civil Registry Number
2. Name of Municipality or City
3. Latest Residence Address
4. Type of Party (Filipino Citizen or Foreign Nationals)
5. First Name
6. Middle Name
7. Maiden Name, if appropriate
8. Family (Last) Name
9. Name Change Flag
10. Date of Birth
11. Sex

12. Place of Birth (Name of Hospital and/or Address)
13. Type of Birth (single, twins, 3 or more), if Multiple Birth, Child was first, second, third, etc.
14. Blood Type
15. Mother's Full Maiden Name
16. Mother's Nationality
17. Father's Full Name
18. Father's Nationality
19. Right Thumbprint / Right Index Finger
20. Left Thumbprint / Left Index Finger
21. Picture
22. Signature
23. Signed sworn statement on correctness of supplied data

Data elements to be included in the NID card itself are:

1. NID Card Number
2. Type of Card (1st card, 2nd Card, Replaced 1st card, replaced 2nd Card)
3. Date of Issue
4. Date of 1st Card (for Type of Card: 2nd card and Replaced 2nd Card)
5. Expiration Date (for Type of Card: 1st card and Replaced 1st card)
6. Nationality
7. First Name
8. Middle Name
9. Maiden Name
10. Family (Last) Name
11. Date of Birth
12. Sex
13. Blood Type
14. Right Thumbprint / Right Index Finger
15. Left Thumbprint / Left Index Finger
16. Picture
17. Signature

SECTION 8. – Creation of the National ID Commission – There shall be created a National ID Commission (NIDC). The NIDC shall be an independent body tasked to implement the provisions of this Act and oversee the implementation of the National ID System.

The NIDC shall be composed of a chairman and six (6) commissioners to be appointed by the President of the Republic of the Philippines and shall serve for a term of five (5) years. Of those first appointed, three members shall hold office for five (5) years, two members for three (3) years, and the last members for one (1) year, without reappointment.

SECTION 9. – Qualifications of Commissioners – No person shall be appointed a commissioner of the NIDC unless he is a citizen of the Philippines, and have at least five (5) years of relevant experience in similar field or area of expertise, or a member of the bar, with at least five (5) years of practice and knowledge of the e-commerce law.

The Chairman in consultation with the Commissioners, shall appoint the staff and employees of the NIDC as the need of the service may require, subject to Civil Service Law, rules and regulations, and upgrade their salaries, benefits and emoluments in accordance with law.

SECTION 10. – Vacancies – Any vacancy in the NIDC created by the death, resignation, or removal of an appointive member shall be filled by the appointment of a new member to complete the unexpired period of the member concerned.

SECTION 11. – Salaries, benefits and other emoluments – The Chairman and Commissioners shall receive an annual salary at least equivalent to, and be entitled to the same allowances and benefits as, Cabinet Secretary and Undersecretaries, respectively.

SECTION 12. – Secretariat – The National Computer Center (NCC) is hereby designated as secretariat to the NIDC and as such shall provide administrative and technical support to the NIDC.

SECTION 13. – Powers and Responsibilities of the NIDC – In order to exercise its functions under this Act the NIDC shall:

1. Within one hundred eighty (180) days from the effectivity of this Act, promulgate its rules of procedures governing the conduct of its meetings and the performance of its functions under this Act.
2. Be empowered, authorized and directed to promulgate

implementing rules and regulations and such other orders as may be necessary to enforce or implement the provisions of this Act.

3. Adopt from time to time a budget of expenditures including salaries or personnel, against all funds available to the System under this Act.
4. Have the power to impose appropriate penalties upon proof of violation(s) of the provisions of this Act.
5. Direct the management, operations and administration of the NIDC, its officers and personnel and deputize and enlist the assistance of any government official or agency in carrying out the provisions of this Act;
6. Require any requesting party, in the event that any information or data submitted is false and/or inaccurate, to submit such documents as are necessary to correct such falsehood and/or inaccuracy.
7. Subject to the availability of funds, appoint such officers and personnel, as it may deem necessary.
8. Be authorized to enter into agreements or contracts for such service as may be needed for the proper, efficient and stable administration of the System.
9. Exercise such ancillary powers as may be necessary to effectively implement this Act.

SECTION 14. – Functions – The NIDC shall perform the following

functions:

1. Process booking and receipt of the Application for ID (AID) by the requesting party.
2. Process approval of the AID and issue Authorization to Issue ID (AID).
3. Process approval of the actual NID Card from the Centralized Card Production Facility.
4. Process distribution of the NID Card to the requesting party.
5. Process replacement of card through the Application for Change in ID (ACID), and Application of Replacement of ID (ARID), respectively.
6. Process request for statistical information from both private and government institutions.
7. Maintain and control the databases required to store data from the requesting party.

8. Enforce and administer all laws and regulations relative to the implementation of the National ID System.
9. Provide for an administrative procedure relative to disputes on the application and use of the NID Card, and all matters in connection with the implementation of this Act.
10. Exercise such other functions as may be necessary to effectively implement this Act.

SECTION 15. – Authority to obtain information and confidentiality of data gathered. For the purpose of processing the AID and verifying data contained therein, the NIDC shall have the power and authority to request from any person or entity, including the LTO, SSS, and NSO, any data and support which the NIDC may require for the proper discharge of its functions and responsibilities under this Act.

Data gathered under this provision shall be kept strictly confidential and shall not be made available to any person or entity not authorized to gather, handle, store or release data under the provisions of this Act except upon lawful order of a court of competent jurisdiction or under such conditions as may be prescribed by the NIDC taking into consideration the policies and provisions of this Act. Maintenance and control of the database containing stored data shall be under the sole jurisdiction of NIDC.

SECTION 16. – Prohibitions upon the NIDC – The NIDC and its personnel are hereby prohibited from revealing in any manner the data gathered and/or stored pursuant to this Act, except upon lawful order of a court of competent jurisdiction, or under such conditions as maybe prescribed by the NIDC.

SECTION 17. – Grounds for the deferment of application – The NIDC or any of its duly authorized officers or personnel may defer approval of an application for, and refuse to issue an NID Card for an application that is on its face incomplete and inaccurate in any material respect or includes untrue statement or omits to state a material fact required under this Act.

SECTION 18. – Procedure and requirements for data gathering, processing and approval of Applications. –

1. Entry of Application for ID (AID)

LTO is mandated to provide the necessary infrastructure support to facilitate the conduct of the activities below under the supervision of the NIDC.

1. The requesting party obtains an AID from the reservation office, fills-up the required data inputs and submits such to the reservation office.
2. The reservation officer enters the details in the AID to a computer to create an electronic file of the application (e-AID). After the entry, the e-AID shall be automatically checked for completeness of inputted data and subsequently, the requesting party shall be required to submit appropriate documents based on the type of party and type of card.
3. The reservation officer makes a printout of an Appointment Slip (AS), which shall contain the documents required from the requesting party, the designated LTO District Office where such documents shall be presented and the date of appointment for the presentment of such documents. The AS shall also contain a unique AS number for reference purposes.

II. Verification of the AID

NSO is mandated to provide the necessary referential database to facilitate the conduct of the activities below under the supervision of NIDC.

1. Immediately after the review of the e-AID, the reservation officer shall electronically forward to the verification office for the validation of the details of the application submitted by the requesting party as reflected in AID with the referential database from NSO and/or with the information in the NIDC database related to a prior registration, shall returned to the requesting party for correction.
2. The verification officer electronically forwards the e-AID to the Receiving Office for future retrieval upon personal visit of the requesting party.

III. Processing of AID and Capture of Personal Biometrics Information

LTO is mandated to provide the necessary infrastructure support to facilitate the conduct of the activities below under the supervision of NIDC.

1. The requesting party submits to the receiving office the required documents to establish his identity together with the AS.
2. The receiving officer retrieves the existing records built-up during the Entry of the AID (including the result of the validation with the referential database).
3. When the information is validated, the receiving officer retrieves the existing records built-up during the Entry of the AID (including the result of the validation with the referential database).
4. When documents submitted are complete, the receiving officer prints out a Processing Slip (PS) containing the documents received, the required payment, and a unique PS number.
5. The receiving officer electronically forwards the transaction to the registration office for processing and approval of the AID.
6. The registration office, through the registration officer, retrieves the e-AID together with all the information in the database built-up during the prior stages and reviews and compares such information with those found in the presented documents. Application, which would be established to have discrepancies with the documents submitted, shall be returned to the requesting party for correction.
7. Applications where documents are in order are forwarded to the cashier for free collection and, simultaneously, for scanning documents of the requesting party for digital storage.
8. The requesting party is called through his/her PS number for payment of required fees. The cashier issues official receipt (OR) for the payment received.
9. The requesting party presents the OR to a registration clerk in-charge of capturing of the personal biometrics data of the requesting party at the data capture stations.
10. The registration officer retrieves the e-AID together with all the information in the database built-up during the prior stages and commences with the capturing of the requesting party's photo, signature and fingerprints.

- a. The photo collection begins when the registration clerk points the digital camera towards the applicant.
 - b. The live image is displayed upon the screen. The registration clerk presses a button to freeze the image. If the image is not acceptable, the registration clerk can return to live image. After approving the quality of the image, the image is downloaded from the digital camera.
 - c. While the image is being downloaded from the digital camera, the requesting party's signature shall be captured. The requesting party signs his name on an electronic signature pad creating an electronic signature. The resulting signature is captured and stored in the database.
 - d. Subsequently, the fingerprints are collected. The registration clerk assists the requesting party in placing the correct fingers, one at a time, upon a digital fingerprint reader. The collected fingerprints are verified immediately for quality, and if quality is not acceptable, the fingerprint is re-scanned immediately.
11. After the capture of all the personal biometrics data of the requesting party, the registration clerk electronically forwards the transaction to the approving officer for processing and approval of the AID.

IV. Approval of Application for ID (AID)

LTO is mandated to provide the necessary infrastructure support to facilitate the conduct of the activities below under the supervision of NIDC.

1. The approving officer calls requesting party through his/her PS number for the final review of his application.
2. The approving officer retrieves and reviews the e-AID, document images and the requesting party's personal biometrics data together with all the information in the database captured during the prior stages.
3. The approving officer verbally confirms from the requesting party selected data in the AID, and requests the party to place his thumbs onto the fingerprint verification scanner for one-to-one matching against the fingerprint images captured during the prior stage

4. The approving officer visually compares the requesting party's facial appearance/features against the photo image captured during the prior stage.
5. As a supplementary activity for 2nd Card issuance, automatic fingerprint matching shall be performed to compare the fingerprints in the previous registration activity against the one captured for the current application.
6. When the result of the above activities is in favor of the requesting party, a Claim Slip (CS) shall be printed for the presentation of the requesting party when he/she claims the NID card. The claim slip shall contain the PS number of the application.
7. Subsequently, all the approved AID shall be forwarded to the centralized card production facility together with all the required information for card production purposes. The transfer shall be by batches (either through CDs or network) and covered by an Authorization to Issue ID (AIID).

SECTION 19. – Procedure for production and distribution of NID Card.

I. Production of NID Cards

SSS is mandated to provide the necessary infrastructure support (Centralized Card Production Facility) to facilitate the conduct of the activities below under the supervision of NIDC.

1. The Centralized Card Production Facility, through the inventory taker, receives all the approved AID within the batch (text and image), as supported by the AIID and all the required information for card production purposes.
2. The inventory taker conducts inventory of the CD's received.
3. The inventory taker undertakes the production of the NID card with the following activities:
 - a. Printing;
 - b. Lamination;
 - c. Quality Control; and,
 - d. Delivery.

4. After the production of the approved AID within the batch of CD's, a production report shall be printed containing the details or listing of the cards available for release. The production report shall be forwarded to the NID Card Releasing Office together with the NID Card.

II. Distribution of NIDs

LTO is mandated to provide the necessary infrastructure support to facilitate the conduct of the activities below under the supervision of NIDC.

1. NID Card Releasing Office receives the Production Report together with the NID Cards.
2. The releasing officer checks all NID cards received for validity and verifies the correctness of information contained in the card.
3. The releasing officer, notifies the requesting party, through a formal letter about the availability of the NID card for pick-up.
4. At a designated date, the requesting party goes to the NID Card Releasing Office for the pick-up of his/her NID card.
5. The requesting party presents the Claim Slip previously issued to him/her as well as the formal letter sent him/her for notification.
6. The releasing officer before releasing the NID card verifies the live fingerprint of the requesting party against the fingerprint image in the database through the fingerprint verification scanner. The releasing officer likewise makes a visual check of the requesting party's facial appearance against the photo image in the database.
7. When the results of the activities above are satisfactory, the NID card is released to the requesting party.
8. The requesting party signs an acknowledge receipt to signify his/her receipt of the NID card.

SECTION 20. – Systems security features and procedure and requirements for storage and retrieval of information. –

The NIDC shall forthwith and, in any event, prior to the implementation of the ID System, cause to be installed, established or set up such systems security features as may be necessary to ensure that the data gathered shall be secure from improper

handling, unauthorized access, hacking, or leakage. To this end, the NIDC shall ensure that the security layers on databases, programs, system access authorization, online access, physical sites, against viruses and hackers are set up.

SECTION 21. – Minimization of cost in implementing this Act.
– In carrying out the provisions of this Act and in order to minimize costs on the part of the government, the NIDC shall as far as practicable, maximize the use of existing infrastructure facilities for the gathering, storage and retrieval of data and the productions of the National Identification Cards. To this end, the NIDC shall consult, coordinate and transact with the LTO, NSO, and SSS and such other government agencies possessing existing or evolving information and communications technology infrastructure or otherwise capable of carrying out the provisions of this Act or portions hereof. Concomitantly, LTO, NSO and SSS are mandated as follows:

- a. Land Transportation Office (LTO) – LTO is mandated to provide the use of its existing nationwide network, data center, data (textual and image) capture stations and back-up and disaster recovery facilities in the receipt and processing of the AID and distribution of approved NID cards. Data gathering, being one of the most significant component of the NIDS shall be facilitated by LTO's approximately two hundred fifty (250) district offices, fifteen (15) regional offices, one (1) recovery center, one (1) systems management center and one (1) central office sites which are interconnected nationwide within the LTO network.
- b. National Statistics Office (NSO) – NSO is mandated to provide the use of its existing birth records, which shall form part of the referential database to be used for the validation of the details of the application, submitted by the requesting party as reflected in AID.
- c. Social Security System (SSS) – SSS is mandated to provide the use of its existing facilities in the production of NID cards. SSS shall be regarded as the Centralized Card Production Facility for this purpose.

The assistance to be provided by the above-mentioned entities shall be subject to the terms and conditions of its existing contracts with external parties with other government entities or private institutions.

SECTION 22. – Authorized officers or personnel to maintain and control data gathered. – Except as otherwise provided in this Act, upon lawful order of the court of sufficient jurisdiction, or by express provision of law, no person shall have the authority for the maintenance and control of any information inside the NIDC databases except the NIDC Commissioners and NIDC personnel specifically authorized by NIDC Commissioners.

SECTION 23. – Respect for right of individual's privacy. – In the performance of their duties under this Act, the authorized officers and personnel handling the data gathered pursuant to this Act shall at all times respect and safeguard the individual's right to privacy.

SECTION 24. – Verification and/or correction of encoded data by individual concerned. – Every individual shall have the right to verify or request for correction of clerical errors of the data encoded in his/her NID Card, in accordance with the reasonable regulations as may be provided in the implementing rules and regulations.

SECTION 25. – Replacement of a NID Card. – The NIDC shall promulgate such rules and regulations concerning the grounds and procedure for the replacement of NID Cards.

SECTION 26. – Funding. – The amount of TEN MILLION PESOS (P10,000,000.00), out of the funds of the National Treasury, is hereby appropriated annually to carry out the intents and purposes of this Act. Additional appropriations may be granted upon justification of the needs of the NIDC. Nevertheless, the provisions of the BOT Law shall apply in the event that a BOT arrangement or any variant thereof is availed by the NIDC.

SECTION 27. – Prohibited acts. – Any person or entity found guilty of committing the prohibited acts under this provision shall be punished with a fine or imprisonment, or both, pursuant to Section 28 (3).

1. No person shall apply for and acquire more than one (1) NID Card;
2. No person shall file an application for registration and issuance of a NID Card containing statements known to him/her to be false;

3. No person shall procure or attempt to procure registration and issuance of a NID Card for himself/herself or another person through fraud.
4. No person shall use a NID Card of another person without the express written consent of the person concerned;
5. No person shall, with intent to defraud, alter, forge, make or counterfeits any NID Card or knowingly use an altered, forged or counterfeited NID Card.

SECTION 28. – Penalties for improper handling of gathered and/or encoded data, unauthorized disclosures and violations of privacy and other violations of the provisions of this Act.

1. Any person found guilty of improper handling of gathered and/or encoded data shall be punished by a fine not less than one hundred thousand pesos or imprisonment of six (6) months to three (3) years, or both fine and imprisonment, at the discretion of the court.
2. Unauthorized disclosures of the gathered and/or encoded data and violations of privacy shall be punished by a fine not less than one hundred thousand pesos or imprisonment of six (6) months to three (3) years, or both fine and imprisonment, at the discretion of the court.
3. Any person found guilty of committing any of the prohibited acts under Section 27 shall be punished by a fine not less than one hundred thousand pesos or imprisonment of six (6) months to three (3) years, or both fine and imprisonment, at the discretion of the court.
4. Any person found to have participated directly or indirectly in the commission of fraud, collusion, falsification, or misrepresentation, in acquiring a NID Card for him or for some other persons, shall suffer the penalties provided in Article one hundred seventy two of the Revised Penal Code.

SECTION 29. – Cases not provided for in Act. – The provisions of existing laws shall govern any case not provided for in this Act.

SECTION 30. – Effectivity of Implementing Rules and Regulations. – The implementing rules and regulations promulgated by the NIDC under this Act shall take effect fifteen (15) days after it is duly published in the Official Gazette or in at least two (2) newspapers of general circulation, whichever comes earlier.

SECTION 31. – Separability. – If, for any reason, any provision of this Act is declared invalid or unconstitutional, the remainder of this Act, which are not affected thereby, shall remain in full force and effect.

SECTION 32. – Repeals. – All acts, laws, decrees, orders, executive orders, instructions, rules and regulations or parts thereof inconsistent with this Act are hereby repealed or modified accordingly.

SECTION 33. – Effectivity. – This Act shall take effect fifteen (15) days after it is duly published in the Official Gazette or in at least two (2) newspapers of general circulation, whichever comes earlier.

Approved.