

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

NINETEENTH CONGRESS
Second Regular Session



HOUSE BILL NO. 9356

Introduced by **REPRESENTATIVE JOSE MA. R. ZUBIRI, JR.**

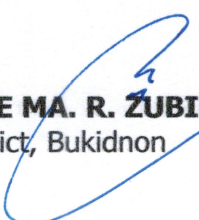
EXPLANATORY NOTE

This proposed measure seeks to establish and institutionalize a National Police Clearance System (NPCS) in order to consolidate and connect information into a centralized police clearance database.

It is unfortunate that our local police databases are not integrated in today's era of massive innovation and technology. The lack of integration makes police clearance as a requirement for employment and other legal purposes almost worthless. Any person with a criminal record can simply go to a police station jurisdiction to reflect a clean record.

With the NCPS, a centralized crime-related record checking nationwide will result in a standardized and streamlined police clearance application, convenient online application portal and an integrated PNP's crime-related database. This way, police service can be efficient and at the same time effective.

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


REP. JOSE MA. R. ZUBIRI, JR.
Third District, Bukidnon

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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”.

SECTION 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.

SECTION 3. National Police Clearance System. – The National Police Clearance System (NPCS) is hereby established. The Philippine National Police (PNP) shall be the government 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 arrests, pictures and personal details of arrested and wanted persons, fingerprints and ballistic examination records and other relevant information.

SECTION 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 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 records in the Philippines of the individual transacting with the PNP.

SECTION 5. Processing of Information. – The processing of information under the NPCS shall be subject to Section 11, 12 and 13 of Republic Act No. 10173, otherwise known as the “Data Privacy Act of 2012”.

SECTION 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 the Republic Act No. 11261, otherwise known as the “First Time Jobseekers Assistance Act”.

SECTION 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.

SECTION 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 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).

SECTION 9. Capability Enhancement Programs of PNP. – Collections from the issuance of National Police Clearance shall be utilized to support the Capability Enhancement Programs of PNP.

SECTION 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 Generations Appropriations Act.

SECTION 11. Implementing Rules and Regulations. – Within 60 days from the effectivity of this Act, the PNP shall promulgate the rules and regulations necessary for the effective implementation of this Act.

SECTION 12. Separability Clause. – If any portion and provision of Act is declared unconstitutional, the remainder of this Act or any provisions not affected hereby shall remain in force and effect.

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

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

Approved,