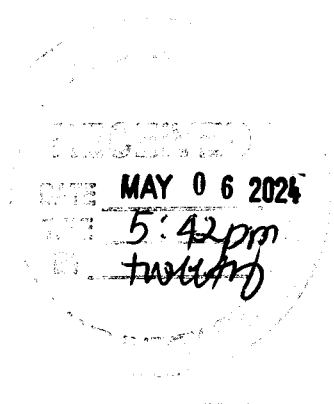




Republic of the Philippines
House of Representatives
Quezon City



NINETEENTH CONGRESS
Second Regular Session

HOUSE BILL NO. 10358

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

EXPLANATORY NOTE

The National Bureau of Investigation ("NBI") is mandated to establish and maintain a modern, effective, and efficient investigative service and research agency for the purpose of implementing fully its principal functions provided under Republic Act. No. 157, as amended by Republic Act No. 10867 or the "National Bureau of Investigation Reorganization and Modernization Act." The NBI is envisioned to be a world class investigative institution which is dynamic, respected, trusted and committed to the high ideals of law and order.¹

In order to effectively perform its functions, an investigative agency such as the NBI must not only have *subpoena* powers but must also have the power to file a contempt case in court to compel the cooperation of witnesses. Contempt powers are essential to ensure that testimonies and relevant documents related to the investigation are procured and produced. Moreover, these powers ensure the preservation of evidence. Lastly, the lack of contempt powers renders the *subpoena* power with no teeth as it halts investigation. At the moment, the NBI's only recourse, when its *subpoena* is ignored, is to file a case for obstruction of justice in court. This prolongs any investigation and renders nugatory its *subpoena* power.

Investigative agencies like the Criminal Investigation and Detection Group (CIDG) of the Philippine National Police (PNP) have *subpoena* powers and is authorized to file an indirect contempt case in court. There is no reason why the NBI should not be given the same powers.

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


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

¹https://nbi.gov.ph/uploads/2024/04/NBI_CC_03222024.pdf.



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NINETEENTH CONGRESS
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HOUSE BILL NO. **10358**

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

AN ACT AMENDING REPUBLIC ACT NO. 10867, OTHERWISE KNOWN AS THE
"NATIONAL BUREAU OF INVESTIGATION REORGANIZATION AND
MODERNIZATION ACT" TO PROVIDE PENALTY FOR FAILURE TO COMPLY
WITH THE SUBPOENA POWER OF THE NATIONAL BUREAU OF
INVESTIGATION UNDER SAID LAW

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

1 SECTION 1. Section 4 (b) of Republic Act No. 10867 is hereby amended to read as
2 follows:

3 " (b) Issue *subpoena* for the appearance of any person for investigation or
4 production of documents, through its officers from the ranks of Regional Director
5 to Director. FAILURE TO COMPLY WITH THE SUBPOENA SHALL
6 AUTHORIZE THE FILING OF A CASE FOR INDIRECT CONTEMPT UNDER
7 THE RULES OF COURT WITH THE REGIONAL TRIAL COURT."

8 SEC. 2. Separability Clause. - If any provision of this Act shall be declared invalid or
9 unconstitutional, the remaining parts or provisions not otherwise affected shall remain in
10 force.

11 SEC. 3. Repealing Clause. - Any law, decree, ordinance, or administrative circular not
12 consistent with any provision of this Act is hereby amended, repealed or modified
13 accordingly.

14 SEC. 4. Effectivity Clause. - This Act shall take effect fifteen (15) days after its complete
15 publication in the Official Gazette or in at least two (2) newspapers of general circulation.

Approved,