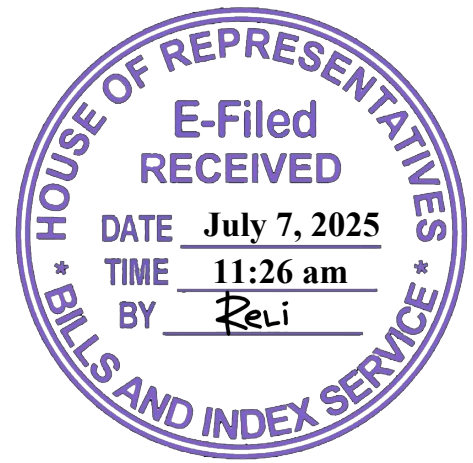


Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City
20TH CONGRESS
First Regular Session

House Bill No. **1412**



Introduced by: **REP. JOEL R. CHUA**

Explanatory Note

The attached Bill seeks to establish the National Police Clearance System. During the 19th Congress, this Representation filed a similar Bill. Unfortunately, the same remained in the House Committee level.

This Bill is the same as what was proposed during the 19th Congress. As such, this Representation reiterates my explanation stated in the original:

The Philippine National Police (PNP) was established to promote peace and order and ensure public safety. To this end, the PNP has created a system of releasing Police Clearances to certify an individual's criminal record or lack thereof. Such clearance has been required by schools, employers, and even other government agencies. However, the current police clearance system has not been included in Republic Act No. 6975 which created the PNP, or any other legislation.

This Bill now seeks to formally establish the National Police Clearance System (NPCS) of the PNP. This shall improve its capacity by creating a centralized database for all police precincts and ensure the people's right to privacy by imposing penalties for any breach in confidentiality. A strong and secured NPCS will contribute to the promotion of peace and order in the country.

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


REP. JOEL R. CHUA
3rd District of Manila

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House Bill No. **1412**

Introduced by: **REP. JOEL R. CHUA**

AN ACT
ESTABLISHING THE NATIONAL POLICE CLEARANCE SYSTEM,
PROVIDING FUNDS THEREFOR, AND FOR OTHER PURPOSES

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 promote peace and order and ensure public safety. It shall develop an effective and competent police force equipped with suitable modern technology.

It is also the declared policy of the state to uphold and protect the right to privacy, and to promote the seamless delivery of basic services.

Section 3. Objectives. - The NPCS shall be established primarily to provide a centralized database for police records

Section 4. National Police Clearance System. - The National Police Clearance System (NPCS) is hereby established with the Philippine National Police as the primary government agency tasked with its implementation.

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 PCS 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.

Section 5. Processing of Information. - The processing of information under the NPCS shall be subject to the provisions of Republic Act No. 10173,

otherwise known as the "Data Privacy Act of 2012", specifically Section 11, 12 and 13 thereof.

Section 6. Issuance of National Police Clearance. - Any person may request for the issuance of their National Police Clearance from the PP. 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."

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 PCS, 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 (PI00,000.00), 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 (PI00,000.00).

Section 9. 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.

Section 10. Implementing Rules and Regulations. - Within ninety (90) 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.

Section 11. Separability Clause. - 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.

Section 12. Repealing Clause. - All laws, decrees, orders, regulations, and policies inconsistent with the provisions of this Act are hereby repealed and/or amended accordingly.

Section 13. Effectivity. - This Act shall take effect fifteen (15) days after its complete publication in at least two (2) newspapers of general circulation.

Approved,