



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

**TWENTIETH CONGRESS**  
First Regular Session

HOUSE BILL NO. **3559**



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**Introduced by Representative Crispin Diego “Ping” D. Remulla**

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**AN ACT**  
**ESTABLISHING THE NATIONAL DNA DATABASE AND APPROPRIATING**  
**FUNDS THEREFOR**

**EXPLANATORY NOTE**

Over the past few decades, DNA or deoxyribonucleic acid Analysis has revolutionized criminal investigations across the globe. Since its first widely known success in 1986 involving the identification and conviction of a suspect in the brutal rape and murder of 2 students in the United Kingdom, DNA fingerprinting has become a standard tool in modern forensics in countries such as the United States, Canada, Japan, New Zealand, Australia, and Germany.

In the country, DNA technology has proven to be instrumental in various high-profile cases, such as the verification of the identities of Zulkifli bin Abdul Hir or Marwan and Abdul Basit Usman in 2015. In 2019, US DNA tests confirmed the death of Abu Dar, the leader of the Maute Group, who planned the Marawi Siege in 2017.

These instances show the growing importance of modern forensics in law enforcement. Thus, this measure seeks to establish a National DNA Database that will serve as a central repository of DNA profiles that can be used to support crime prevention strategies, resolve ongoing investigations, exonerate the innocent, identify human remains, and aid in locating missing person.

This proposed measure represents a significant step toward modernizing the country's forensic capabilities and ensuring that truth and justice are upheld through the use of accurate and science-based evidence.

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

A handwritten signature in black ink, appearing to read 'Ping D. Remulla', with a stylized, cursive script.

**CRISPIN DIEGO "PING" D. REMULLA**



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

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

3       **SEC. 2. *Declaration of Policy.*** – It is hereby declared the policy of the State to establish  
4 and maintain a fair, responsible, ethical, and efficient criminal justice system. The State  
5 likewise reaffirms the goals of the United Nations in the field of crime prevention and criminal  
6 justice, specifically, more efficient and effective law enforcement and administration of justice,  
7 respect for human rights and fundamental freedoms, and the promotion of the highest standards  
8 of fairness, humanity, and professional conduct.

9       **SEC. 3. *Definition of Terms.*** – As used in this Act, the following terms shall mean:

- 10       a) “*Biological or deoxyribonucleic acid (DNA) sample*” refers to any organic material  
11       originating from a person’s body, including those found in inanimate objects, that  
12       is subjected to DNA testing;
- 13       b) “*Buccal swab*” refers to a sample of cellular material taken from the inside of a  
14       person’s mouth;
- 15       c) “*Certified DNA collector*” refers to a police officer or a person who has successfully  
16       completed the training prescribed and certified by the Philippine National Police

- (PNP) Forensic Group, in respect of the taking of buccal sample and biological DNA sample;
- 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 involved in an offense or crime;
  - e) “*DNA*” refers to 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 in identical twins;
  - f) “*DNA evidence*” refers to the totality of the DNA profiles, results, and other genetic information directly generated from DNA testing of biological samples;
  - g) “*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;
  - h) “*DNA profiling or DNA typing*” refers to a process where a minute sample of genetic DNA material is taken from a human biological sample and is given an analyzed numeric value;
  - i) “*DNA testing*” refers to the generation of DNA profiles and the comparison of the information obtained from the DNA testing of biological samples to determine with reasonable certainty, whether or not the DNA obtained from two or more distinct biological samples originates from the same person (direct identification) or if the biological samples originate from related persons (kinship analysis);
  - j) “*Foreign law enforcement agency*” refers to the law enforcement agency of a foreign state and includes any recognized international organization established by government or states of which the Philippines is an official member, or any international organization;
  - k) “*Forensic DNA analysis*” refers to analysis of the DNA from a body or crime scene sample to determine its forensic DNA profile;
  - l) “*Forensic DNA profiles*” refer to the result obtained from forensic DNA analysis on a body or crime scene sample, providing a unique combination of genotypes obtained from DNA analysis testing of multiple loci to provide identity reference;
  - m) “*Informed consent*” refers to the process by which a person voluntarily confirms their willingness to submit a biological sample for DNA profiling after having been informed, in writing and in a language clearly understood by them, of the purpose,

process, storage, retention period, potential sharing, and rights related to their DNA data.

- n) "*Intimate sample*" refers to (1) a sample of blood, semen, or any other tissue or fluid taken from a person's body, urine or public hair; or (2) swab taken from any part of a person's genitals (including pubic hair) or from a person's body orifice other than the mouth; and
- o) "*Non-intimate sample*" refers to (1) a sample of hair other than the pubic hair; (2) a sample taken from a nail or from under a nail; (3) a swab taken from any part of a person's body other than a part from which a swab taken would be an intimate sample; or (4) saliva.
- p) "*Vulnerable person*" refers to minors, persons with disabilities, and individuals who are mentally incapacitated or otherwise unable to provide informed consent without assistance.

**SEC. 4. Establishment of National DNA Database.** – A DNA database under the PNP, to be known as the National DNA Database, shall be established. The database shall consist of the following indices:

- a) A *crime scene index* which shall contain DNA profiles derived from intimate or non-intimate samples found on anything where an offense was committed, within the body of a victim of an offense, or on anything worn or carried by the victim or suspect at the time when the offense was committed;
- b) A *convicted offenders index* which shall contain DNA profiles derived from intimate or non-intimate samples taken from persons convicted of any offense;
- c) An *elimination person index* which shall contain DNA profiles derived from intimate or non-intimate samples taken from persons who had lawful access to the crime scene for comparison with evidence for elimination purposes;
- d) A *law enforcement personnel index* which shall contain DNA profiles of all employees of law enforcement agencies, derived by means of forensic DNA analysis of a donor's buccal or blood sample;
- e) A *military personnel index* which shall contain DNA profiles of all members of the Armed Forces of the Philippines (AFP) derived by means of forensic DNA analysis of a buccal or blood sample;
- f) A *missing person index* which shall contain DNA profiles and any information related thereto derived from intimate or non-intimate samples taken from – (1)

1 anything worn, carried, or used by a missing person; or (2) biological relatives of a  
2 missing person if so required;

- 3 g) *An unidentified human remains index* which shall contain DNA profiles and any  
4 information related thereto derived from intimate or non-intimate samples taken  
5 from the body or parts of the body of an unidentified deceased person;
- 6 h) *A disaster victim identification index* shall contain DNA profiles obtained for the  
7 sole purpose of identifying victims of natural disasters, armed conflict, or mass  
8 casualty incidents; and
- 9 i) *A voluntary person index* which shall contain DNA profiles and any information  
10 related thereto derived from intimate or non-intimate samples taken from a person  
11 who volunteers to submit the same for storage of the DNA information in the DNA  
12 Databank.

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

- 16 a) Serve as a tool for crime prevention and crime solution;
- 17 b) Identify person/s who might have been involved in the commission of an offense;
- 18 c) Prove the innocence or guilt of a person allegedly involved in the commission of an  
19 offense;
- 20 d) Exonerate a person wrongly convicted of an offense; or
- 21 e) Assist in the identification of missing persons or unidentified human remains.

22 **SEC. 6. Management of DNA Database.** – The PNP Forensic Group – DNA  
23 Laboratory Division (PNP-FG DNA Laboratory Division) shall manage the DNA Database,  
24 and shall have such power as may be necessary for, in connection with, or incidental to the  
25 performance of its functions under this Act, including the following:

- 26 a) Conduct, administer, and manage the DNA Database;
- 27 b) Establish mechanisms to facilitate the connection, storage, and dissemination of  
28 data and related information on DNA profiles stored in the DNA Database;
- 29 c) Ensure that DNA profiles and any information related thereto are secure and  
30 confidential at all times;
- 31 d) Store and dispose samples taken for the purpose of forensic DNA analysis in  
32 accordance with the provisions of this Act;
- 33 e) Cooperate with both local and foreign law enforcement agencies in accordance with  
34 the provisions of this Act; and

- 1 f) Carry out any other functions under this Act and those incidental or consequential  
2 to the functions specified in this section or in furtherance of the objectives of the  
3 National DNA Database.

4 **SEC. 7. *Access to and Confidentiality of DNA Profiles and Information.*** – The access  
5 to a communication or use of DNA profiles and any information related thereto stored in the  
6 National DNA Database shall only be for the following purposes:

- 7 a) Administering the database;  
8 b) Comparing DNA profiles or information in the course of an investigation conducted  
9 by any law enforcement agency or during judicial or quasi-judicial proceedings;  
10 and  
11 c) Making the information available to a person to whom the information relates.

12 DNA profiles and all results or other information obtained from DNA testing shall be  
13 confidential and covered by the provisions of Republic Act No. 10173, otherwise known as the  
14 “Data Privacy Act of 2012.”

15 **SEC. 8. *Non-Forensic Use Prohibition.*** – DNA profiles and related genetic  
16 information collected under this Act shall not be used for any purpose unrelated to forensic  
17 investigation, criminal justice, missing persons identification, disaster victim identification, or  
18 other uses expressly provided under this Act.

19 Prohibited uses include, but are not limited to, insurance risk assessment, employment  
20 screening, political profiling, or any discriminatory practice.

21 **SEC. 9. *Biological Samples or Genetic Markers Derived from DNA as Evidence.*** –  
22 The biological samples or genetic markers contained in or derived from DNA for identification  
23 may be submitted through expert testimony and/or used as evidence in any court or proceeding  
24 in the country subject to the judicial rules on DNA evidence.

25 **SEC. 10. *Mandatory Collection of DNA Sample.*** – The following shall be required to  
26 provide a biological sample:

- 27 a) Those ordered by a court of competent jurisdiction to submit their DNA sample in  
28 relation to a pending case: *Provided*, That the court cannot order such a submission  
29 for the sole reason of adding a sample to the DNA database; and  
30 b) Active members of the military, uniformed personnel, and other law enforcement  
31 agencies.

32 *Provided, That* in the case of vulnerable persons, DNA collection shall require the  
33 written consent of a parent, legal guardian, or a court of competent jurisdiction.

1           **SEC. 11. *Voluntary Collection of DNA Sample.*** – Any person may, voluntarily and in  
2 writing, submit themselves for the taking of an intimate or non-intimate sample.

3           Before the taking of any sample, the certified DNA collector shall inform the person  
4 from whom the sample is to be taken of the following:

- 5           a) That the DNA profile and any information related thereto derived from the intimate  
6 or non-intimate sample may be stored in the National DNA Database and used for  
7 forensic DNA analysis, police inquiry, and for such other purposes referred to in  
8 this Act;
- 9           b) That any person may make a request for access to one's information; and
- 10          c) That any person may at any time demand the deletion of one's DNA profile in the  
11 database.

12          Any person may also submit a written request to the PNP-FG DNA Laboratory Division  
13 for DNA testing as defined in this Act: *Provided*, That at least one (1) of the DNA profiles to  
14 be used in the requested DNA testing is the DNA profile of the person who requested the test  
15 or of any person under his/her legal guardianship.

16          For this purpose, the PNP is hereby authorized to collect reasonable fees for the  
17 collection of DNA samples and the processing and corresponding issuance of DNA test results  
18 and other certifications.

19           **SEC. 12. *Handling of Collected Biological Samples.*** – The integrity of the collected  
20 biological sample shall be maintained at all times through a clear, well-documented chain of  
21 custody from the time the sample is collected until its disposal. Such chain-of-custody  
22 document shall be retained in the laboratory record to reflect the integrity of the sample during  
23 its receipt, handling, storage, preparation, retention, and/or disposal to protect the interest of all  
24 parties.

25           **SEC. 13. *Storage and Disposal of Biological Samples.*** – The PNP-FG DNA  
26 Laboratory Division shall preserve all biological samples, DNA profiles, results, or other  
27 genetic information obtained from the DNA testing. All biological samples collected under  
28 Section 9 must be destroyed not later than six (6) months after the DNA profile has been  
29 generated.

30           **SEC. 14. *Deletion of DNA Profile from the DNA Database Indices.*** – A person whose  
31 DNA profile is contained in the voluntary or missing person's indices may request that their  
32 DNA profile, and any related information, be deleted from the DNA database at any time.  
33 Members of the military, uniformed personnel and other law enforcement agencies may request  
34 the same upon retirement or resignation from the service.

1 The DNA Laboratory official in charge of the database shall, within six (6) months from  
2 the time of notification of such request, delete the DNA profile and any information in relation  
3 to the profile.

4 **SEC. 15. *Support from Voluntary Citizens.*** – To support the National DNA Database,  
5 employees of both government and private institutions as well as private citizens are  
6 encouraged to submit DNA samples. The forensic DNA profiles and any information related  
7 thereto shall be included in the voluntary person index.

8 **SEC. 16. *National DNA Database Scientific Advisory Committee.*** – A National DNA  
9 Database Scientific Advisory Committee (Committee) shall be established for the purpose of  
10 developing DNA testing database quality assurance standards, including standards for testing  
11 the proficiency of forensic laboratories and forensic analysts conducting forensic DNA  
12 analysis.

13 **SEC. 17. *Committee Members.*** – The Committee shall be composed of seven (7)  
14 members with recognized expertise and competence to understand, develop, and adopt DNA  
15 quality assurance standards necessary for the maintenance of the National DNA Database. The  
16 Committee members shall be composed of one (1) representative each from the PNP, the  
17 Department of the Interior and Local Government (DILG), the Department of Justice (DOJ),  
18 the Department of Science and Technology (DOST), the Department of Health (DOH), the  
19 National Privacy Commission (NPC), and the Commission on Human Rights (CHR).

20 The Committee shall be chaired by an official from the PNP being the repository of the  
21 database. The PNP-FG DNA Laboratory Division shall act as the secretariat of the Committee.

22 **SEC. 18. *Prohibited Acts.*** – Any person found guilty of committing any of the  
23 prohibited acts enumerated hereunder shall suffer the corresponding penalties as herein  
24 provided:

25 a) *Tampering of DNA Records.* – Any person who shall knowingly make any false  
26 entry or alter any DNA record or profile indexed or otherwise contained in the DNA  
27 database system, or who shall intentionally destroy, mutilate, conceal, remove, or  
28 otherwise impair the verity or availability of DNA records or profile without  
29 authority, shall suffer the penalty of one (1) to three (3) years imprisonment or a  
30 fine of not more than Two hundred thousand pesos (P200,000.00) or both, at the  
31 discretion of the court;

32 b) *Tampering of, Abetting, or Attempting to Tamper with DNA Samples.* – Any person  
33 who shall knowingly tamper with or cause the tampering of any intimate or non-  
34 intimate sample taken for the purposes of this Act or shall aid in the tampering of

1 or the attempts to tamper with any intimate or non-intimate sample taken for the  
2 purposes of this Act, shall suffer the penalty of one (1) to three (3) years  
3 imprisonment or a fine of not more than Two hundred thousand pesos  
4 (P200,000.00) or both, at the discretion of the court;

5 c) *Improper Disclosure of DNA Samples and Records.* – Any person who, by virtue of  
6 employment or official position, has possession of, or access to, individually  
7 identifiable DNA information indexed or otherwise contained in the DNA database  
8 system and who knowingly and willfully discloses such information in any manner  
9 to any person or agency not legally entitled to receive it to the prejudice and  
10 detriment of the public or person from whom the said DNA sample or information  
11 was taken shall suffer the penalty of one (1) to three (3) years imprisonment or a  
12 fine of not more than One hundred thousand pesos (P100,000.00) or both, at the  
13 discretion of the court.

14 d) *Refusal to Give Sample.* – Any person who unjustly refuses to give a non-intimate  
15 sample or obstructs the taking of such sample, when legally ordered by competent  
16 authority to do so, shall suffer the penalty of three (3) months to six (6) months  
17 imprisonment or a fine of not more than Fifty thousand pesos (P50,000.00) or both,  
18 at the discretion of the court;

19 e) *Improper Disposal or Removal of DNA Samples and Records.* – Any person who,  
20 by virtue of employment or official position, has possession of, or access to,  
21 individually identifiable DNA information indexed or otherwise contained in the  
22 DNA database system and who knowingly or negligently disposes of, removes,  
23 discards, or abandons such information in an area accessible to public or has  
24 otherwise placed any record or specimen container with personal information of an  
25 individual in a garbage bin for trash collection shall suffer the penalty of  
26 imprisonment ranging from one (1) to three (3) years and a fine of not less than One  
27 hundred thousand pesos (P100,000.00) but not more than Five hundred thousand  
28 pesos (P500,000.00) or both, at the discretion of the court.

29 f) *Unauthorized Use for Non-Forensic Purposes.* – Any person who knowingly uses  
30 DNA profiles or related genetic information for purposes not authorized under this  
31 Act shall suffer the penalty of imprisonment ranging from three (3) to six (6) years  
32 and a fine of not less than Two million pesos (P2,000,000.00) but not more than  
33 Five million pesos (P5,000,000.00)

- 1 g) *Unauthorized Access or Intentional Breach.* – Any person who knowingly and  
2 unlawfully violates data confidentiality and the security of the DNA database  
3 system shall suffer the penalty of imprisonment ranging from three (3) to six (6)  
4 years and a fine of not less than One million pesos (P1,000,000.00) but not more  
5 than Three million pesos (P3,000,000.00).
- 6 h) *Misuse or Misappropriation of the National DNA Forensics Modernization Fund.*  
7 – Any public officer, employee, or person who misuses, diverts, embezzles, or  
8 otherwise applies any portion of the National DNA Forensics Modernization Fund  
9 for purposes not expressly authorized under this Act shall suffer the penalty of  
10 imprisonment ranging from three (3) to six (6) years and a fine not less than Two  
11 million pesos (P2,000,000.00) but not more than Five million pesos  
12 (P5,000,000.00), without prejudice to perpetual disqualification from holding  
13 public office and liability under the Anti-Graft and Corrupt Practices Act and other  
14 applicable laws.
- 15 i) *Offense Committed by a Public Officer.* – When the offender or the person  
16 responsible, as defined in the Administrative Code of the Philippines, is in the  
17 exercise of his or her duties, an accessory penalty consisting of disqualification to  
18 occupy public office for a term double the term of the criminal penalty imposed  
19 shall be applied.

20 **SEC. 19. Cooperation with Other Law Enforcement Agencies.** – The PNP, the  
21 National Bureau of Investigation (NBI), and other law enforcement agencies shall establish a  
22 system to ensure coordination and integration of the DNA Database in their respective  
23 agencies.

24 Government agencies not engaged in law enforcement may be authorized by the PNP-  
25 FG DNA Laboratory Division to access or otherwise use the DNA database for as long as such  
26 use is legitimate and the concerned government agency ensures the privacy of the DNA  
27 information.

28 **SEC. 20. Cooperation with Foreign Law Enforcement Agency.** – The PNP may, upon  
29 request by a foreign law enforcement agency, compare a DNA profile received from the foreign  
30 law enforcement agency with the DNA profiles in the DNA Database to determine the  
31 existence of any record therein. The PNP shall then communicate this and any relevant  
32 information to the foreign law enforcement agency.

1       **SEC. 21. *Transitional Provision.*** – Any existing DNA profile and any information  
2 related thereto kept and maintained by the PNP, immediately before the effectivity of this Act,  
3 shall form part of the National DNA Database in accordance with this Act.

4       Any subsequent DNA database established by law and attached to government agencies  
5 other than the PNP shall form part of the National DNA Database under this Act and shall  
6 possess specifications that allow for inter-agency access and use for any legal purpose.

7       **SEC. 22. *National DNA Forensics Modernization Fund.*** – There is hereby created a  
8 National DNA Forensics Modernization Fund to be used solely and exclusively for the  
9 acquisition and upgrading of laboratory equipment, enhancement of database security  
10 infrastructure, and provision of continuous training for DNA personnel.

11       The Fund shall be non-transferable and shall not be used for purposes outside those  
12 expressly provided in this Act. Its utilization shall be subject to strict accounting and auditing  
13 rules of the Commission on Audit (COA), with annual public disclosure of all disbursements  
14 and procurement transactions through the official website of the Philippine National Police and  
15 in a newspaper of general circulation.

16       The Fund shall be sourced from the annual General Appropriations Act and may receive  
17 grants, donations, and international assistance, provided that such external contributions shall  
18 be accounted for separately and audited in accordance with COA regulations.

19       **SEC. 23. *Appropriations.*** – The amount necessary for the effective implementation of  
20 the provisions of this Act shall be taken from the current year's appropriation of the PNP.  
21 Thereafter, such sums as may be needed for the continued implementation of this Act shall be  
22 included in the annual General Appropriations Act.

23       **SEC. 24. *Implementing Rules and Regulations.*** – Within one hundred twenty (120)  
24 days from the effectivity of this Act, the PNP, in consultation with government agencies and  
25 other law enforcement offices, shall promulgate the rules and regulations to effectively  
26 implement the provisions of this Act.

27       **SEC. 25. *Separability Clause.*** – If any portion or provision of this Act is declared  
28 unconstitutional, any provisions not otherwise affected shall remain in force and effect.

29       **SEC. 26. *Repealing Clause.*** – Any law, presidential decree or issuance, executive  
30 order, letter of instruction, rule, or regulation inconsistent with the provisions of this Act is  
31 hereby repealed or modified accordingly.

32       **SEC. 27. *Effectivity.*** – This Act shall take effect after fifteen (15) days following its  
33 complete publication in the *Official Gazette* or in a newspaper of general circulation.

Approved,