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FIFTEENTH CONGRESS OF THE)
REPUBLIC OF THE PHILIPPINES)
Second Regular Session)

HOUSE OF REPRESENTATIVES
H. No. 5683



Introduced by Representative Teodorico T. Haresco

EXPLANATORY NOTE

The inception of the National Bureau of Investigation (NBI) can be traced from Commonwealth Act No. 181 which was enacted by the legislature on November 13, 1936. The creation of an investigation unit was patterned after the United States' Federal Bureau of Investigation (FBI).

The main objective of the NBI is "the establishment and maintenance of a modern, effective and efficient investigative service and research agency.." However, with almost 76 years of existence, there is a need to reorganize and modernize the NBI to fully adapt with the ever-changing society.

This bill seeks to reinforce the NBI's vision-mission of "a world-class investigative institution providing quality investigative and forensic services to the people through advanced method and equipment in the pursuit of truth and justice".

In view of the foregoing, the passage of this bill is earnestly sought.


TEODORICO T. HARESCO
Representative

1 FIFTEENTH CONGRESS OF THE)
2 REPUBLIC OF THE PHILIPPINES)
3 *Second Regular Session*)
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5 HOUSE OF REPRESENTATIVES
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9 Introduced by Representative Teodorico T. Haresco
10

11 AN ACT
12
13 REORGANIZING AND MODERNIZING THE NATIONAL BUREAU OF
14 INVESTIGATION (NBI), PROVIDING FUNDS THEREFOR,
15 AND FOR OTHER PURPOSES
16

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

19 SECTION 1. Short Title. - This Act shall be known as the "NBI Reorganization and
20 Modernization Act of 2012."

21 SEC. 2. Declaration of Policy. - It is the policy of the state to promote and maintain
22 a modern, competent and highly trained investigative body, functionally integrated and
23 national in scope. Toward this end, the state shall formulate plans and programs to enhance
24 and modernize the National Bureau of Investigation (NBI), with expanded structure,
25 capability and manpower, responsive to the demands of the times.

26 SEC. 3. Reorganization, Modernization and Expansion of the National Bureau of
27 Investigation. - The National Bureau of Investigation, hereinafter referred to as the NBI, is
28 hereby reorganized and modernized.

29 The National Bureau of Investigation (NBI) shall implement a modernization
30 program geared towards the acquisition of state-of-the-art investigative and intelligence
31 equipment and the establishment of forensic and scientific laboratories. The program
32 shall include provisions for the training of its personnel in this regard.

33 The investigative and non-investigative staff of the NBI shall be increased
34 and their positions upgraded to adequately meet the increasing demands of an expanded
35 investigative and detective work.

1 The present organizational structure of the NBI shall be reorganized into the Office
2 of the Director, Office of the Deputy Director for Administration and Office of the Deputy
3 Director for Operations, Office of the Assistant Directors for Investigation Service,
4 Intelligence Service, Comptroller Service, Internal Audit Service, Forensic and
5 Scientific Research Service, Legal Service, and Information and Communications
6 Technology Service. Each service shall be composed of the necessary divisions and
7 sections.

8 The NBI shall establish a Regional Office in every region and a sub-office in
9 every province, to be headed by a Regional Director and Head Agent, respectively.
10 Field offices in Congressional Districts shall likewise be established/ maintained.

11 The investigative and non-investigative staff of the NBI occupying the positions
12 affected by the changes embodied in this Act at the time of its approval shall
13 thereafter occupy the positions by this Act, and discharge the duties and functions of
14 their new positions and receive the corresponding salary and benefits without the necessity
15 of any new appointment.

16 SEC. 4. Qualifications of NBI Agents:

- 17 a.) Citizen of the Philippines;
18 b.) Of good moral character;
19 c.) A member of the Philippine Bar or a Holder of a Baccalaureate Degree who
20 passed the necessary Government licensure examination; and
21 d.) Other qualifications for appointment as may be required by the NBI .
22 These qualifications and requirements for appointment shall include, among others, passing
23 the competitive mental and physical examination and sufficient instruction and training to be
24 given by the NBI.

25 28 SEC. 5. Compensation. - The Director, for purposes of salary and benefits, shall
26 have the equivalent rank of an Undersecretary.

27 Salaries and benefits of other Bureau officials and personnel shall be reckoned from
28 the salary level of the Director.

29 Subject to availability of funds, salaries and privileges of NBI personnel may be
30 further increased in amounts to be determined by the Department of Budget and
31 Management (DBM) and the NBI director.

32 SEC. 6. Powers and Functions. - The NBI shall have the following powers and
33 functions:

1 a.) Undertake investigation and detection of crimes and other offenses against the
2 laws of the Philippines, upon its own initiative and as public interest may require;

3 Once the NBI commences the investigation of any crime or offense, it shall
4 continue to be the lead agency in the investigation until its conclusion. Where the
5 investigation of any crime or offense is vested in another agency which has already
6 commenced its own investigation, the NBI shall exercise a supportive and
7 coordinative role: Provided, however, That when otherwise directed by the President or
8 the Secretary of Justice, or when so requested by the agency concerned or the
9 victim's family, the NBI shall assume the lead role in the investigation until its final
10 determination.

11 b.) Act as national clearing house of criminal records and other related information
12 for the benefit of judicial, quasi-judicial and administrative bodies, all prosecuting and
13 law enforcement entities, as well as the Legislative and Executive branches of the
14 Government;

15 c.) Act as repository for the following:

- 16 1. All derogatory and criminal records and civilian identification records,
17 including their identifying marks and characteristics;
- 18 2. Ballistic records of firearms including but not limited to data
19 ownership, possession, and other related identifying circumstances for cases
20 handled by the NBI;
- 21 3. Dental records pursuant to Presidential Decree No. (P.D. No.) 1575; and
- 22 4. National deoxyribonucleic acid (DNA) database.

23 For this purpose, a modern NBI Clearance and Identification Center shall be
24 established;

25 d.) Render technical assistance to judicial, quasi-judicial and administrative bodies,
26 all prosecuting and law enforcement entities of government, as well as, the Legislative and
27 Executive branches of the Government, when so requested;

28 e.) Establish an NBI Academy which shall be responsible for the recruitment,
29 training and development of all NBI agents and personnel;

30 f.) Establish and maintain an integrated, comprehensive and state-of-the-art
31 network, equipment and facilities to be used by the NBI in its criminal investigation,
32 detection and evidence gathering, and to provide the corresponding training in this regard;

- 1 g.) Establish and maintain a Cyber Investigation and Assessment Center which shall
2 serve as the nerve center for computer, information technologies, data on cybercrime cases,
3 computer intrusion, threats and other related crimes or activities;
- 4 h.) Establish and maintain a Forensic and Scientific Research Center which shall
5 service as the primary center for forensic and scientific research in furtherance of
6 scientific knowledge in criminal investigation, detection and evidence collection and
7 preservation; and provide the necessary training therefore;
- 8 i.) Establish, control, supervise and administer a National Deoxyribonucleic Acid
9 (DNA) database which shall be independent from other agencies;
- 10 j.) Enlist the assistance of the Philippine National Police, Armed Forces of the
11 Philippines or any other agency of the Government, including government-owned and/or
12 controlled corporations, in its anti-crime drive. Such assistance may include the use of the
13 enlisted agency's personnel and facilities upon prior approval of the head of the agency
14 concerned;
- 15 k.) Conduct intelligence operations in furtherance of the foregoing powers and
16 functions;
- 17 l.) Enter into any contract or transaction for the acquisition, ownership, possession,
18 administration, lease, disposition or acceptance of real or personal property in its name; and
- 19 m.) Perform such other related functions as the President or the Secretary of Justice
20 may assign.

21 SEC. 7. Jurisdiction. – The NBI shall have investigative jurisdiction over the following

22 A. Exclusive Jurisdiction:

- 23 1. Cases involving violations of the Anti-Dummy Law.
24 2. Extradition Cases.

25 B. Primary Jurisdiction:

- 26 1. Cases where the alleged offender is a public officer or employee where the
27 penalty to be imposed is imprisonment for not less than six years.
28 2. Cases where the alleged offenders are members of organized groups or
29 syndicates.
30 3. Cases of Human Trafficking.
31 4. Cybercrime Cases.
32 5. Cases involving commercial, economic and financial crimes.
33 6. Cases involving national security.

1 7. Cases involving threats to security or assaults against the persons of the
2 President, Vice President, Justices of the Supreme Court, Members of Congress and the
3 Cabinet.

4 8. Investigation, upon proper request, of cases of administrative or civil
5 nature in which the Government is interested.

6 9. Identification of the dead/victims in case of mass fatality incident caused
7 by natural disasters.

8 Provided, however, That the President, Secretary of Justice or NBI Director may
9 direct investigation of any crime when public interest so requires; and Provided further, That
10 the NBI shall have authority to investigate all crimes not assigned exclusively to other
11 law enforcement agencies; And Provided finally, That once the NBI takes cognizance of a
12 case within its primary jurisdiction, all other agencies shall provide supportive role in the
13 investigation.

14 The NBI may likewise extend its services, whenever properly requested, in the
15 investigation of cases of administrative or civil nature in which the government is interested.

16 SEC.8. The NBI Director, Other Officials and the Personnel Selection Board (PSB).
17 – The NBI shall be headed by a Director and assisted by two (2) Deputy Directors, one
18 Deputy Director for Administration and another Deputy Director for Operations, and an
19 Assistant Director for each of the following seven (7) Services: Investigation Service,
20 Intelligence Service, Comptroller Service, Internal Audit Service, Forensic and Scientific
21 Research Service, Legal Service, and Information and Communications Technology
22 Service.

23 Rank and classification of NBI officials and members of the investigative staff shall
24 be as follows:

- 25 a. Director
- 26 b. Deputy Director
- 27 c. Assistant Director
- 28 d. Regional Director
- 29 e. Assistant Regional Director
- 30 f. Head Agent
- 31 g. Supervising Agent
- 32 h. Senior Agent
- 33 i. Agent III

1 j. Agent II

2 k. Agent I

3 No person shall be appointed Director unless he is a natural-born citizen of the
4 Philippines, a member of the Philippine Bar and should come from the ranks of Deputy
5 Directors and Assistant Directors. He shall serve for a term of three (3) years without
6 reappointment.

7 Bureau officials, from Director I to Bureau Director, shall be appointed by the,
8 President of the Philippines upon the recommendation of the Personnel Selection Board
9 (PSB) as approved by the NBI Director.

10 Forensic doctors, chemists and other experts shall be called Special Agents. Their
11 ranks shall be equal to regular agents.

12 The PSB shall be composed of the Deputy Directors and Assistant Directors and
13 such other members as may be required by law. It shall be chaired by the Deputy Director
14 for Administration. The PSB shall have the power to recommend, for approval, by the NBI
15 Director, all promotions and selections of personnel and the criteria thereof.

16 The PSB shall continue to adopt a merit system on the basis of highly technical
17 qualifications in the fields of investigation, forensics and intelligence without need of any
18 additional prescribed government eligibility requirements. This separate merit system
19 shall provide for the career development program for each position and rank and shall apply
20 to all incumbent officials and employees of the Bureau.

21 SEC. 9. Powers and Functions of the Director. – The Director shall have the following
22 powers and functions:

- 23 a.) Formulate policies, guidelines and programs to effectively carry out the
24 purposes of this Act;
- 25 b.) Direct, control and supervise the administration and operations of the NBI;
- 26 c.) Promulgate rules and regulations as may be necessary or proper for the
27 effective exercise of the powers and functions as well as the discharge of
28 the duties and responsibilities of the NBI, its officials and personnel;
- 29 d.) Determine, from time to time, subject to availability of funds, the limits to
30 which in terms of amount and period covered, reasonable allowances,
31 incentives, bonuses, privileges and other benefits may be given to Bureau
32 employees;

- e.) Create or abolish any division/unit as may be required by the exigencies of the service;
- f.) Deploy any of its officials or personnel for out-of-country missions including, but not limited to, assignments as functionaries attached to any Philippine Embassy, consulate or any other diplomatic office abroad in coordination with the Department of Foreign Affairs: Provided, That any expense incurred by the NBI representative in the establishment of his or her office, including operation and maintenance is shouldered by the NBI;
- g.) Hire consultants for such length of time as may be deemed required by the exigencies of the service;
- h.) Issue mission orders and permits to carry firearms outside residence to its agents;
- i.) Designate NBI informants;
- j.) Remove, suspend or otherwise discipline NBI personnel for a cause in accordance with Civil Service Rules and Regulations and other pertinent laws, in any of the following circumstances:
 - 1. When the charge is serious and the evidence of guilt is strong, or
 - 2. When the respondent is notoriously undesirable.
- k.) Perform any and all acts necessary, proper or incidental to the attainment of the purposes and objectives of this Act; and
- l.) Perform such other related functions as may be provided by law or authorized by the Secretary of Justice.

SEC. 10. Powers and Functions of the Investigative Staff. - The Investigative staff of the NBI shall have the following powers and functions:

- a.) Conduct searches, arrests and seizures in accordance with existing laws, rules and regulations;
- b.) Issue subpoenas or *subpoena duces tecum* for the appearance of any person for investigation; Deliberate and unjustified failure to obey the subpoena herein mentioned shall render the person concerned liable for obstruction of justice under P.D. 1829;
- c.) Take and require sworn statements of any person or persons so summoned in relation to cases under investigation;
- d.) Administer oaths in cases under investigation; and

1 e.) Own, possess and carry, outside their office and residence, suitable
2 and adequate firearms for their personal protection in connection with
3 their duties and for the proper protection of witnesses and persons in
4 custody: Provided, That no previous special permit for such possession
5 shall be required.

6 SEC. 11. Benefits and Privileges. - The NBI shall provide its employees with the
7 following benefits:

- 8 a.) Health care services through a Health Maintenance Organization (HMO).
9 Expenses for the mandatory annual executive check-up of all regular
10 employees shall be for the account of the NBI;
- 11 b.) Accident insurance policies for all employees, procured by the NBI at its own
12 expense, while in the performance of their official duties and functions;
- 13 c.) Without prejudice to efficiency in the service, grant trainings, scholarships and
14 seminars to deserving employees, on official time and at the expense of
15 the NBI, to upgrade their knowledge and skills: Provided, That grantees
16 under this provision shall be selected on the basis of merit as
17 determined by competitive examination;
- 18 d.) Longevity pay subject to guidelines that shall hereafter be issued by the
19 NBI Director in accordance with existing laws and regulations; and
- 20 e.) A Provident Fund which shall consist of contributions made by both
21 the management and member - employees to a common fund to
22 provide additional benefits to NBI employees. The Fund shall be
23 provided with a capital to be sourced from, among others, retained
24 collection from clearance fees. Said Fund shall be augmented by
25 counterpart contributions of NBI personnel at an amount to be agreed
26 upon by the management and member - employees.

27 SEC. 12. Retirement Benefits. - Upon attaining sixty (60) years of age with at least
28 fifteen (15) years of continuous government service, or upon accumulation of thirty (30)
29 years of satisfactory continuous service, whichever is earlier, an NBI personnel shall be
30 compulsorily retired and shall be entitled to receive benefits provided by law. Monetary
31 incentive / special allowances shall, for retirement purposes, be an integral part of a retiree's
32 basic salary.

1 SEC. 13. Legal Assistance. - A special trust fund shall be established to assist
2 NBI personnel who are criminally charged in connection with the performance of their official
3 functions. Aside from legal assistance, medical, funeral and other assistance shall be
4 extended by the Director when necessary. Five percent (5%) of the NBI annual income
5 from clearance fees and other fees should be set aside for this purpose.

6 SEC. 14. Seminars and Other Professional Fees. - Subject to availability of funds,
7 fees for relevant seminars, as well as professional membership fees for lawyers, registration
8 fees and related miscellaneous expenses incurred in completing the Mandatory Continuing
9 Legal Education (MCLE) course shall be borne by the NBT.

10 Moreover, professional membership, registration fees, including the mandatory
11 continuing professional education (CPE), and related miscellaneous expenses of other
12 employees holding positions for which a professional license is required by the NBI, shall be
13 borne by the NBI.

14 SEC.15. Transportation Benefits. - Subject to availability of funds, employees shall
15 be provided with contracted transportation services until such time that the office can
16 procure additional motor vehicles for this purpose.

17 SEC.16. Franking Privilege. - All official mail matters of the NBI addressed for
18 delivery within the Philippines shall be received, transmitted and delivered free of charge:
19 Provided, That such mail matters when addressed to private persons or non-government
20 offices shall not exceed one hundred and twenty (120) grams; Provided further, That use
21 of this privilege for non-official purposes shall be a ground for disciplinary action.

22 SEC. 17. Grant of Special Allowances. - The investigative and non-investigative
23 personnel of the NBI shall be granted special allowances in amounts to be determined by
24 the NBI Director and the Department of Budget and Management (DBM).

25 The grant of special allowances shall be implemented uniformly in such sums and
26 amounts and to the extent that can be supported by the funding source as specified in
27 Section 19 hereof: Provided, That said special allowance shall not exceed One Hundred
28 percent (100%) of the basic salary of the NBI personnel concerned as provided for
29 in R.A. No. 6758 otherwise known as the Salary Standardization Law of 1989, as amended.

30 SEC. 18. Use of NBI Clearance Fees and other fees. - The NBI shall be
31 authorized to use all of its collections from clearance fees to augment its operational
32 expenses such as but not limited to capital outlay, expenses for health care
33 services, career advancement and professionalization, legal assistance, seminars and

1 other professional fees, among others. The NBI Director shall also have the authority to
2 determine and impose other fees when necessary.

3 SEC. 19. Funding Source. - The funds required for the implementation of this Act
4 including employee benefits shall be taken from:

- 5 1. All collections from NBI clearance and certification fees;
- 6 2. All service incomes from trainings, DNA, drug tests, confirmatory and
7 neurological tests and the like;
- 8 3. Ten Percent (10%) of the proceeds of confiscated/forfeited articles from the
9 cases investigated by the NBI upon the order of the court;
- 10 4. Other miscellaneous incomes; and
- 11 5. Other fees which may be determined or imposed by the Director.

12 SEC. 20. Effect of Subsequent Salary Increases. - Upon implementation of any
13 subsequent increased in the salary rates provided under R.A. No. 6758, as amended, all
14 special allowances granted under Section 17 hereof shall be considered as an
15 implementation of said salary increases as provided by law. The special allowances
16 equivalent to the increase in the basic salary as may be provided by law shall be converted
17 as part of the basic salary: Provided. That the amounts converted as basic salary shall be
18 funded from the regular appropriations of the NBI. Any excess in the allowances granted
19 under this Act not converted to basic salary shall continue to be granted as such and shall
20 continue to be funded under the immediately preceding Section.

21 SEC. 21. Implementing Rules and Regulations. - Within sixty (60) days from the
22 approval of this Act, the NBI Director in coordination with the Secretary of Budget and
23 Management (DBM) shall promulgate such rules and regulations as may be necessary to
24 carry out the provisions of this Act.

25 SEC. 22. Transitory Provisions. - All unexpended appropriations, real and
26 personal property, contracts, records and documents relating to the existing NBI shall
27 be transferred to the reorganized NBI.

28 All rights, obligations and liabilities of the existing NBI shall likewise be deemed to be
29 rights, obligations and liabilities of the reorganized NBI.

30 All incumbent officials and personnel of the NBI shall continue in office and
31 perform their duties as such without need of reappointment Provided, That the
32 incumbent Assistant Director shall continue in Office as Deputy Director and the incumbent

1 Deputy Directors shall continue in office as Assistant Directors of their respective or
2 equivalent services.

3 Incumbent special investigators shall be deemed regular agents provided they meet
4 the qualifications set forth under Section 4 hereof within two (2) years from the
5 effectivity of this Act.

6 SEC. 23. Repealing Clause. - Pertinent provisions of Executive Order 292, the
7 Revised Administrative Code of 1987, as amended, R.A. No. 460 dated December 3, 1997,
8 R.A. No. 157 dated June 19, 1947, Executive Order No. 482 dated May 7, 1998,
9 Administrative Order No. 117 dated February 17, 1994 and all laws, decrees, orders, rules
10 and regulations or parts thereof which are contrary to or inconsistent with the provisions of
11 this Act, are hereby repealed or amended accordingly.

12 SEC. 24. Separability Clause. - If any provision of this Act is declared invalid or
13 unconstitutional the provisions not affected thereby shall continue to be in full force
14 and effect.

15 SEC. 25. Effectivity. - This Act shall take effect after fifteen (15) days from its
16 publication in the Official Gazette or in two (2) newspapers of general circulation in
17 the Philippines.

18 *Approved,*
19