

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

TWENTIETH CONGRESS
First Regular Session

HOUSE BILL NO. 2492



Introduced by **Representative Roy M. Gonzales**

EXPLANATORY NOTE

DNA, or deoxyribonucleic acid, is a molecule that carries the genetic instructions for all known living organisms and many viruses.¹ DNA can play a crucial role in convicting – or clearing – suspects of a crime, and can also be used to identify missing persons.² It is the prime duty of the State to serve and protect its people.

While the Philippines has recognized the admissibility of DNA evidence and has established guidelines for its use, challenges persist in the effective implementation and application of DNA technology in the country, including insufficient funding for equipment and reagents, a lack of a national DNA database, and ethical considerations surrounding genetic research, particularly with indigenous populations.³ DNA is a powerful tool for identifying victims of disasters in the Philippines, especially in mass casualty incidents like typhoons and ferry accidents, but its full utilization is hindered by challenges including the lack of a pre-disaster DNA database and the high cost of analysis.⁴

This bill seeks to institutionalize the establishment of a Philippine Forensic DNA Database to be known as the “National Forensic DNA Database.” It sets forth the collection, maintenance, and storage of genetic identification information and the powers bestowed upon the national law enforcement agencies to execute the provisions under this measure. This national database shall contain diverse indices such as Crime Scene Index, Arrested Person Index, Convicted Offenders Index, Detainee Index, Elimination Person Index, Law Enforcement Personnel Index, Military Personnel Index, Missing Person Index, Street Children and Beggars Index, Unidentified Human Remains Index, and the Voluntary Person’s Index. Penalties for tampering and aiding or abetting the

¹<https://medlineplus.gov/genetics/understanding/basics/dna/>

²<https://www.interpol.int/How-we-work/Forensics/DNA#:~:text=DNA%20can%20play%20a%20crucial,rape%2C%20murder%20and%20armed%20robbery>

³<https://www.frontiersin.org/journals/genetics/articles/10.3389/fgene.2022.901515/full>

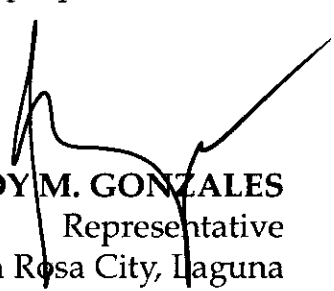
⁴<https://www.interpol.int/ar/1/1/2008/First-DNA-identifications-of-Philippines-ferry-disaster-victims-released#:~:text=So%20far%2C%201%2C%2063%20DNA%20samples,methodology%20for%20identifying%20missing%20persons>

tampering of DNA evidence, improper disclosure, failure to deliver, and improper access and use of DNA samples and records shall be dealt with as criminal and civil liabilities.

The enactment of this bill, while deemed innovative and rational, is considered a societal decision that is guaranteed with transparency and accountability not to undermine the existing rights of Filipinos enshrined and protected under the 1987 Philippine Constitution.

Similar versions of this exemplary bill were filed in the 18th and 19th Congresses, and the present proponent acknowledges the hard work and wisdom of his predecessors.

In view of the foregoing, the immediate passage of this proposed measure is earnestly sought.



ROY M. GONZALES
Representative

Lone District of Santa Rosa City, Laguna

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AN ACT
ESTABLISHING A PHILIPPINE FORENSIC DNA DATABASE, AND
APPROPRIATING FUNDS THEREFOR

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

SECTION 1. *Short Title.* – This Act shall be known as the “*National Forensic DNA Database Act of 2025.*”

SECTION 2. *Declaration of Policy.* – It is hereby declared the policy of the State to establish and maintain an efficient, ethical, fair, and reasonable criminal justice system. The State likewise reaffirms the goals of the United Nations (UN) in the field of crime prevention and criminal justice, specifically, more efficient and effective law enforcement and administration of justice, respect for human rights and fundamental freedoms, and the promotion of the highest standards of fairness, humanity, and professional conduct.

Toward this end, the State shall provide a statutory framework for the creation and establishment of a centralized and nationwide DNA database system for the collection, maintenance, and storage of genetic identification information and empower pertinent national government agencies to collect, analyze, type, profile, and record any and all genetic markers contained in or derived from the DNA.

SECTION 3. *Definition of Terms.* – For purposes of this Act, the following terms shall mean:

- (a) "*Biological sample or DNA sample*" refers to any organic material originating from a person's body, even if found in inanimate objects, that is susceptible to DNA testing;
- (b) "*Buccal swab*" refers to a sample of cellular material taken from the inside of a person's mouth;
- (c) "*Certified PNP DNA Collector*" refers to a police officer or a person who has successfully completed the training prescribed by the PNP Crime Laboratory in respect of the taking of buccal samples;
- (d) "*Crime scene sample*" refers to physical evidence retrieved from the crime scene or any other place where evidence of the crime may be found and may include physical evidence collected from the body of a person;
- (e) "*Detainee*" refers to a person arrested and detained under existing Philippine laws;
- (f) "*DNA*" refers to deoxyribonucleic acid, which is the chain of molecules found in every nucleated cell of the body. The totality of an individual's DNA is unique for the individual, except for identical twins;
- (g) "*DNA evidence*" refers to the totality of the DNA profiles, results, and other genetic information directly generated from DNA testing of biological samples;
- (h) "*DNA profile*" refers to genetic information derived from DNA testing of a biological sample obtained from a person, which biological sample is clearly identifiable as originating from that person;
- (i) "*DNA profiling or DNA typing*" refers to a process where a minute sample of genetic DNA material is taken from a human tissue and is given a computerized numeric value;
- (j) "*Drug dependent*" refers to a person who, pursuant to the Comprehensive Dangerous Drug Act of 2002, possessed a cluster of physiological, behavioral, and cognitive phenomena of variable intensity, in which his or

her use of psychoactive drugs takes on a high priority, thereby involving, among others, a strong desire or a sense of compulsion to take the substance and the difficulties in controlling substance-taking behavior in terms of its onset, termination, or levels of use;

- (k) "*Foreign law enforcement agency*" refers to the law enforcement agency of a foreign state and includes an international organization established by the government of states or an international organization;
- (l) "*Foreign DNA analysis*" refers to analysis of the DNA from a body sample or crime scene sample to determine a forensic DNA profile;
- (m) "*Forensic DNA profile*" refers to the result obtained from forensic DNA analysis on a body sample or crime scene, providing a unique string of alphanumeric characters to provide identity reference;
- (n) "*Law Enforcement Personnel*" refers to any employee or personnel of any law enforcement agencies;
- (o) "*Intimate sample*" refers to:
 - i. A sample of blood, semen, or any other tissue or fluid taken from a person's body, urine, or pubic hair; or
 - ii. A swab taken from any part of a person's genitals (including pubic hair) or from a person's body orifice other than the mouth.
- (p) "*Non-intimate sample*" refers to
 - i. A sample of hair other than the pubic hair;
 - ii. A sample taken from a nail or from under a nail;
 - iii. A swab taken from any part of a person's body apart from which a swab taken would be an intimate sample; or
 - iv. Saliva.
- (q) "*Offense*" refers to any act or omission punishable by law;
- (r) "*Philippine National Forensic DNA Database*" refers to the country's central repository of DNA profiles created under this Act.
- (s) "*Street Children*" refers to homeless children/minors who live and spend a significant amount of time on the streets, in parks, on the premises of

malls, and in other public areas of a city, municipality, or any open space as their shelter and who are under the custody of the Department of Social Welfare and Development (DSWD) and/or any of their field offices.

ARTICLE II FORENSIC DNA DATABASE

SECTION 4. *Establishment of the Philippine National Forensic DNA Database.*

- A forensic DNA database through the Philippine National Police (PNP), to be known as the Philippine National Forensic DNA Database, shall be established. The database shall consist of the following indices:

- (a) *Crime Scene Index* which shall contain a DNA profile derived from an intimate sample or a non-intimate sample that is found on the following:
 - i. on anything or at any place where an offense was committed;
 - ii. on or within the body of a victim of an offense; or
 - iii. on anything worn or carried by the victim or suspect at the time when the offense was committed.
- (b) *Arrested Person Index* which shall contain forensic DNA profiles derived from an intimate or a non-intimate sample taken from arrested persons;
- (c) *Convicted Offenders Index* which shall contain DNA profiles derived from an intimate or a non-intimate sample taken from a convicted offender;
- (d) *Detainee Index* which shall contain DNA profiles derived from an intimate or a non-intimate sample taken from a detainee;
- (e) *Elimination Person Index* which shall contain DNA profiles derived from an intimate or non-intimate sample taken from persons who had lawful access to the crime scene to be used for comparison with evidence for elimination purposes;
- (f) *Law Enforcement Personnel Index* which shall contain DNA profiles of all employees of the government's law enforcement agencies, derived by means of forensic DNA analysis from a buccal or blood swab;

- (g) *Military Personnel Index* which shall contain DNA profiles of all members of the Armed Forces of the Philippines derived by means of forensic DNA analysis from a buccal or blood swab;
- (h) *Missing Person Index* which shall contain DNA profiles and any information in relation thereto derived from an intimate or non-intimate sample taken from:
 - i. anything worn or carried by a missing person; or
 - ii. the next of kin of a missing person, if so required.
- (i) *Street Children and Beggars Index* which shall contain DNA profiles of street children and beggars, derived by means of forensic DNA analysis from a buccal or blood swab;
- (j) *Unidentified Human Remains Index* which shall contain DNA profiles and any information in relation thereto derived from an intimate or a non-intimate sample taken from the body or parts of the body of an unidentified deceased person;
- (k) *Voluntary Person's Index* which shall contain DNA profiles and any information in relation thereto derived from an intimate or a non-intimate sample taken from a person who volunteers to submit the same for the purpose of storage of the DNA information in the DNA Databank.

SECTION 5. *Objectives of the DNA Database.* – The objective of the DNA Database is to establish, keep, and maintain a comprehensive National DNA database in order to perform comparative searches for the following purposes:

- (a) to assist in the identification of missing persons or unidentified human remains;
- (b) to exonerate a person wrongly convicted of an offense;
- (c) to identify a person who might have been involved in the commission of an offense;
- (d) to prove the innocence or guilt of a person allegedly involved in the commission of an offense; or
- (e) to serve as a tool for crime prevention and crime solution;

ARTICLE III

MANAGEMENT OF DATABASE AND ACCESS TO INFORMATION

SECTION 6. *Management.* – The PNP Crime Laboratory (CL) DNA Laboratory Division shall manage the DNA databases established in Article II of this Act and shall have all such powers 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 responsible for the general administration, conduct, and management of the DNA database;
- (b) To cooperate with both local and foreign law enforcement agencies in accordance with the provisions of this Act;
- (c) To ensure that DNA profiles and any information in relation thereto are securely stored and remain confidential;
- (d) 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;
- (e) To store and dispose of samples taken for the purpose of forensic DNA analysis in accordance with the provisions of this Act; and
- (f) To carry out any other functions conferred by or under this Act and to perform any other functions that are consequential, incidental, or supplemental to any of the functions specified in this section or in furtherance of the objectives of the Philippine National Forensic DNA Database.

SECTION 7. *Access and Confidentiality of DNA Profiles and Information.* – The DNA database and any information contained therein shall only be accessed by authorized personnel of the PNP CL DNA Laboratory on the following purposes:

- (a) administering the database;
- (b) comparing DNA profiles or information in the course of an investigation conducted by any law enforcement agency and/ or during the judicial and quasi-judicial proceedings; and
- (c) making the information available to a person to whom the information relates.

DNA profiles and all results or other information obtained from DNA testing shall be confidential, subject to the provisions of Section 11, A.M. No. 06-11-5-SC (Rule on DNA Evidence).

SECTION 8. *Biological Sample or Genetic Markers Derived from DNA as Evidence.* – Expert testimony or evidence relating to the use of these biological samples or genetic markers contained or derived from DNA for identification may be used as evidence in any court or proceeding in the country subject to the existing Rules on DNA Evidence.

ARTICLE IV
TAKING, STORING, AND DISPOSING OF DNA SAMPLES; REMOVAL OF
DNA PROFILE; AND CONFIDENTIALITY

SECTION 9. *Collection of DNA Sample.* – Only a certified PNP DNA Collector shall collect a biological sample from any person who on or after the effective date of this Act:

- (a) Is convicted of a crime for any offense;
- (b) Is arrested for and formally charged with the crime before the court for an offense;
- (c) Is legally detained under law;
- (d) Is required to submit a DNA sample due to a judicial or quasi-judicial order because they are a suspect in a crime;
- (e) Is needed to submit a DNA sample for elimination purposes;
- (f) Is a street child or a beggar;
- (g) Is an active member of a law enforcement agency;
- (h) Is an active member of the Armed Forces of the Philippines;
- (i) Is a person who is voluntarily providing a sample to be placed into the DNA database.

SECTION 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 its disposal. Such chain of custody documents 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.

SECTION 11. *Refusal to give a sample.* – Refusal to give a sample. – If a person from whom a non-intimate sample is to be taken under this Act refuses to give such sample, refuses to allow such sample to be taken from him or her, or obstructs the taking of such sample from him or her, he or she commits an

offense and shall, on conviction, be liable to a fine not exceeding Three Hundred Thousand Pesos (PhP 300,000.00) or to imprisonment for a term not exceeding six (6) years, or both.

SECTION 12. *Storage and disposal of biological samples.* - PNP DNA Laboratory 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 a DNA profile has been generated.

SECTION 13. *Deletion of DNA Profile from the DNA Database Indices.* - A person whose DNA profile is contained in the voluntary or missing person's indices as defined in Article II, Section 4, Subsection (k) 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 Armed Forces of the Philippines may request the same upon retirement or resignation from the service. The DNA Laboratory official in charge of the database shall, within six (6) months of being notified of such request, delete the DNA profile and any information in relation to the profile.

SECTION 14. *Support from Voluntary Citizens.* - To support the nationwide National DNA Database, employees of both government and private institutions and private citizens may submit DNA samples. Their forensic DNA profiles and any information in relation thereto shall be included in the voluntary person index.

SECTION 15. *Sample Given Voluntarily.* -

- (a) Any person may voluntarily give an appropriate consent in a written form to a certified DNA collector for the taking of his or her intimate or non-intimate sample;
- (b) Where a written consent is given, a certified DNA collector, before the taking of the intimate or non-intimate sample, informs the person from whom the sample is to be taken -
 - i. that the DNA profiles and any information in relation thereto derived from the intimate sample or non-intimate sample may be stored in the National Forensic DNA Database and may be used for the purposes of forensic DNA analysis, police inquiry, and for such purposes referred to in this Act;

- ii. that he or she may make a request for access to his or her information; and
- iii. that he or she may at any time withdraw his or her consent.

SECTION 16. *Population Statistics Database.* - If personally identifiable information is removed, test results may be disclosed for a population statistics database, for identification research and protocol development purposes, or for quality control purposes.

ARTICLE V QUALITY ASSURANCE STANDARDS

SECTION 17. *National DNA Database Scientific Advisory Committee.* - A National DNA Database Scientific Advisory Committee shall be established for purposes of developing DNA testing database quality assurance standards for DNA testing and databasing, including standards for testing the proficiency of forensic laboratories and forensic analysts conducting forensic DNA analysis.

SECTION 18. *Committee Members.* - The Committee shall be composed of nine (9) individuals, including the Chair, scientifically qualified to understand, develop, and adopt DNA quality assurance standards. Committee representatives shall include three (3) officials from the PNP, two (2) from the NBI, one (1) from the DOST, one (1) from the DOH, and two (2) from other agencies or institutions actively engaged in forensic DNA testing. The committee shall be chaired by an official from the PNP, the repository of the database.

SECTION 19. *Laboratory Standards.* - The Committee shall adopt, develop, and recommend standards for quality management, including standards for testing the proficiency of Assurance Standards for forensic DNA testing laboratories, including standards for testing the proficiency of laboratories and forensic analysts conducting forensic DNA tests. Once adopted, these standards shall be required for any forensic laboratory in the Philippines that produces samples to be included in the national DNA database.

ARTICLE VI CRIMINAL ACTS AND PENALTIES

SECTION 20. *Tampering of DNA Records.* - Any person who shall knowingly make any false entry or falsely alter any DNA record or profile indexed or otherwise contained in the DNA database system or who shall intentionally conceal, destroy, mutilate, or remove or otherwise impair the verity or availability of DNA records or profiles; shall suffer the penalty of twelve (12) years and one (1) day imprisonment and a fine not less than Six Hundred Thousand Pesos (PhP 600,000.00) at the discretion of the court.

A person convicted of tampering with DNA records shall be perpetually disqualified from the right to hold public office.

SECTION 22. *Improper Disclosure of DNA Samples and Records.* - Any person who by virtue of employment or official position, has possession of, or access to, individually identifiable DNA information indexed or otherwise contained in the DNA database system as referred to in this Act, and who knowingly and willfully discloses such information in any manner to any person or agency not entitled to receive it to the prejudice and detriment of the public or person from whom the said DNA sample information was taken shall suffer the penalty of eight (8) years and one (1) day imprisonment or a fine not lower than Five Hundred Thousand Pesos (PhP 500,000.00), or both, at the discretion of the court.

SECTION 23. *Failure to Deliver DNA Records or Samples.* - Any person who shall possess a DNA record in the DNA database system or DNA samples and refuse to deliver the same upon request of a person lawfully entitled to receive the same without justifiable reason shall suffer the penalty of six (6) years and one (1) day imprisonment or a fine not lower than Four Hundred Thousand Pesos (PhP 400,000.00) or both, at the discretion of the court. *Provided, That,* no action, suit, prosecution, or any other proceedings shall lie or be brought against the aforesaid person if he/she failed to deliver the DNA records or samples for cause(s) outside his/ her control.

SECTION 24. *Improper Access to and Use of DNA Samples and Records.* - Any person who, without proper authorization, knowingly and willfully obtains DNA samples or any individual identifiable DNA information indexed or contained in the DNA database system shall suffer the penalty of four (4) years and one (1) day of imprisonment, or a fine not lower than Three Hundred Thousand Pesos (PhP 300,000.00), or both, at the discretion of the court.

ARTICLE VII GENERAL PROVISIONS

SECTION 25. *Sharing of Data Between the PNP and the NBI.* - The PNP and the NBI shall establish a system to ensure that DNA profiles from each of their respective databases are compared regularly and communicate any relevant information.

SECTION 26. *Cooperation with Foreign Law Enforcement Agency.* -

- (a) The PNP may, upon request by a foreign law enforcement agency, compare a DNA profile received from the foreign law enforcement agency with the DNA profiles in the DNA Database in order to determine whether such DNA profile is already contained in the DNA Database and communicate any relevant information to the foreign law enforcement agency.
- (b) The PNP may, upon request by a foreign law enforcement agency in the course of an investigation of an offense or a prosecution of a criminal offense in that foreign state, communicate a DNA profile contained in the DNA Database to that foreign law enforcement agency.
- (c) For the purposes of this section, "foreign law enforcement agency" means the law enforcement agency of a foreign state and includes an international organization established by the government of states of which the Philippines is an official member or an international organization.

SECTION 27. *Regulations by the PNP.* - The PNP shall work with other relevant national government agencies to develop rules and regulations necessary to give full effect to, or for carrying out, the provisions of this Act.

SECTION 28. *Savings and Transitional.* - Any existing DNA profile and any information in relation thereto kept and maintained by the PNP immediately before the coming into operation of this Act shall, on the coming into operation of this Act, form part of the Philippine Forensic DNA Database established under this Act in accordance with indices applying.

SECTION 29. *Appropriations.* The amount necessary to implement the provisions of this Act shall be charged against the allocation in the General Appropriations Act (GAA) of the Department of Interior and Local Government (DILG).

SECTION 30. *Implementing Rules and Regulations.* - Within ninety (90) days after the approval of this Act, the Secretary of DILG shall promulgate and issue necessary rules and regulations for the efficient implementation of this Act.

SECTION 31. *Separability Clause.* - If any provision or part of this Act is declared unconstitutional, the remaining parts or provisions not affected shall remain in full force and effect.

SECTION 32. *Repealing Clause.* - All laws, executive orders, issuances, and rules and regulations inconsistent with this Act are hereby repealed or modified accordingly.

SECTION 33. *Effectivity.* - This Act shall take effect fifteen (15) days after its publication in the Official Gazette or in a newspaper of general circulation.

Approved,