



Republic of the Philippines
House of Representatives
Quezon City, Metro Manila

NINETEENTH CONGRESS
Second Regular Session

HOUSE BILL NO. 8835



Introduced by **Representative FRANCISCO JOSE "BINGO" F. MATUGAS II**

EXPLANATORY NOTE

Under Republic Act No. 6975, or the "Department of the Interior and Local Government Act of 1990," the Philippine National Police is tasked, among others, to investigate and prevent crimes, arrest criminal offenders, and bring offenders to justice. In order to do this, the Philippine National Police must have an updated and national-based database.

In 2018, the Philippine National Police issued PNP Memorandum Circular No. 2018-020 providing for the Guidelines and Procedures in the Implementation of the National Police Clearance System ("NPCS"). The NPCS converted what was once a manual and local-based system into an automated national-based one. The NPCS aims to provide a comprehensive, fast, convenient, and reliable system for the issuance of police clearance nationwide. This bill seeks to institutionalize the existing NPCS.

Several versions of this bill were filed during the 18th Congress but remained pending at the committee level. This version of the bill came from the Philippine National Police. It is based on Senate Bill No. 725 but already includes the proposed revisions of the PNP itself.

The approval of this bill is earnestly sought.


FRANCISCO JOSE F. MATUGAS II
Surigao del Norte, First District
(Siargao Island)



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AN ACT
ESTABLISHING THE NATIONAL POLICE CLEARANCE 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 record, in the Philippines, of any individual.

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 record, in the Philippines, of the individual transacting with the PNP.

SEC. 5. Processing of Information. - The processing of information under the NPCCS shall be subject to Section 11, 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 breaches the confidentiality of information contained in the NPCCS, 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 Programs of the PNP. - Collections from the issuance of national police clearances 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,