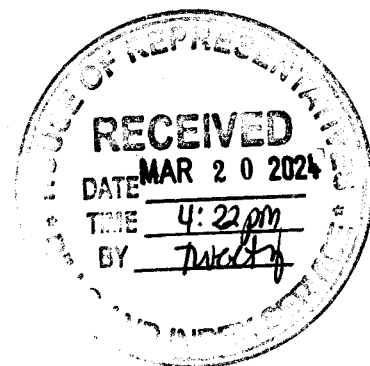


Republic of the Philippines  
**HOUSE OF REPRESENTATIVES**  
Quezon City, Metro Manila

**NINETEENTH CONGRESS**  
*Second Regular Session*

House Bill No. **10209**



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**INTRODUCED BY REPRESENTATIVES RALPH WENDEL P. TULFO,  
JOCELYN P. TULFO, AND ERWIN T. TULFO**

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**AN ACT ESTABLISHING A FORENSIC DEOXYRIBONUCLEIC ACID (DNA)  
DATABASE IN THE PHILIPPINES, APPROPRIATING FUNDS THEREFOR,  
AND FOR OTHER PURPOSES**

**EXPLANATORY NOTE**

The utility of deoxyribonucleic acid (DNA) evidence in forensics is evident in the domestic and international spheres. In issuing Administrative Matter No. 06-11-5-SC, the Supreme Court has recognized the utility of DNA evidence in rendering decisions in criminal and civil cases as well as special proceedings. Likewise, the Philippine National Police (PNP), through the issuance of Directorate for Investigation and Detective Management Investigative Directive No. 2015-05, has institutionalized the collection analysis and registration of DNA profiles of arrested individuals during booking and person under custody into the PNP DNA Database.

Globally, the use of a DNA Database has increased the efficiency of criminal investigations. However, the Philippines remains as one of the few countries that has not been able to facilitate the establishment of a national DNA database.

This proposed legislative measure intends to strengthen existing rules and institutions pertaining to the collection and use of DNA evidence, enhance the efficiency and effectiveness of criminal investigations, ensure accuracy in identifying perpetrators, and contribute to the overall improvement of the criminal justice system. This database will also serve as a tool in identifying missing persons and victims of disasters.

The establishment of a National Forensic DNA Database is a crucial step towards strengthening our criminal justice system. By harnessing the power of DNA technology responsibly, we aim to strike a balance between enhancing law enforcement capabilities and protecting individual rights. Through rigorous safeguards and transparency measures, this bill seeks to create a more secure and just society for all.

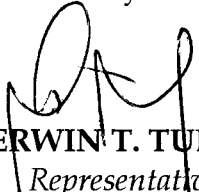
In view of the foregoing, the urgent passing of this bill is earnestly sought.



**RALPH WENDEL P. TULFO**  
*Representative*  
2<sup>nd</sup> District of Quezon City



**JOCELYN P. TULFO**  
*Representative*  
ACT-CIS Partylist



**ERWIN T. TULFO**  
*Representative*  
ACT-CIS Partylist

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House Bill No. 10209

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INTRODUCED BY REPRESENTATIVES RALPH WENDEL P. TULFO,  
JOCELYN P. TULFO, AND ERWIN T. TULFO

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1     **AN ACT ESTABLISHING A FORENSIC DEOXYRIBONUCLEIC ACID (DNA)**  
2     **DATABASE IN THE PHILIPPINES, APPROPRIATING FUNDS THEREFOR,**  
3     **AND FOR OTHER PURPOSES**  
4

5     *Be it enacted by the Senate and the House of Representatives of the Philippines in Congress*  
6     *assembled:*  
7

8     **SECTION 1. *Short Title.*** – This Act shall be known as the “National Forensic DNA  
9     Database Act”.  
10

11     **SEC. 2. *Declaration of Policy.*** – It is hereby declared the policy of the State to  
12     establish and maintain a fair, responsible, ethical, and efficient criminal justice system.  
13     The State likewise reaffirms the goals of the United Nations in the field of crime  
14     prevention and criminal justice, specifically more efficient and effective law  
15     enforcement and administration of justice, respect for human rights and fundamental  
16     freedoms, and promotion of the highest standards of fairness, humanity, and  
17     professional conduct.  
18

19     **SEC. 3. *Definition of Terms.*** – As used in this Act:  
20

- 21     (a) *Biological sample or DNA sample* refers to any organic material originating from a  
22     person’s body including those found in inanimate objects, that is susceptible to  
23     deoxyribonucleic acid (DNA) testing;  
24

- 1 (b) *Buccal swab* refers a sample of cellular material taken from the inside of a person's  
2 mouth;
- 3  
4 (c) *Certified DNA Collector* refers to a police officer or a person who has successfully  
5 completed the training prescribed by the Philippine National Police (PNP)  
6 Forensics Group (FG), in respect of the taking of buccal sample;
- 7  
8 (d) *Crime scene sample* refers to physical evidence retrieved from the crime scene or  
9 any other place where evidence of the crime may be found and may include  
10 physical evidence collected from the body of a person involved in an offense or  
11 crime;
- 12  
13 (e) *DNA* refers to deoxyribonucleic acid, which is the chain of molecules found in  
14 every nucleated cell of the body. The totality of an individual's DNA is unique  
15 for the individual, except identical twins;
- 16  
17 (f) *DNA evidence* refers to the totality of the DNA profiles, results, and other genetic  
18 information directly generated from DNA testing of biological samples;
- 19  
20 (g) *DNA profile* refers to genetic information derived from DNA testing of a  
21 biological sample obtained from a person, which biological sample is clearly  
22 identifiable as originating from that person;
- 23  
24 (h) *DNA profiling* or *DNA typing* refers to a process where a minute sample of genetic  
25 DNA material is taken from a human tissue and is given a computerized  
26 numeric value;
- 27  
28 (i) *Foreign law enforcement agency* refers to the law enforcement agency of foreign  
29 state and includes any recognized international organization;
- 30  
31 (j) *Forensic DNA analysis* refers to analysis of the DNA from a body sample or crime  
32 scene sample to determine forensic DNA profile;
- 33

1 (k) *Forensic DNA profile* refers to the result obtained from forensic DNA analysis on  
2 body sample or crime scene, providing a unique string of alphanumeric  
3 characters to provide identity reference;

4  
5 (l) *Intimate sample* refers to (i) a sample of blood, semen, or any other tissue or fluid  
6 taken from a person's body, urine, or pubic hair; or (ii) swab taken from any part  
7 of a person's genitals (including pubic hair) or from a person's body orifices  
8 other than the mouth; and

9  
10 (m) *Non-intimate sample* refers to (i) a sample of hair other than the pubic hair, (ii) a  
11 sample taken from a nail or from under a nail, (iii) a swab taken from any part  
12 of a person's body other than a part from which a swab taken would be an  
13 intimate sample, or (iv) saliva.

14  
15 **SEC. 4. Establishment of the National Forensic DNA Database.** – A forensic DNA  
16 database under the PNP, hereinafter referred to as the “National Forensic DNA  
17 Database”, shall be established. The National Forensic DNA Database shall consist of  
18 the following indices:

19  
20 (a) Crime scene index shall contain DNA profiles derived from an intimate or a non-  
21 intimate sample that is found on anything or at any place where an offense was  
22 committed, on or within the body of a victim of an offense, or on anything worn  
23 or carried by the victim or suspect at the time when the offense was committed;

24  
25 (b) Arrested person index shall contain forensic DNA profiles derived from an  
26 intimate or a non-intimate sample taken from arrested persons;

27  
28 (c) Convicted offenders index shall contain DNA profiles derived from an intimate  
29 or a non-intimate sample taken from persons convicted of any offense under any  
30 written law;

- 1 (d) Detainee index shall contain DNA profiles derived from an intimate or a non-  
2 intimate sample taken from a detainee;
- 3  
4 (e) Elimination person index shall contain DNA profiles derived from an intimate or  
5 a non-intimate sample taken from persons who had lawful access to the crime  
6 scene to be used for comparison with evidence for elimination purposes;
- 7  
8 (f) Law enforcement personnel index shall contain DNA profiles of all employees of  
9 law enforcement agencies, derived by means of forensic DNA analysis, from a  
10 buccal or blood swab;
- 11  
12 (g) Military personnel index shall contain DNA profiles of all members of the Armed  
13 Forces of the Philippines (AFP) derived by means of forensic DNA analysis, from  
14 a buccal or blood swab;
- 15  
16 (h) Missing person index shall contain DNA profiles and any information in relation  
17 thereto derived from an intimate or a non-intimate sample taken from (i)  
18 anything worn or carried by a missing person, or (ii) the next of kin of a missing  
19 person if so required; and
- 20  
21 (i) Unidentified human remains index shall contain DNA profiles and any  
22 information in relation thereto derived from an intimate or a non-intimate sample  
23 taken from the body or parts of the body of an unidentified deceased person.
- 24

25 **SEC. 5. Objectives of the National Forensic DNA Database.** – The objective of the  
26 National Forensic DNA Database is to establish, keep, and maintain a comprehensive  
27 National DNA Database in order to perform comparative searches for the following  
28 purposes:

- 29  
30 (a) To serve as a tool for crime prevention and crime solution;
- 31  
32 (b) To identify persons who might have been involved in the commission of an  
33 offense;

(c) To prove the innocence or guilt of a person allegedly involved in the commission of an offense;

(d) To exonerate a person wrongly convicted of an offense; and

(e) To assist in the identification of missing persons or unidentified human remains.

**SEC. 6. *Management of National Forensic DNA Database.*** – The PNP FG – DNA Laboratory Division shall manage the National Forensic DNA Database, and shall have all such power as may be necessary for, in connection with, or incidental to the performance of its functions under this Act, including the following:

(a) To be primarily responsible for the general conduct, administration, and management of the National Forensic DNA Database;

(b) To establish mechanisms to facilitate the connection, storage, and dissemination of data in connection with DNA profiles and any information in relation thereto stored in the DNA database;

(c) To ensure the DNA profiles and any information in relation thereto are securely stored and remain confidential at all times;

(d) To store and dispose samples taken for the purpose of forensic DNA analysis in accordance with the provisions of this Act;

(e) To cooperate with both local and foreign law enforcement agencies in accordance with the provisions of the Act; and

(f) To carry out any other functions conferred by or under this Act, and to perform any other functions that are incidental or consequential to any of the functions specified in this section or in furtherance of the objectives of the National Forensic DNA Database.

1  
2       **SEC. 7. Access and Confidentiality of DNA Profiles and Information.** – The National  
3 Forensic DNA Database and any information contained therein shall only be accessed  
4 by authorized personnel of the PNP-FG DNA Laboratory for the following purposes:

5  
6       (a) Administering the database;

7  
8       (b) Comparing DNA profiles or information in the course of an investigation  
9           conducted by any law enforcement agency or during judicial and quasi-judicial  
10          proceedings; and

11  
12       (c) Making the information available to a person to whom the information relates.  
13          DNA profiles and all results or other information obtained from DNA testing  
14          shall be confidential, subject to the provisions of Republic Act No. 10173,  
15          otherwise known as the “Data Privacy Act”.

16  
17       **SEC. 8. Biological Sample or Genetic Markers Derived from DNA as Evidence.** –  
18 Expert testimony or evidence relating to the use of these biological samples or genetic  
19 markers contained in or derived from DNA for identification may be used as evidence  
20 in any court or proceeding in the country subject to the judicial rules on DNA evidence.

21  
22       **SEC. 9. Collection of DNA Sample.** – Only a certified PNP DNA Collector shall  
23 collect a biological sample from any person who, on or after the effectivity of this Act,  
24 is:

25  
26       (a) Convicted of a crime for any offense;

27  
28       (b) Arrested for and formally charged of the crime before the court for an offense;

29  
30       (c) Legally detained under the law;

(d) Required to submit a DNA sample due to a judicial or quasi-judicial order because he/she is a suspect in a crime;

(e) Required to submit a DNA sample for elimination purposes;

(f) An active member of a law enforcement agency; and

(g) An active member of the AFP.

**SEC. 10. *Handling of Collected Biological Sample.*** – The integrity of the collected biological sample shall be maintained at all times through a clear, well-documented chain of custody from the time a biological sample is collected until it is disposed. Such chain of custody document shall be retained in the laboratory record to reflect the integrity of the sample during its receipt, handling, storage, preparation, retention, and/or disposal to protect the interest of all parties.

**SEC. 11. *Storage and Disposal of Biological Samples.*** – The PNP DNA Laboratory Division shall preserve all biological samples, DNA profiles and results, or other genetic information obtained from the DNA testing. All biological samples collected under Section 9 must be destroyed not later than six (6) months after the DNA profile has been generated.

**SEC. 12. *Deletion of DNA Profile from the National Forensic DNA Database Indices.***  
– A person whose DNA profile is contained in the missing person's index may request that their DNA profile and any related information be deleted from the DNA databank at any time. Members of law enforcement agencies and the AFP may request the same upon retirement or resignation from service. Within six (6) months from the time of notification and validation of such request, the DNA profile and any information in relation to the profile may be deleted.

1       **SEC. 13. *National DNA Database Scientific Advisory Committee.*** – A National  
2 Forensic DNA Database Scientific Advisory Committee shall be established for  
3 purposes of developing DNA testing database quality assurance standards for DNA  
4 testing and data basing including standards for testing the proficiency of forensic  
5 laboratories and forensic analysts conducting forensic DNA analysis.

6  
7       **SEC. 14. *Committee Members.*** – The Committee shall be composed of eleven (11)  
8 members, with recognized expertise and competence to understand, develop, and  
9 adopt DNA quality assurance standards necessary for the maintenance of the National  
10 Forensic DNA Database. Committee representatives shall be composed of three (3)  
11 representatives from the PNP, two (2) representatives from the National Bureau of  
12 Investigation (NBI), one (1) representative from the Department of Science and  
13 Technology (DOST), one (1) representative from the Department of Health (DOH), one  
14 (1) representative from the Data Privacy Commission, one (1) representative from the  
15 Commission on Human Rights, and two (2) representatives from other government  
16 agencies or institutions actively engaged in forensic DNA testing. The Committee  
17 Chairperson shall be an official from the PNP, being the repository of the National  
18 Forensic DNA Database.

19  
20       **SEC. 15. *Tampering of DNA Records.*** – Any person who knowingly makes any false  
21 entry or alter any DNA record or profile indexed or otherwise contained in the National  
22 Forensic DNA Database, or who shall intentionally destroy, mutilate, conceal, remove,  
23 or otherwise impair the verity or availability of DNA records or profile without  
24 authority, shall suffer the penalty of twelve (12) years and one (1) day imprisonment  
25 with perpetual absolute disqualification for public office and a fine not less than Six  
26 Hundred Thousand Pesos (PhP600,000.00) at the discretion of the court.

27  
28       **SEC. 16. *Tampering, Abetting, or Attempting to Tamper with DNA Samples.*** – Any  
29 person who knowingly tampers with or causes to be tampered any intimate or non-  
30 intimate sample taken for purposes of this Act, or aids the commission of, or attempts  
31 to tamper with any intimate or non-intimate sample taken for the purposes of this Act,

1 shall suffer the penalty of twelve (12) years and one (1) day imprisonment with  
2 perpetual absolute disqualification for public office or a fine not less Six Hundred  
3 Thousand Pesos (PhP600,000.00), or both at the discretion of the court.

4  
5 **SEC. 17. *Improper Disclosure of DNA Samples and Records.*** – Any person who, by  
6 virtue of employment or official position, has possession of, or access to, individually  
7 identifiable DNA information indexed or otherwise contained in the National Forensic  
8 DNA Database and who knowingly and willfully discloses such information in any  
9 manner to any person or agency not legally entitled to receive it to the prejudice and  
10 detriment of the person from whom the said DNA sample or information was taken  
11 shall suffer the penalty of eight (8) years and one (1) day imprisonment or a fine not  
12 lower than Five Hundred Fifty Thousand Pesos (PhP550,000.00) or both, at the  
13 discretion of the court.

14  
15 **SEC. 18. *Refusal to Give Sample.*** – Any person who unjustly refuses to give a non-  
16 intimate sample or obstructs the taking of such sample, when legally ordered by  
17 competent authority to do so, shall be liable to a fine not exceeding Three Hundred  
18 Thousand Pesos (PhP300,000.00) or imprisonment for a term not exceeding six (6) years,  
19 or both.

20  
21 **SEC. 19. *Cooperation with Other Law Enforcement Agencies.*** – The PNP, NBI, and  
22 other law enforcement agencies shall establish a system to ensure coordination and  
23 integration of the DNA database in their respective agencies.

24  
25 **SEC. 20. *Cooperation with Foreign Law Enforcement Agencies.*** –

26  
27 (a) The PNP may, upon the request by a foreign law enforcement agency, compare  
28 a DNA profile received from the foreign law enforcement agency with the DNA  
29 profiles in the National Forensic DNA database in order to determine whether  
30 such DNA profile is identifiable, and communicate any relevant information to  
31 the requesting foreign law enforcement agency.

1  
2 (b) The PNP may, upon request by a foreign law enforcement agency in the course  
3 of an investigation of an offense or a prosecution of a criminal offense in that  
4 foreign state, communicate a DNA profile contained in the National Forensic  
5 DNA Database to that foreign law enforcement agency. Family members of a  
6 missing person may provide DNA sample as reference for comparison if no  
7 reference sample from the missing is available.

8  
9 (c) For the purpose of this section, "foreign law enforcement agency" means the law  
10 enforcement agency of a foreign state and includes an international organization  
11 established by the government of states that the Philippines is an official member.  
12

13 **SEC. 21. *Transitional Provisions.*** - Any existing DNA profile and any information  
14 in relation thereto kept and maintained by the PNP immediately before the effectivity  
15 of this Act shall form part of the National Forensic DNA Database in accordance with  
16 this Act.  
17

18 **SEC. 22. *Appropriations.*** - The amount necessary for the effective implementation  
19 of the provisions of this Act shall be taken from the current year's appropriation of the  
20 PNP. Thereafter, such sum as may be needed for the continued implementation of this  
21 Act shall be included in the annual General Appropriations Act.  
22

23 **SEC. 23. *Implementing Rules and Regulations.*** - Within one hundred twenty (120)  
24 days, the PNP, in consultation with relevant government agencies and other law  
25 enforcement agencies, shall formulate the necessary rules and regulations for the  
26 effective implementation of this Act.  
27

28 **SEC. 24. *Separability Clause.*** - If any portion or provision of this Act is declared  
29 unconstitutional, the remainder of this Act or any provisions not affected thereby shall  
30 remain in force and effect.  
31

1       **SEC. 25. *Repealing Clause.*** – All existing laws, orders, rules and regulations or parts  
2 thereof deemed inconsistent with the provisions of this Act are hereby repealed or  
3 modified accordingly.

4  
5       **SEC. 26. *Effectivity.*** – This Act shall take effect fifteen (15) days following the date of  
6 its publication in the Official Gazette or in at least a newspaper of general circulation.

7  
8       *Approved,*