

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

TWENTIETH CONGRESS
First Regular Session

House Bill No. **3267**



Introduced by Representative JOSEFINA B. TALLADO

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

EXPLANATORY NOTE

This bill seeks the establishment of a National Police Clearance System which is geared towards streamlining the process of obtaining police clearances and ensuring efficiency and accuracy in the dissemination of crucial information. By centralizing this information, the system will provide a unified platform accessible to authorized entities, thereby reducing bureaucratic redundancies and enhancing the overall transparency of criminal record checks.

Furthermore, the bill underscores the importance of safeguarding personal data and upholding privacy rights by ensuring compliance with the Data Privacy Act of 2012 or Republic Act No. 10173. Consequently, strict protocols and safeguards will be put in place to prevent unauthorized access, misuse, or dissemination of sensitive information, thereby preserving the integrity and trustworthiness of the system.

The increasing need for comprehensive and reliable background checks has become paramount in our society today, and this bill is a proactive measure towards enhancing public safety, promoting efficiency in administrative processes, and reinforcing trust in our institutions. It is for this reason that the passage of this bill is earnestly sought.


JOSEFINA B. TALLADO
1st District, Camarines Norte

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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".

SECTION 2. Declaration of Policy - It is hereby declared the policy of the State to ensure public safety through 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.

SECTION 3. National Police Clearance System. - The National Police Clearance System (NPCS) is hereby established. The Philippine National Police (PNP) shall be the 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.

SECTION 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;

SECTION 5. Processing of Information. -The processing of information under the NPCS shall be subject to Section 11, 12 and 13 of Republic Act No.10173, otherwise known as the "Data Privacy Act of 2012".

SECTION 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 administrative 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 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).

SECTION 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.

SECTION 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.

SECTION.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.

SECTION 12. Separability Cause. - If any provision or part hereof, is held invalid or unconstitutional, the remainder of the law or the provision not otherwise affected shall remain valid and subsisting.

SECTION 13. Repealing Cause. -All laws, decrees, executive orders, proclamations, and administrative regulations or parts thereof inconsistent herewith are hereby repealed or modified accordingly.

SECTION 14. Effectivity Clause. -This Act shall take effect fifteen (15) days after its publication in the Official Gazette or in a newspaper of general circulation.

Approved.