

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

EIGHTEENTH CONGRESS
First Regular Session

HOUSE BILL NO. 7037



Introduced by
REPRESENTATIVES YEDDA MARIE K. ROMUALDEZ, FERDINAND MARTIN G. ROMUALDEZ and RAYMOND DEMOCRITO C. MENDOZA

EXPLANATORY NOTE

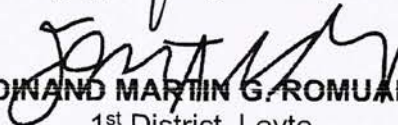
In the entire world, security plays a significant role in the preservation of world peace; a world that is safe and secured is a world that is progressive and developed (Peckley & Fontanos, 2012). The essential distraction of the security workforce whether be it private security, organization or government security monitors, is make sure whoever is inside the structure, foundation or office under their supervision is sheltered from any mischief, savagery or something else, which might be malignantly arranged by another substance for monetary profit, vengeance or terrorist motives (Bautista, 2008).

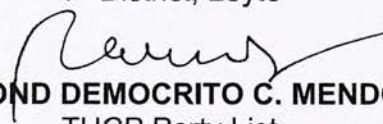
The primary task of a security personnel is to provide protection to its clients against possible death, injuries, losses, damages and/or destruction of properties. Recognizing their very important role, this bill seeks to provide a mechanism to adapt to the changes in relation to the regulation and supervision of the private security industry and the practice of security profession.

Furthermore, this bill also provides safeguards for the public against private armies who are hiding behind the guise of private security agencies and are allegedly involved in various human rights violations and other violence.

In line with this, immediate approval of this bill is earnestly requested.


YEDDA MARIE K. ROMUALDEZ
Tingog Sinirangan Party List


FERDINAND MARTIN G. ROMUALDEZ
1st District, Leyte


RAYMOND DEMOCRITO C. MENDOZA
TUCP Party List

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**REPRESENTATIVES YEDDA MARIE K. ROMUALDEZ, FERDINAND MARTIN G.
ROMUALDEZ and RAYMOND DEMOCRITO C. MENDOZA**

**AN ACT STRENGTHENING THE PRIVATE SECURITY INDUSTRY, REPEALING
FOR THE PURPOSE REPUBLIC ACT NO. 5487, ENTITLED, "AN ACT TO
REGULATE THE ORGANIZATION AND OPERATION OF PRIVATE DETECTIVE,
WATCHMEN OR SECURITY GUARD AGENCIES, AS AMENDED**

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

SECTION 1. *Short Title of Act.* – This Act shall be known as "The Private Security Industry Act".

Sec. 2. *Declaration of Policies.* – It is hereby declared that:

- (a) The State strongly affirms labor as a primary social force and is committed to respect, promote, protect and realize the fundamental principles and rights at work including, but not limited to, abolition of child labor, elimination of all forms of forced labor, discrimination in employment and occupation, and trafficking in persons, especially women and children;
- (b) The State firmly recognizes the role of security guards, watchmen, and other private security personnel as force multipliers in promoting public security, safety, and peace and order, and their aid in the country's fight against crime and terrorism;
- (c) The State, in professionalizing the private security industry, acknowledges their special needs to ensure safe and healthful working conditions, promotes gender-sensitive measures in the formulation and implementation of policies and programs affecting the local security work.

Sec. 3. Coverage. – This Act shall provide for the regulation and supervision of the private security industry and the practice of security profession.

Sec. 4. Definition of Terms. – As used in the Act, the term:

- (a) *Accreditation* refers to the formal authorization issued by the Philippine National Police – Supervisory Office for Security and Investigation Agency (PNP-SOSIA) to private security agencies, private detective agencies, private security training institutions, canine training centers, canine service providers, supervisors and training personnel, armored service providers, personal security protection service providers, electronic security device providers and other specialized security providers in compliance with the standards set at a maximum level.
- (b) *Armored Vehicle* refers to a vehicle used in minimum security measures in the continuance of protection in the transportation of cash, funds, checks, any negotiable documents or any other valuable item against crimes and other destructive causes. It is an extraordinary vehicle made of bullet-resistant materials capable of withstanding the firepower of high-powered firearms such as M16 and M14 rifles. Moreover, armored vehicles shall be equipped with a vault or safe or a partition with a combination lock designed to prevent retrieval of the cargo while in transit.
- (c) *Company Guard* refers to a regular employee of a private company who is employed to render security services within the company premises.
- (d) *Duty Detail Order* refers to a written order of a private security agency issued by the security manager, operations officer or the branch manager authorizing the security guards to carry agency-issued firearms while in prescribed uniform and in the performance of security service during their tour of duty within the property of the person, firm or establishment with whom the agency has a contract for security services,
- (e) *Electronic Security Devices* refer to any mechanical or electrical device which is designed or used for the detection of an unauthorized entry into a building, structure or facility, or for alerting others of the commission of an unlawful or unauthorized act within a building, structure or facility.
- (f) *License to Exercise Security Profession (LESP)* refers to a permit issued by the Chief Philippine National Police or the duly authorized representative, recognizing a natural person to be qualified to perform the duties as security or training personnel.
- (g) *License to Operate (LTO)* refers to a license issued by the PNP Chief or the duly authorized representative, certifying and authorizing a person to engage in employing and deploying security guards, K9 teams, protection agents, private detectives and other licensed specialized security personnel or a juridical person to establish, engage, direct, manage or operate a private detective agency or private security agency or company guard force, or to train such security personnel for eventual deployment, after payment of the prescribed dues or fees and after complying with all the requirements as

provided by the rules and regulations implementing this Act.

- (h) *Pre-Licensing Training Programs* refer to academic programs, courses, and trainings with the objective to indoctrinate the individual with the basic skills and educational backgrounds necessary in the effective exercise and performance of the security and detective profession as a prerequisite to obtaining a license. These include, but are not limited, to the Basic Security Guard Course and the Security Officers Training Course, and such other courses as the determined by the PNP.
- (i) *Private Detective* refers to any licensed and qualified person, other than members of the PNP, Armed Forces of the Philippines (AFP), guards of the Bureau of Jail Management and Penology (BJMP), provincial, municipal, or city jail guards, or any member of any other law enforcement agency, performing detective work on a compensated basis.
- (j) *Private Detective Agency* refers to any person, association, partnership, firm, or corporation, including one-person corporation, that contracts, recruits, trains, furnishes, or posts private detective and protection agents; or provides detective, investigative, and protection services; or other detective and protective services as may be set by the PNP in consideration of a fee, reward, commission, or compensation.
- (k) *Private Security Agency* refers to any person, association, partnership, firm, or corporation, including one-person corporation, that:
 - (i). Contracts, recruits, trains, furnishes or posts any security guard to perform its functions;
 - (ii). Offers its services as a consultant or trainer on any security-related matter; or its security guards for hire, commission or compensation through subscription to individuals, business firms, or private, public or government-owned or controlled corporations whose business or transactions involve national security or interest like the operation or management of domestic ocean vessels, airplanes, helicopters, seaports, airports, heliports, landing strips, etc.;
 - (iii). Provides any other specialized security needs that SOSIA may approve.
- (l) *Private Security Guard* or watchman refers to any person for hire or compensation, or as an employee thereof, who offers and renders personal service to:
 - a. Watch or secure residences, business establishments, buildings, compounds, areas or properties, and such other places as may be determined by the PNP Chief or his duly authorized representative;
 - b. Inspect, monitor, conduct bodily checks or searches of individuals or baggage or perform other forms of security inspection, whether physically, manually, electronically or with the aid of K9.

Additionally, any private security guard may further improve and refine their skills to qualify to specialized roles in bank security, aviation security, maritime security, traffic security and management, bomb detection, and such other classes of specialties as the PNP may determine.

- (m) *Private Security Industry* refers to those engaged in the legitimate business of providing private security and detective, security training, K9 security, electronic security, and VIP protection services including those in the management and administration of company guard forces.
- (n) *Private Security Personnel* are all other certified or licensed persons not rendering or performing security and detective services as a security guard or a private detective that include, but are not limited to, security consultants and officers, protection agents, training officers and directors, K9 handlers, K9 administrators, K9 evaluators, K9 trainers, kennel masters.
- (o) *Private Security Services* refer to the act of providing or rendering services for compensation, whether or not that compensation has actually been received, to watch and guard an establishment, whether public or private, building, compound, area or property, whether by land, sea or air, as the case may be; conduct access control or denial in any form, whether physically, manually or by electronic monitoring systems, for the purpose of securing such area or property and at the same time ensuring safety and protection of persons within such areas; to maintain peace and order within such areas; providing or rendering canine services to complement the security requirement of a public or private establishment; or to conduct other activities to cater to the specialized security needs that the PNP- SOSIA, Civil Security Group (CSG) may approve.

Private security services may have any or all of these components: security guards services, protective agent services, detective agent services, security consultancy services, canine security services, maritime security services, air security services, close protection security devices or electronic security devices such as, intrusion monitoring and closed-circuit television remote video surveillance. The exercise of the foregoing, shall, as a matter of course, be subject to the limitations provided for by the law.

It shall also include the act of contracting, recruiting, training, furnishing or posting of any security guard.

- (p) *Private Security Training* refers to academic programs, courses, and trainings duly approved and prescribed by the PNP and adopted by TESDA. For purposes of securing an LESP, it is essential that a letter of authority to conduct training must be issued by the SOSIA. Such training includes the pre-licensing requirements of individual security guards and other security personnel, the periodic and non-periodic in-service skill refreshers for such security personnel, and other specialized, individual or group, private security personnel skills development programs.
- (q) *Protection Agent* also known as a *bodyguard* refers to any person, for hire, compensation, or as an employee, who is primarily responsible for the protection of any other person against unlawful activities, harm, danger, injuries, or any other act which targets or inflicts damage against the person or his property.

- (r) *Remote Video Surveillance* refers to digital recording devices, cameras or any other technology or device capable of enabling the recording or transmission of video or audio, or remote observation or listening-in, regardless of whether audiovisual recording is the sole or primary purpose of the device for so long as the same is used with the intent to engage in compensated acts of surveillance and protection. The exercise of the foregoing shall be subject to the limitations provided for by the law.
- (s) *Security Guard Services* refer to private security services provided by licensed security personnel at a defined area, such as but not limited to:
- (i). Industrial plants;
 - (ii). Financial institutions;
 - (iii). Education institutions;
 - (iv). Office buildings;
 - (v). Government facilities;
 - (vi). Retail establishments;
 - (vii). Commercial complexes;
 - (viii). Health care facilities;
 - (ix). Recreational facilities;
 - (x). Residential and housing developments;
 - (xi). Transportation vehicles and facilities;
 - (xii). Warehouses and goods distribution depots;
 - (xiii). Local and international marine vessels;
 - (xiv). Air forwarders; and
 - (xv). Other areas in need of private security requirements as may be prescribed by the PNP.
- (t) *Service Agreement* refers to the contract between the principal and the private security agency containing the terms and conditions governing the performance or completion of security service, job, work being farmed out for a definite or indefinite period.
- (u) *Security Consultancy Services* refer to the services offered or provided by licensed security personnel such as formulation of a security plan, vulnerability assessment, site surveying, security auditing, risk management, travel security training, hostage avoidance, evacuation planning, and incident management, and other services related to the formulation of security-related solutions.
- (v) *Special Detail Order* refers to a written order and schedule of a private security agency issued by a superior officer, usually the branch manager, operations officer or the administrative officer, directing the unarmed security guards to wear a special set of uniform approved by the SOSIA Uniform and Equipment Board and to perform security services.

Sec. 5. Organization of a Private Security Agency or Detective Agency. – Any Filipino citizen or a partnership, association, or corporation, including a one-person corporation, that is one hundred percent (100%) owned and controlled by Filipino citizens may organize a private security agency or a private detective agency, and provide security services. The president, managing partner, general manager, or any

person who holds at least a majority of the authorized capital stock of said agency must be:

- (i). At least twenty-five years old;
- (ii). A holder of a baccalaureate degree;
- (iii). Possesses good moral character; and
- (iv). Has no previous record of conviction of any crime or offense involving moral turpitude

Additionally, such president, managing partner, general manager, or any person who holds at least 51% of the authorized capital stock of such agency must not be suffering from any of the following disqualifications:

- (i). Previously dishonorably discharged or separated from the AFP, PNP, or any other government law enforcement agency;
- (ii). Mentally incompetent or incapacitated;
- (iii). Addicted to alcohol or the use of narcotic drugs or other controlled substances; and
- (iv). Previously had a license to operate or license to exercise security profession revoked.

The minimum capital requirement and minimum bank deposit required of private security agencies shall be determined by the PNP Chief in consultation with various stakeholders and shall be provided for in the implementing rules and regulations (IRR) of this Act.

For the purposes of this Act, any elective or appointive government officials or employees who may be called upon on account of the functions of their respective offices in the implementation and enforcement of the provisions of this Act, and any person related to such government officials or employees within the third civil degree of affinity or consanguinity, shall not hold any interest, directly or indirectly, in any private security agency.

Sec. 6. Application for a License to Exercise Private Security Profession (LSEP).

— Any qualified Filipino citizen may apply for a license to be a private security professional and engage in the occupation, calling, or employment as a private security guard, private security officer, private detective, protection agent, or private security consultant, after completion and compliance with the academic, scholastic, skills, and training requirements as hereafter prescribed. *Provided*, that the PNP Chief may prescribe and impose any additional requirements as may be deemed necessary to maintain the integrity and professional character of the security industry, and as public interest and safety requires. *Provided further*, that personnel employed solely for clerical or manual work need not secure an LSEP.

A license to exercise security profession of duly qualified security guards shall be valid for a period of three (3) years from the date of its issuance. Security Licenses issued prior to the effectivity of this act shall cease to be valid on its original date of expiry.

Sec. 7. Qualifications. — All persons employed as a private security professional must:

- (i). Be a citizen of the Philippines;
- (ii). Be at least twenty-one (21) years old;

- (iii). Have completed at least compulsory secondary education;
- (iv). Be physically and mentally fit;
- (v). Have taken and completed a private security course or seminar, and underwent adequate skills training;
- (vi). Possess good moral character and previously not convicted of any crime or offense involving moral turpitude;
- (vii). Pass the neuro-psychiatric test and drug test administered by the PNP or other similar government neuro-psychiatric and drug testing centers or facilities.

Additionally, all private security professionals shall not suffer any of the disqualifications provided in Section 5.

Except as otherwise provided in Section 10 and 11, a lack of a baccalaureate degree shall not impede the career advancements of private security personnel.

Sec. 8. Qualifications of a Private Security Guard. – Any qualified persons shall be granted a license as a private security guard for employment in private agencies and companies if they possess the qualifications provided in Section 6 and are not more than sixty (60) years old at the time of application. *Provided*, that new applicants must not be more than thirty-five (35) years of age at the time of their application.

The license of security guards who reached the age of sixty (60) shall not be renewed.

Any private security guard may further hone or specialize their skills to adapt, conform, or suit any particular industry, *Provided*, that such private security guard must first undergo and complete a training course or program applicable to such specialization approved by the PNP and offered by any security training school accredited by Technical Education and Skills Development Authority (TESDA). He shall then be considered a licensed specialized security guard upon completion.

Sec. 9. Qualifications of a Security Officer. – Any candidate security officer must possess all the minimum qualifications provided in Section 6 and comply with the following additional requirements:

- (i). Must be a holder of a baccalaureate degree; or who has earned and completed at least seventy-two units in any college, institute, or vocational school; or who has at least five (5) years of experience in any supervisory position; or who has at least ten (10) years of experience in a specialized role; and
- (ii). Must have completed and graduated from a *Security Officers Training Course* or equivalent;

PNP Chief, or his duly authorized representative, in conjunction with TESDA, shall prescribe, approve, and implement a standard training course for candidate security officers within one hundred eighty (180) calendar days from the approval of this Act. *Further*, PNP Chief or his representative, shall prescribe, approve, and implement an applicable training course or program for candidate specialized security officers within the same period.

Sec. 10. Qualifications of a Security Consultant. – Any candidate security consultant must possess all the minimum qualifications provided in Section 6. *In addition*, he must hold a baccalaureate degree and have ten (10) years of experience in the operation and management of a security business.

Sec. 11. Qualifications of a Private Detective. – Any candidate private detective must possess all the minimum qualifications provided in Section 6 and holds a baccalaureate degree, preferably on law or criminology. *Additionally*, a candidate private detective must graduate from a criminal investigation and detection course offered by the PNP, National Bureau of Investigation (NBI), or any police training school, or a detective training course in any authorized or recognized training center.

Sec. 12. Qualifications of a Protection Agent. – Any candidate protection agent must possess all the minimum qualifications provided in Section 6 and Section 8 and are not more than sixty (60) years old at the time of application.

All candidate protection agent must undergo and complete a training course for protection agents as prescribed and approved by the PNP before qualifying and being licensed as such.

For this purpose, the Police Security and Protection Group (PSPG) shall undertake to supervise the training of candidate protection agents and, as may be practicable and in a gradual manner, transfer and divest all functions relating to, and in connection to, the protection and security of such private individuals previously, or presently, authorized to be given protection and local government officials to any qualified individual protection agents or private security agencies which employ qualified protection agents.

Sec. 13. Ladderized Training and Education; Subsidy. – A security guard, watchman, or private detective, who opts or is mandated by existing laws and regulations to undertake and finish basic or additional training programs, courses, or training requirements including, but not limited to, basic security guard courses, specialized security guard courses, security officers training courses, whether specialized or not, detective training courses, and candidate protection agent courses, shall undergo a ladderized schedule or program by any private security training institutions or public institutions duly accredited by the government to provide such training.

Private security institutions, which offer such ladderized schedule or program on training, courses, and programs to private security personnel, shall receive reasonable subsidy from the State through TESDA to insure professionalism among the private security personnel. *Provided*, that only those training school, institute, academy, or educational institution with a valid LTO and accredited by TESDA shall be able to receive the subsidy for the benefit of private security personnel enrolled in its facility.

For this purpose, TESDA, together with PNP, may provide for the reasonable mechanisms for the execution of this scheme under the IRR to be promulgated under this Act. The welfare of private security personnel, and the rights and interest of the institutions concerned must be taken into consideration in the crafting of the IRR.

Sec. 14. Study Now Pay Later Program. – A security guard, watchman, or private detective, who opts or is mandated by existing laws and regulations to undergo and finish additional training programs, courses, or training requirements including, but not limited to, specialized security guard courses, security officers training courses, whether specialized or not, detective training courses, and candidate protection agent courses, shall be granted a “study now, pay later” schedule or program by any private security training institutions or public institutions duly accredited by the government to provide such training.

For this purpose, TESDA, together with PNP, may provide for the reasonable mechanisms for the execution of this scheme under the IRR to be promulgated under this Act. The welfare of guards and watchmen, and the rights and interest of the institutions concerned must be taken into consideration in the crafting of the IRR.

Sec. 15. License to Operate (LTO). – Any person who complies with the qualifications set forth in Section 4 of this Act that shall engage in the business of or act as a private security agency, engage in private security services, or provide training services must first secure the necessary permit from the PNP Chief, which is a prerequisite in obtaining a license to operate (LTO).

A license is required by any person who shall operate, manage, or direct a licensed private security, detective, or training agency. Except for those employed solely for clerical or manual work, any person participating in the management or operation thereof shall likewise secure a license to operate a private security agency and provide security services.

A license to operate shall be granted only to a private security agency that has a minimum of one hundred (100) licensed private security personnel under its employ. A security agency may hire a maximum of one thousand (1,000) qualified security guards under its employ. *Provided*, that a security agency may apply for an increase of the cap upon showing that the same is needed to address all the security requirements of its clients. But such increase cannot be more than five hundred (500) licensed security personnel.

Further, a license to operate shall be granted only to a private detective agency or company guard force that has a minimum of thirty (30) licensed private security personnel under its employ.

Finally, a license to operate a training facility shall be granted only to a training school, institute, academy, or educational institution accredited by TESDA and offers courses prescribed and approved by the PNP.

Sec. 16. Disqualifications of a Person from Receiving a License. – Any person desiring to receive a license to operate shall not have any of the following disqualifications:

- (i). Has a previous record of conviction of any crime or offense involving moral turpitude;
- (ii). Has been dishonorably discharged, or separated for cause from employment or service;

- (iii). Is mentally incompetent, as determined by a competent authority;
- (iv). Has failed a government-mandated drug test;
- (v). Is a habitual drunkard or alcoholic; and
- (vi). Is proven to be acting as a dummy for a foreign national or company or for any person or company disqualified by this Act or other law to have an interest, directly or indirectly, in any private security agency;

Sec. 17. *Application for a License to Operate (LTO).* – The application for a license to operate shall be made in writing by the owner for single proprietorships; or by an authorized person duly designated by a partnership, association, or a corporation through a joint affidavit or board resolution, respectively, and shall be filed with the PNP Chief through the PNP-SOSIA, Civil Security Group (CSG).

All applications shall be accompanied by a bond issued by any competent and reputable surety, fidelity, or insurance company duly accredited by the Insurance Commission (IC), which bond shall answer for any valid and legal claims against the agency by its clients or employees. The amount of the bond shall be determined by the PNP Chief and stipulated in the IRR of this Act. The amount of the bond shall not be unjustified, prohibitive, nor unreasonable.

Sec. 18. *Applications by Single Proprietorships.* – Applications made by single proprietorships shall include a copy of the certificate of registration issued by the Department of Trade and Industry (DTI).

Sec. 19. *Applications by Partnerships, Associations, and Corporations.* – Applications made by partnerships, associations, and corporations shall include a copy of their respective certificates of registration issued by the Securities and Exchange Commission (SEC) together with a partnership's Contract of Partnership, or a corporation's Articles of Incorporation (AOI) and by-laws, as the case may be.

Sec. 20. *Issuance of License.* – When all requisites for the issuance of the license to operate are complied with, the PNP Chief or the duly authorized representative, shall issue the license and register the same, upon payment by the applicant of the annual national fee and such other fees in accordance with the schedules of fees to be determined in subsequent issuances or orders by the PNP, through the SOSIA. The determination of such fees shall be made in coordination and consultation with all various stakeholders.

All licenses issued by the authorized representative are reviewable by the PNP Chief.

Sec. 21. *Validity and Renewal of License.* – A license to operate granted under this Act shall be valid for three (3) years from its issuance.

A license to operate about to expire may be renewed before the expiration of its validity period. An application to renew a valid license filed beyond the validity period of the license is ineffectual and invalid.

Only those private security agencies, detective agencies, or company guard forces which employ the minimum number of licensed private security personnel shall be allowed to renew their respective licenses.

Sec. 22. Administrative Fees of Private Security Agencies. – All private security agencies are mandated to remit a minimum of twenty percent (20%) of the total contract price of every service agreement to provide security service they receive as administrative fees to safeguard the existence of legitimate private security agencies.

Such contract price shall include, but is not limited to, wages, emoluments, and other benefits, including uniform allowance, due to private security personnel to be deployed under the Labor Code and its IRR, retirement benefits under R.A. 7641, mandated contribution to social benefits in SSS, EC, Pag-Ibig, and PhilHealth, and applicable taxes.

Sec. 23. Display of License of a Private Security or Detective Agency. – The license to operate granted to a detective or security agency shall be displayed at all times in a conspicuous and suitable place in its office, any branch offices, and headquarters. It shall be exhibited at the request of any person whose jurisdiction is in relation to the business of the agency, the employees thereof, of the PNP Chief or his or her duly authorized representative.

Sec. 24. Safeguards for the Public. – The PNP Chief may suspend or cancel the license to operate any private security agency on any of the following grounds:

a. Suspension of a license to operate:

1. When the president, director, officer, or stockholder a private security agency is convicted of a crime;
2. When the private security agency engages in business practices deemed in violation of Republic Act. No. 8799, otherwise known as "The Securities Regulation Code; and
3. When the private security agency is found, by final judgment, to have underpaid or maltreated any of its employees, or violated the Labor Code by a court or competent quasi-judicial agency;

b. Cancellation of a license to operate:

1. When a private security agency takes part in an armed conflict either for private gain, desire for material compensation, or for the advancement of an ideology or philosophy;
2. When a private security agency uses force or threat of force to assert itself or those it represents in a national or local electoral contest;
3. When a private security agency uses its authority to engage in human rights violations as described and prohibited in the 1987 Constitution of the Philippines;
4. When a private security agency is used as a privately-owned and operated paramilitary organization operating outside the regulatory framework established by this law and its IRR and regulations;
5. When a private security agency is deliberately, unilaterally, and with full knowledge of its management, used for the protection of a syndicated criminal enterprise;
6. When the president, directors, officers, or stockholders of a private

- security agency is convicted of a heinous crime, as defined by law;
7. When a private security agency intentionally and maliciously makes use of electronic security devices or remote video surveillance in a manner that violates the privacy of civilians;
 8. When a private security agency is deemed grossly negligent in dealing with violations, or mistakes of its members, or incompetency in its ranks; and
 9. Any analogous causes that renders the private security agency a detriment to the maintenance of peace and order.

Sec. 25. Supervision by the Philippine National Police. – Upon promulgation of this Act, the PNP shall exercise general supervision over the operation of all private security agencies.

Sec. 26. Powers of the City or Municipal Mayors in Cases of Emergency. – In cases of emergency or in times of disaster or calamities where the need for the services of the security agencies may arise, the city or municipal mayor, through the head of the city or municipal disaster risk reduction management office, as the case may be, may request the services of the agency nearest the area and its duly licensed personnel to help maintain peace and order, to prevent and apprehend law violators, and to preserve life and property without compromising the safety and security of the area where the private security personnel are assigned. Deputized private detectives, watchmen, or security guards shall take direct orders from the PNP Chief for the duration of a fire, inundation, earthquakes, riots, or other emergencies.

Sec. 27. Issuance of Firearms. – A private security agency shall be entitled to possess firearms after having satisfactorily passed the requirements prescribed by the PNP Chief pertinent to the possession of firearms of any caliber not higher than 5.56 caliber in a number not exceeding one (1) firearm for each private security personnel, to include single-posts, in its employ. *Provided*, that all the firearms herein referred shall be carried by the private security personnel only during their tour of duty, in proper uniform, within the compound of the establishments where they are assigned, except when they escort and secure persons, large amounts of cash, or valuables.

For this purpose, a security agency can keep under its control and possession as many firearms as there are security guards in their employ as required of the private security services.

Sec. 28. Uniform. – The uniform of private security personnel shall be different from the uniform worn and prescribed for members of the AFP and the city and municipal police force. The PNP Chief, through the authorized representative, shall prescribe the uniform, ornaments, equipment, and paraphernalia to be worn by private security personnel throughout the Philippines.

Sec. 29. Rights of Security Guards and Other Private Security Personnel. – All security guards and other private security personnel, whether deployed or assigned as reliever, seasonal, week-ender, or temporary, shall be entitled to all the rights and privileges as provided for in the Labor Code, as amended, which shall include the following:

- a. Safe and healthful working conditions;
- b. Labor standards such as not limited to service incentive leave, premium pay, overtime pay, holiday pay, night shift differential, 13th month pay, and separation pay as may be provided in the Service Agreement or under the Labor Code, as amended;
- c. Retirement benefits under R.A. No. 7641, R.A. No. 1161, as amended by R.A. No. 8282, and retirement plans of the private security agency, if any;
- d. Social security and welfare benefits including SSS, EC, PhilHealth, and Pag-Ibig;
- e. Right to self-organization;
- f. Right to collectively bargain and negotiate, subject to the provisions of existing laws; and
- g. Security of Tenure

In case private security personnel are paid a salary lower than the minimum wage prescribed by law, the private security agency and its client where the underpaid private security personnel are detailed shall be solidarily liable for such violations.

Accordingly, if by law or wage order, the minimum wage of employees is ordered increased, it shall be the duty of the client to immediately effect the corresponding increase to the salary of the guards. On the other hand, it shall be the duty of the agency to likewise immediately increase the wages of the guards upon adjustment made by the client, failure on either of the client or the agency or both of them to comply with any law-mandated wage increase, shall make its officers and directors criminally liable in accordance with the penal provision in the appropriate wage orders or otherwise by the revised penal code.

Sec. 30. *Limitations and Prohibitions.* – No private security agency shall offer or render services to gambling dens or other illegal enterprises. The extent of the private security service being provided by any private security agency shall not go beyond the whole compound or property of the person or establishment requesting the security service, except when securing persons or large amounts of cash.

Private security agencies have the responsibility to perform due diligence on prospective clients and ascertain the legality of the services they are required to perform.

Any violation, or negligence, in this section, considering such violation's nature and gravity, may be made a cause for suspension or revocation of the erring agency's license to operate.

Sec. 31. *Implementing Rules and Regulations.* – The PNP Chief, in strict consultation with Philippine Association of Detective and Protective Agency Operators, Inc. (PADPAO), representatives of national security guard cooperatives, stakeholders of the security industry, and other concerned government agencies, and subject to the provisions of existing laws, is authorized to issue the rules and regulations necessary to carry out the purpose of this Act, not later than one hundred eighty (180) days from promulgation.

Furthermore, the PNP Chief shall consult with PADPAO, representatives of national

security guard cooperatives, various stakeholders, and other concerned government agencies prior to the issuance of all regulations and issuances related to and affecting private security agencies and private security personnel.

These implementing rules and regulations shall be reviewed every three (3) years.

Sec. 32. Penal Provisions. – Any private security or detective agency which violates any provisions of this Act shall be held punished with imprisonment of not less six (6) years and a fine not less than One Million pesos (P1,000,000) or both at the discretion of the court and suspension or revocation of its license with forfeiture of the bond.

Sec. 33. Repealing Clause. – Republic Act No. 5487 is hereby repealed. All laws, rules resolutions, municipal ordinances, regulations and administrative orders contrary or inconsistent with them provisions hereof are hereby repealed.

Sec. 34. Separability Clause. – If any part or provision of this Act is declared unconstitutional the remaining parts or provisions not affected shall remain in full force and effect.

Sec. 35. Effectivity. – This Act shall take effect fifteen (15) days after its publication in at least two (2) newspapers of general circulation.

Approved.