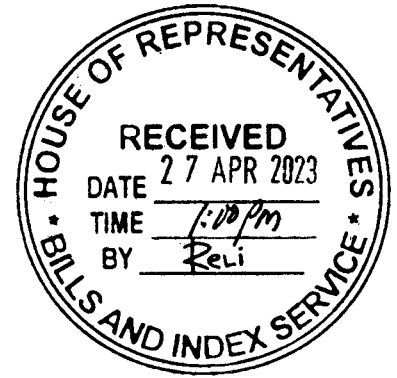


Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City, Metro Manila

NINETEENTH CONGRESS
First Regular Session

House Bill No. **7899**



Introduced by Rep. Florida "Rida" P. Robes

EXPLANATORY NOTE

It is hereby declared to be the policy of the State to promote peace and order, ensure public safety and further strengthen local government capability aimed towards the effective delivery of the basic services to the citizenry through the establishment of a highly efficient and competent police force that is national in scope and civilian in character. Towards this end, the State shall bolster a system of coordination and cooperation among the citizenry, local executives and the integrated law enforcement and public safety agencies.

Currently, our police records and database are localized and distributed in various and discrete police precincts or stations. This leads to confusion, inaccuracies, and incomplete data about an individuals' criminal activity, if any. Issues on accuracy, reliability and portability of data on an individuals' criminal record or the absence thereof, if not immediately addressed, will erode the credibility of a Police Clearance.

This bill aims to solve these above problems by establishing an integrated comprehensive, reliable, accurate and real-time National Police Clearance System to expedite the access, retrieval, verification and certification of an individual's criminal or derogatory record or the absence thereof. It also aims to enhance the public's trust, confidence and reliance on the police clearance system for various legal purposes.

Immediate approval of this measure is most respectfully and earnestly sought.


FLORIDA "RIDA" P. ROBES
Representative

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

NINETEENTH CONGRESS
First Regular Session

House Bill No. **7899**

Introduced by Rep. Florida “Rida P. Robes”

AN ACT
ESTABLISHING THE NATIONAL POLICE CLEARANC SYSTEM,
PROVIDING FUNDS THEREFOR AND FOR OTHER PURPOSES

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

SECTION 1. *Short Title.* - This Act shall be known as the "*National Police Clearance System Act*".

SEC. 2. *Declaration of Policy* - It is hereby declared the policy of the State to ensure public safety thru a highly efficient, effective, competent and modernized police force and the use of information and communications technology. Furthermore, the State shall improve efficiency in the delivery of service by reducing bureaucratic red tape and preventing corruption while ensuring the protection of the fundamental human right of privacy.

SEC. 3. *National Police Clearance System.* - The National Police Clearance System (NPCS) is hereby established. The Philippine National Police (PNP) shall be the government agency responsible for the implementation of the NPCS. Pursuant to this mandate, the PNP shall formulate and adopt policies for the effective operationalization of the NPCS including, but not limited to, maintenance of a national record of all reported crime incidents, warrants of arrest, pictures and personal details of arrested and wanted persons, fingerprints and ballistic examination records and other relevant information.

SEC. 4. *National Police Clearance.* - The National Police Clearance shall be the primary government certificate or document indicating the presence or absence of any criminal and/or derogatory records in the Philippines of any natural person.

The National Police Clearance shall also be the sole government certificate or document that will be required in all PNP transactions for verifying the presence or absence of any criminal and/or derogatory records in the Philippines of the individual transacting with the PNP.

SEC. 5. *Processing of Information.* - The processing of information under the NPCS shall be subject to Section 1, 12, and 13 of Republic Act No. 10173, otherwise known as the “Data Privacy Act of 2012.”

SEC. 6. Issuance of National Police Clearance. – Any person may request for the issuance of their National Police Clearance from the PNP. In line with this, the PNP may determine, fix and collect reasonable amounts to be charged as fees for the issuance of the police clearance: *Provided*, That no fees and other charges shall be collected from first time jobseekers when obtaining such police clearance as mandated by Republic Act No. 11261, otherwise known as the "*First Time Jobseekers Assistance Act*."

SEC. 7. Confidentiality. – The Philippine National Police shall ensure at all times the confidentiality of any personal information that comes to its possession or obtained as a requirement for the issuance of a Police Clearance under the preceding section.

SEC. 8. Penal Provision. - (a) Any person, who breach the confidentiality of information contained in the NPCS, whether by carelessness, improper behavior, behavior with malicious intent, and use of confidential information for profit, shall be penalized by imprisonment of three (3) months but not to exceed one (1) year and a fine of not less than Fifty Thousand Pesos (P50,000.00) but not more than One Hundred Thousand Pesos (P100,000.00), subject to the degree of breach of information;

(b) The unauthorized processing of National Police Clearance without the consent of the subject individual shall be penalized by imprisonment of three (3) months but not to exceed one (1) year and a fine of not less than Fifty Thousand Pesos (P50,000.00) but not more than One Hundred Thousand Pesos (P100,000.00).

SEC. 9. Capability Enhancement Program of the PNP. – Collection from the issuance of national police clearance shall be utilized to support the Capability Enhancement Programs of the PNP.

SEC. 10. Appropriation. – The amount necessary for the effective implementation of the provisions of this Act shall be taken from the current year's appropriation of the PNP. Thereafter, such sum as may be needed for the continued implementation of this Act shall be included in the annual General Appropriations Act.

SEC. 11. Implementing Rules and Regulations. - Within sixty (60) days from the effectivity of this Act, the PNP shall promulgate the rules and regulations necessary for the effective implementation of this Act.

SEC. 12. Separability Cause. - If any portion or provision of this Act is declared unconstitutional, the remainder of this Act or any provisions not affected thereby shall remain in force and effect.

SEC. 13. Repealing Cause. - All laws, decrees, orders, regulations and policies inconsistent with the provisions of this Act are hereby repealed and/or amended accordingly.

SEC. 14. Effectivity. – This Act shall take effect fifteen (15) days after its complete publication in at least two (2) newspapers of general circulation.

Approved,