

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City, Metro Manila

Sixteenth Congress
First Regular Session

House Bill No. 4556



Introduced by the Honorable ANN K. HOFER

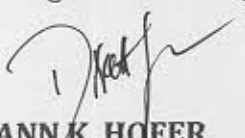
EXPLANATORY NOTE

This bill primarily seeks the modernization of the National Bureau of Investigation (NBI), the premiere investigating body of the country.

With the passage of time, technological advances have been made in our everyday lives. This has provided much efficiency and convenience to our daily activities like communication, transportation, leisure, and transaction with both government and non-government agencies alike. Unfortunately, with the modernization of these aspects of our lives, the commission of crime has not been left behind. In some cases, crimes have become more modern than the law enforcement capabilities of our institutions.

It is in this light that the modernization of the NBI to adequately meet the demands of these changing times is pursued. With the proposed bill, the NBI will be expanded, reorganized, and modernized to become up to date with the present, and to be flexible for further change in the future, with the end in view of solving more crimes and bringing those responsible therefor to justice. The NBI will be given the means to be upgraded pursuant to international standards when it comes to maintaining databases with biometric information (fingerprints, DNA, etc.), investigating cybercrimes and other illegal acts committed through and with the aid of electronic means, improving training techniques and facilities for NBI agents and personnel for modern times, and other related needs.

In light of the foregoing, urgent approval of this bill is earnestly sought.


ANN K. HOFER
Second District, Zamboanga Sibugay

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1 AN ACT REORGANIZING AND MODERNIZING THE NATIONAL BUREAU OF
2 INVESTIGATION, PROVIDING FUNDS THEREFOR, AND FOR OTHER
3 PURPOSES.

4

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

7

8 **SECTION 1. *Short Title.*** - This Act shall be known as the "National Bureau of
9 Investigation Reorganization and Modernization Act."

10

11 **SEC. 2. *Declaration of Policy.*** - It is the policy of the state to promote and
12 maintain an effective, modern, gender-responsive, competent and highly trained
13 investigative body, functionally integrated and national in scope.

14

15 Toward this end, the state shall formulate plans and programs to enhance
16 and modernize the National Bureau of Investigation (NBI), with expanded
17 structure, capability, and manpower, responsive to the demands of the times.

18

19 **SEC. 3. *Reorganization, Modernization and Expansion of the National***
20 ***Bureau of Investigation.*** - The National Bureau of Investigation, hereinafter
21 referred to as the NBI, is hereby, reorganized, expanded and modernized.

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

6
7 The investigative and non-investigative staff of the NBI shall be increased and
8 their positions upgraded to adequately meet the increasing demands of an
9 expanded and modernized detective work.

10
11 The present organizational structure of the NBI shall be re-organized into the
12 Office of the Director, Office of the Deputy Director for Administration and Office of
13 the Deputy Director for Operations, Office of the Assistant Directors for
14 Investigative Service, Intelligence Service, Comptroller Service, Internal Audit
15 Service, Forensic and Scientific Service, Legal Service, and Information and
16 Communication Technology Service. Each service shall be composed of necessary
17 divisions and sections.

18
19 The NBI shall establish a Regional Office in every region and sub-office in
20 every province, to be headed by a Regional Director and Head Agent, respectively.
21 Field offices in Congressional Districts shall likewise be established/maintained by
22 the Director as the need arises.

23
24 The investigative and non-investigative staff of the NBI occupying the
25 positions affected by the changes embodied in this Act at the time of its approval
26 shall thereafter occupy the positions by this Act, and discharge the duties and
27 functions of their new positions and receive the corresponding salary and benefits
28 without the necessity of any new appointment.

29
30 **SEC. 4. *Qualifications of NBI Investigation Agents.***

31
32 a.) Citizens of the Philippines;

1 b.) Of good moral character;

2 c.) A member of the Philippine Bar or a Holder of a Baccalaureate Degree who
3 passed the necessary Government licensure examination relevant to the
4 core functions of the NBI; and

5 d.) Other qualifications for appointment as may be required by the NBI. These
6 qualifications and requirements for appointment shall include, among
7 others, passing the competitive mental and physical examination and
8 sufficient instruction and training to be given by the NBI.

9
10 Incumbent Special Investigators, who have undergone a basic training
11 course in the NBI Academy at the time of the passage of this bill but failed to
12 qualify as regular investigation agents shall remain as Special Investigators
13 whose positions shall be converted to regular to co-terminus with the
14 incumbent (CTI) status, to be abolished once vacated.

15
16 **SEC. 5. Compensation.** – The Director, for the purposes of salary, shall have
17 the equivalent rank of an Undersecretary.

18
19 Salaries and benefits of other bureau officials and personnel shall be
20 reckoned from the salary level of the Director and shall be exempted from the
21 Salary Standardization Law.

22
23 Subject to availability of funds, salaries and privileges of NBI personnel may
24 be further increased in amounts determined by the Department of Budget and
25 Management.

26
27 **SEC. 6. Powers and Functions.** - The NBI shall have the following powers and
28 functions:

29
30 a.) To undertake investigation and detection of crimes and other offenses
31 against the laws of the Philippines, upon its own initiative or as public
32 interest may require;

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

c.) Act as repository for the following:

1. All derogatory and criminal records and civilian identification records, including their identifying marks and characteristics and fingerprint database;
2. Ballistic records of firearms including but not limited to data ownership, possession, and other related identifying circumstances for cases handled by the NBI;
3. Dental records pursuant to Presidential Decree (P.D. No. 1575);
4. National Deoxyribonucleic Acid (DNA) database;

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

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

e.) Establish and modernize the NBI Academy which shall be responsible for the recruitment, training and development of all NBI agents and personnel, **among others**;

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

g.) Establish and maintain a Forensic and Scientific Research Center which shall serve as the primary center for forensic and scientific research in furtherance of scientific knowledge in criminal investigation, detection and evidence collection and preservation; and provide the necessary training

1 therefor;

2 h.) Establish, control, supervise and administer the National Deoxyribonucleic
3 Acid (DNA) database which shall be independent from other agencies;

4 i.) Enlist the assistance of the Philippine National Police, Armed Forces of the
5 Philippines or any other agency of the Government, including
6 Government-owned and/or controlled corporations, in its anti-crime
7 drive. Such assistance may include the use of the enlisted agency's
8 personnel files and facilities upon prior approval of the head of the agency
9 concerned;

10 j.) Conduct intelligence operations in furtherance of the forgoing powers and
11 functions;

12 k.) Enter into any contract or transaction for the acquisition, ownership,
13 possession, administration, lease, disposition or acceptance of real or
14 personal property in its name; and

15 l.) Perform such other related functions as the President or Secretary of
16 Justice may assign.

17
18 **SEC. 7. Jurisdiction.** – The NBI shall have jurisdiction preferably over the
19 following cases: cases involving the Anti-Dummy Law, extradition cases; cases
20 where the alleged offender is a public officer or employee where the penalty to be
21 imposed is imprisonment for not less than six years; cases where alleged offenders
22 are members of organized groups or syndicates; human trafficking; extrajudicial
23 and extralegal killings and disappearances; cybercrimes; commercial, economic
24 and financial crimes; cases involving national security; cases involving threats to
25 security or assaults against the person of the President, Vice President, Justices of
26 the Supreme Court, Members of the Congress and the Cabinet; crimes involving
27 widespread destruction of the environment, including wildlife trafficking;
28 identification of the dead/victim in case of mass fatality incident caused by natural
29 disasters, transnational crimes; terrorism; and piracy/violation of intellectual
30 property.

31
32 *Provided, however,* that the President, Secretary of Justice or NBI Director may

1 direct investigation of any crime when public interest so requires; and *Provided*
2 *further*, That the NBI shall have authority to investigate all crimes not assigned
3 exclusively to other law enforcement agencies; *And Provided finally*, That once the
4 NBI take cognizance of a case within its jurisdiction, all other agencies shall provide
5 supportive role in the investigation.

6
7 The NBI may likewise extend its services, whenever properly requested, in the
8 investigation of cases administrative or civil nature which the government is
9 interested.

10
11 **SEC. 8. *The NBI Director, Other Officials and Personnel Selection Board***
12 ***(PSB).*** – The NBI shall be headed by a Director and assisted by 2 two (2) Deputy
13 Directors, one Deputy Director for Administration and another Deputy Director for
14 Operations, and an Assistant Director for each of the following six (6) Services:
15 Investigation Service, Intelligence Service, Comptroller Service, Internal Audit
16 Service, Forensic and Scientific Service, Legal Service, and Information and
17 Communications Technology Service, where gender balance is observed in
18 accordance to *Magna Carta* of Women and Philippine Constitution.

19
20 The PSB shall be composed of the Deputy Directors and Assistant Directors and
21 such other members may be required by law. It shall be chaired by the Deputy
22 Director for Administration. The PSB shall have the power to recommend, for
23 approval by the NBI Director, all promotions and selections of personnel and the
24 criteria thereof.

25
26 Rank and classification of NBI officials and members of the investigative staff
27 shall be as follows:

- 28 a. Director
29 b. Deputy Director
30 c. Assistant Director
31 d. Regional Director
32 e. Assistant Regional Director

- 1 f. Head Agent
- 2 g. Supervising Agent
- 3 h. Senior Agent
- 4 i. Investigation Agent

5

6 No person shall be appointed as Director unless he is a natural-born citizen of
7 the Philippines, a member of the Philippine Bar with at least fifteen (15) years of
8 prosecutorial or judicial work in the government, or twenty (20) years experience
9 of NBI investigative work. He shall serve for a term of three (3) years without
10 reappointment.

11

12 Bureau officials, from Director I to Deputy Director, shall be appointed by the
13 president of the Philippines upon the recommendation of the Personnel Selection
14 Board (PSB) as approved by the NBI Director and Secretary of Justice.

15

16 Forensic doctors, chemists and other experts, who complement the
17 investigative functions of the Investigation Agents as defined in Section 4 hereof,
18 shall be called Special Agents. Their ranks shall be equivalent to Investigation
19 Agents.

20

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

23

- 24 a.) Formulate policies, guidelines and programs to effectively carryout the
- 25 purposes of this Act;
- 26 b.) Direct, control and supervise the administration and operations of NBI;
- 27 c.) Promulgate rules 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 approval
- 30 of the Secretary of the Department of Budget and Management (DBM), the
- 31 limits to which, in terms of amount and period covered, reasonable
- 32 allowances, incentives, bonuses, privileges and other benefits may be

1 given to Bureau employees.

2 e.) Create or abolish, subject to the approval of the Secretary of the
3 Department of Justice (DOJ), any division/unit as may be required by the
4 exigencies of the service;

5 f.) Deploy any of its officials or personnel for out-of-country missions
6 including, but not limited to, assignments as functionaries attached to any
7 Philippine Embassy, consulate or any other diplomatic office abroad in
8 coordination with the Department of Foreign Affairs: Provided, That any
9 expense incurred by the NBI representative in the establishment of his or
10 her office, including operation and maintainance, is shouldered by the
11 NBI;

12 g.) Hire consultants for such length of time as may be deemed required by
13 the exigencies of the service;

14 h.) Issue mission orders and permits to carry firearms outside residence to
15 its Agents and other qualified personnel, including deputized officials of
16 the Department of Justice assisting the NBI in their investigative work;

17 i.) Designate NBI informants;

18 j.) Perform any and all acts necessary, proper or incidental to the attainment
19 of the purposes and objectives of this Act in accordance with the rules and
20 regulation of the Civil Service Commission and other pertinent laws;

21 k.) Perform such related functions as may be provided by the law or
22 authorized by the Secretary of Justice.

23
24 **SEC. 10. Powers and Functions of Investigation Agents.** – The investigative
25 staff of the NBI shall have the following powers and functions:

26
27 a.) Conduct searches, arrests and seizures in accordance with existing laws,
28 rules and regulations;

29 b.) Issue subpoenas or subpoena duces tecum for the appearance of any
30 person for investigation; Deliberate and unjustified failure to obey the
31 subpoena herein mentioned shall render the person concerned liable for
32 Obstruction of Justice in P.D. 1829.

- c.) Take and require sworn statements of and person or persons so summoned in relation to cases under investigation;
- d.) Administer oaths in cases under investigation;
- e.) Own, posses, carry, outside their office and residence, suitable and adequate firearms for their personal protection in connection with their duties and for the proper protection of witnesses in custody: Provided, That no previous special permit for such possession shall be required; and
- f.) Such other functions as may be assigned by the NBI Director.

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

- a.) Health care services through a Health Maintenance Organization (HMO). Expenses for the regular Health Maintenance Organization (HMO) services of all regular employees shall be for account of the NBI;
- b.) Accident insurance policies for all employees, procured by the NBI at its own expense;
- c.) Without prejudice to efficiency in the service, grant trainings, scholarships and seminars to deserving employees, on official time at the expense to the NBI, to upgrade their knowledge and skills;
- d.) Longevity pay subject to guidelines that shall hereafter be issued by the NBI Director in accordance with existing laws and regulations and subject further to the approval of the Secretary of the Department of Budget and Management (DBM);
- e.) A Provident Fund which shall consist of contributions made by both the management and member-employees to a common fund to provide additional benefits to NBI employees. The Fund shall be provided with a capital to be sourced from, among others, retained collection from clearance fees. Said Fund shall be augmented by counterpart contributions of NBI personnel at an amount to be agreed upon by the management and member-employees;
- f.) The non-investigative staff of the Bureau, who performs their respective duties in line with the investigative operations, shall be entitled to receive

1 hazard pay; and
2 g.) Where applicable, reasonable daily living and transportation allowances,
3 honoraria, and per diems, including free legal assistance in case of
4 harassment suits arising from the proper performance of duty.
5

6 **SEC. 12. Retirement Benefits.** – The mandatory retirement age would be 60;
7 however, Bureau officials and employees may have the option to retire upon
8 accumulation of 30 years of government service with full retirement benefits.
9

10 **SEC. 13. Special Trust Fund.** – A special trust fund shall be established to
11 assist NBI personnel who are criminally charged with the performance of their
12 official functions. Aside from legal assistance, medical, funeral and other assistance
13 shall be extended by the Director when necessary. The percentage of NBI annual
14 income from clearance fees and other fees to be set aside for this purpose shall be
15 in accordance with, or provided in the General Appropriations Act.
16

17 **SEC. 14. Seminars and Other Professional Fees.** –Subject to availability of
18 funds, fees for relevant seminars, as well as professional membership fees for
19 lawyers, registration fees, and related miscellaneous expenses incurred in
20 completing the Mandatory Continuing Legal Education (MCLE) course shall be
21 borne by the NBI. Moreover, professional membership, registration fees, including
22 mandatory continuing professional education (CPE), and related miscellaneous
23 expenses of other employees holding positions for which a professional license is
24 required by the NBI, shall be borne by the NBI.
25

26 **SEC. 15. Transportation Benefits.** – Subject to availability of funds,
27 employees shall be provided with contracted transportation services until such
28 time that the office can procure motor vehicles for this purpose.
29

30 **SEC. 16. Franking Privilege.** – All official mail matters of the NBI addressed
31 for delivery within the Philippines shall be received, transmitted and delivered free
32 of charge, provided, That such mail matters when addressed to private persons or

1 non-government offices shall not exceed one hundred twenty (120) grams;
2 Provided further, That use of this privilege for non-official purposes shall be
3 ground for disciplinary action.

4
5 **SEC. 17. *Grant of Special Allowances.*** – The investigative and non-
6 investigative personnel of the NBI shall be granted special allowances in amounts
7 to be determined by the NBI Director and the Department of Budget and
8 Management.

9
10 The grant of special allowances shall be implemented uniformly in such sums
11 and amounts and to the extent that can be supported by the funding source as
12 specified in Section 19 hereof: Provided, That said special allowance shall not
13 exceed one hundred (100) percent of the basic salary of the NBI personnel
14 concerned as provided for in R.A. No. 6758 otherwise known as the Salary
15 Standardization Law of 1989, as amended.

16
17 **SEC. 18. *Use of NBI Clearance Fees and Other Fees.*** – The NBI shall be
18 authorized to use twenty-five (25) per cent of its collections from clearance fees to
19 augment its operational expenses such as but not limited to capital outlay,
20 expenses for health care services, career advancement and professionalization,
21 legal assistance, seminars and other professional fees, among others, in accordance
22 with, or as may be provided in the General Appropriations Act.

23
24 **SEC. 19. *Funding Source.*** – The funds required for the implementation of this
25 Act including employee benefits shall be taken from:

- 26
27 1. Twenty-five (25) percent collections from NBI Clearance and Certification
28 fees;
29 2. All service incomes from trainings, DNA, Drug Tests, confirmatory and
30 neuro tests and the like;
31 3. The proceeds of confiscated/forfeited articles from the cases investigated
32 by the NBI upon order of the court;

1 4. Other miscellaneous income; and

2 5. Other fees which may be imposed by the Director.

3

4 **SEC. 20. *Effect of Subsequent Salary Increases.*** – Upon implementation of
5 any subsequent increase in the salary rates provided under RA. No. 6758, as
6 amended, all special allowances granted under Section 17 hereof shall be
7 considered as an implementation of the said salary increases provided by law. The
8 special allowances equivalent to the increase in the basic salary as may be provided
9 by law: *Provided*, That the amounts converted as basic salary shall be funded from
10 the regular appropriations of the NBI. Any excess in the allowances granted under
11 this Act not converted to basic salary shall continue to be as such and shall continue
12 to be funded under the immediately preceding Section.

13

14 **SEC. 21. *Implementing Rules and Regulations.*** – Within sixty (60) days from
15 the approval of this Act, the NBI Director in Coordination with the Secretary of
16 Budget and Management shall promulgate such rules and regulations as may be
17 necessary to carry out the provisions of this act.

18

19 **SEC. 22. *Transitory provisions.*** – All unexpended appropriations, real and
20 personal property, contracts, records, and documents relating to the existing NBI
21 shall be transferred to the reorganized NBI.

22

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

25

26 All incumbent officials and personnel of the NBI shall continue in the office
27 and perform their duties without need of reappointment *Provided*, That the
28 incumbent Assistant Director shall continue in office as one of the Deputy Directors
29 and the incumbent Deputy Directors shall continue in office as Assistant Directors
30 of their respective or equivalent services.

31

32 **SEC. 23. *Repealing Clause.*** – Pertinent provisions of Executive Order 292, the

1 Revised Administrative Code of 1987, as amended, R.A. No. 460 dated December 3,
2 1997, R.A. No. 157 dated June 19, 1947, Executive Order No. 482 dated May 7,
3 1998, Administrative Order No. 117 dated February 17, 1994, and all laws, decrees,
4 orders, rules and regulations or parts thereof which are contrary to or with the
5 provisions of this Act, are hereby repealed or amended accordingly.

6

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

10

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

14

15 Approved,

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17

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