

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

19TH CONGRESS
First Regular Session

HOUSE BILL NO. 5612



Introduced by Representative Michael L. Romero

EXPLANATORY NOTE

The **National Intelligence Coordinating Agency (NICA)** is the primary intelligence gathering and analysis arm of the Government of the Philippines in charge of carrying out overt, covert, and clandestine intelligence activities. The **NICA** cooperates with friendly countries and government agencies in and out of the country by posting agents as liaison officers.

The **NICA** is led by a Director-General, who reports directly to the President of the Philippines, and is assisted by a Deputy Director-General.

The National Intelligence Committee, chaired by the Director-General, serves as the advisory body of NICA.

On March 6, 2007, President Arroyo signed **Republic Act No. 9372**, also known as the **Human Security Act of 2007**, which designates the NICA as the Secretariat of the Anti-Terrorism Council (**ATC**).

On June 3, 2020, President Rodrigo Duterte signed **Republic Act No. 11479**, also known as the **Anti-Terrorism Act of 2020**, which repealed the Human Security Act of 2007. Pursuant to the Anti-Terrorism Act of 2020, the NICA remains as the Secretariat of the ATC. However, NICA has also now been tasked to provide its recommendation on an application for proscription seeking to declare any individual or group as a terrorist before the Court of Appeals. Such application for proscription may only be filed by the **DOJ**, subject to the authority of the ATC.

This House Bill seeks to provide **Modernization Funding** to the **National Intelligence Coordinating Agency (NICA)**, to carrying out overt, covert, and clandestine intelligence activities.

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Thus, the early passage of this bill is earnestly requested.

A handwritten signature in black ink, appearing to read 'Michael L. Romero', with a long horizontal flourish extending to the right.

MICHAEL L. ROMERO

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

19TH CONGRESS
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HOUSE BILL NO. 5612

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AN ACT

PROVIDING FOR MODERNIZATION FUNDINGFOR THE **NATIONAL INTELLIGENCE COORDINATING AGENCY (NICA)**, INCREASING AND REORGANIZING ITS ADMINISTRATION, TOCARRY OUT OVERT, COVERT, AND CLANDESTINE INTELLIGENCE ACTIVITIES AND FOR OTHER PURPOSES

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

SECTION 1. DECLARATION OF POLICY – It shall hereby be a declared policy of the State to foster the principles that sets the strategic policy goals and objectives of the administration in order to attain the state or condition wherein the national interests of the Philippines, the well-being of its people and institutions; and its sovereignty and territorial integrity are protected and enhanced.

The state shall be very cognizant on national security related matters, provide supervision and guidance over the **NICA** and general supervision over the intelligence community, and coordinate the national government efforts in the pursuit of the national security goals and strategic objectives.

The state shall foster a national security institution that is responsive to the changing challenges and opportunities, within and outside the country and a policy advisory body that will effectively contribute to the provision of an enabling environment that will enhance socio-economic development and national governance.

The state shall continually improve the effectiveness of our Quality Management System towards equitable development for improved quality of life for all.

The state shall formulate policies for the efficient and effective administration and management of all manpower, skills and competencies to ensure compliance.

SECTION 2. MODERNIZATION FUNDING. – The amount of Five Hundred Million Pesos (**Php 500,000,000.00**) for the operation and administration of the **National Intelligence Coordinating Agency (NICA)** shall be chargeable against funds for the purpose and other sources recommended by the **Department of Budget and Management (DBM)**. Thereafter, appropriations for the **National Intelligence Coordinating Agency (NICA)** shall be included in the budget proposals under the Department of National Defense (**DND**).

The Department of Budget and Management (**DBM**) shall rationalize the existing organizational structure and staffing pattern of the **National Intelligence Coordinating Agency (NICA)** in accordance with the provisions of this Act and relevant compensation and position classification laws, rules and regulations.

Thereafter, the amount needed for the continued implementation of the modernization program, shall be included in the annual General Appropriations Act (**GAA**).

SECTION 3. NATIONAL INTELLIGENCE COORDINATING AGENCY (NICA) MODERNIZATION FUND – There is hereby created the **(NICA) Modernization Fund** to be used exclusively for the **(NICA) Modernization Program**.

The **(NICA) Modernization Fund** shall be administered by the Secretary of the **DND** in accordance with existing government budgeting, accounting and auditing rules and regulations.

SECTION 4. PROGRESS REPORT – The Secretary of **DND** shall prepare an annual report on the status of the implementation of the **(NICA) Modernization Programs** which shall be submitted, to the Office of the President and to the Chairpersons of the Committee of National Defense and Security of the Senate and the House of Representatives.

SECTION 5. PERIOD OF IMPLEMENTATION – The modernization program under this Act shall be implemented for an initial period of two **(2)** years:

Provided, that payments for multi-year contract obligations incurred under this Act may extend beyond this period:

Provided, further, That the **National Intelligence Coordinating Agency (NICA)** shall continue to develop, modernize and constantly update its operational capabilities to keep pace with best global practices.

SECTION 6. POWERS AND FUNCTIONS. – The **National Intelligence Coordinating Agency (NICA)** shall continue to exercise and uphold the following powers and functions; but not limited to:

- a) conduct and coordinate national intelligence activities;
- b) fulfill strategic intelligence needs of the Philippine government;
- c) provide the National Intelligence Estimate for purposes of national security policymaking;

- d) lead counterintelligence activities;
- e) serve as the Secretariat of the Anti-Terrorism Council; and
- f) serve as the Head of the Situational Awareness and Knowledge Management Cluster of the National Task Force to End Local Communist Armed Conflict

SECTION 7. INCREASE OF PERSONNEL. – The **National Intelligence Coordinating Agency (NICA)** shall maintain the sufficient staffing pattern. Hence, it is authorized to increase its manpower to meet such required and may continue to increase personnel per percentage rate increase of committed mandates annually or as the need arises.

SECTION 8. TRANSITORY PROVISION – Existing industries, businesses and offices affected by the implementation of this Act shall be given six **(6)** months transitory period from the effectivity of the IRR or such other period as may be determined, to comply with the requirements of this Act.

SECTION 9. IMPLEMENTING RULES AND REGULATIONS. – The departments and agencies charged with carrying out the provisions of this Act shall, within sixty **(60)** days after the effectivity of this Act, formulate the necessary rules and regulations for its effective implementation.

SECTION 10. REPEALING CLAUSE. – All laws, decrees, executive orders, rules and regulations, or parts thereof inconsistent with the provisions of this Act are hereby repealed or modified accordingly.

SECTION 11. SEPARABILITY CLAUSE. – If, for any reason, any section or provision of this Act is held unconstitutional or invalid, the other sections or provisions hereof shall not be affected thereby.

SECTION 12. EFFECTIVITY CLAUSE. – This Act shall take effect after fifteen (15) days from its publication in the Official Gazette or in at least two (2) national newspapers of general circulation whichever comes earlier.

Approved,