

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City



TWENTIETH CONGRESS
First Regular Session

HOUSE BILL NO. 1182

Introduced by Representative **MARLYN L. PRIMICIAS-AGABAS**

EXPLANATORY NOTE

This bill seeks to **establish a *National Police Clearance System*, and install the Philippine National Police (PNP) as the primary government agency responsible for issuing a *National Police Clearance*** which shall serve as the primary government certificate or document indicating the presence or absence of any criminal and/or derogatory records in the Philippines of any individual.

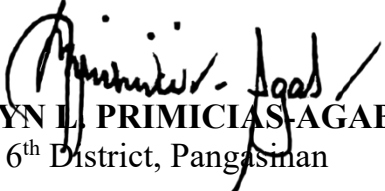
The rationale behind the proposed bill is the need to create an institutionalized credible and reliable clearance system for individuals seeking to be declared devoid of any criminal or derogatory records for whatever legal purposes it may serve them. The PNP is in an ideal position to create a vast and comprehensive database of criminal or derogatory records of persons.

PNP personnel are involved in the day-to-day monitoring, prevention, and investigation of crimes all over the country and are usually the first responders in crime scenes. They are likewise the implementers of validly issued warrants of arrests. As such, they are in a perfect position to document, safe-keep, and manage a comprehensive 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 relative to crimes and perpetrators thereof. Therefore, the PNP is better positioned to serve as the depository and custodian of these records, and can credibly issue criminal record clearances.

The National Police Clearance will not be a duplication of the existing NBI clearance because of its repealing clause under Section 13 of the proposed bill which declares that “all laws, decrees, orders, regulations and policies inconsistent with the provisions of this Act are hereby repealed and/or amended accordingly.”

It is my firm belief that a comprehensive, but reliable recording, systematic storage, proper management, and judicious disposition of all criminal information in the country are vital to an ordered society, as this system will produce a dependable and trustworthy data with which to clear individuals of criminal or derogatory records.

Given the worthy aims of the bill, it is highly recommended that it be approved.


MARLYN L. PRIMICIAS-AGABAS
6th District, Pangasinan

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TWENTIETH CONGRESS
First Regular Session

HOUSE BILL NO. _____

Introduced by Representative **MARLYN L. PRIMICIAS-AGABAS**

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 **primary** 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 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;

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 breach 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 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 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.