

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

**TWENTIETH CONGRESS**  
*First Regular Session*

House Bill No. 8044



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**Introduced by Representative ERIC G. YAP**

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**EXPLANATORY NOTE**

This bill seeks to institutionalize the creation of the Philippine National Forensic DNA Database under the Philippine National Police Crime Laboratory (PNPCL). It shall strengthen crime prevention, criminal investigation, and the administration of justice in the country.

DNA technology has become one of the most reliable scientific tools in modern forensic investigation. Law enforcement authorities can accurately identify suspects, link individuals to crime scenes, exonerate the innocent, and identify missing persons and unidentified human remains by analyzing deoxyribonucleic acid (DNA). In the Philippines, however, the absence of a unified, statutory DNA database system limits the full and efficient use of forensic DNA evidence in criminal proceedings.

This proposed measure establishes specific indices, including those for crime scene samples, arrested persons, convicted offenders, detainees, missing persons, unidentified human remains, law enforcement personnel, military personnel, and voluntary contributors. It clearly defines the parameters for collection, storage, access, and disposal of biological samples and DNA profiles, and mandates strict chain-of-custody procedures to preserve evidentiary integrity.

To this end, this measure strengthens investigative capacity, improves the conviction of those that are guilty, and prevents wrongful convictions against the innocent by providing a legal framework for the responsible use of forensic DNA technology.

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

  
**HON. ERIC G. YAP**

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**AN ACT**  
**ESTABLISHING A FORENSIC DNA DATABASE IN THE PHILIPPINES**

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

**ARTICLE I**  
**PRELIMINARY**

SECTION 1. *Short Title.* — This Act shall be known as the “*Forensic DNA Database Act*”.

SEC. 2 *Declaration of Policy.* — It is hereby declared the policy of the State to establish and maintain a fair, responsible, ethical and efficient criminal justice system. The State likewise reaffirms the goals of the United Nations 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.

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

SEC. 3. *Definition of Terms.* — As used in this Act:

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 Philippine National Police (PNP) DNA Collector refers to a police officer or a person who has successfully completed the training prescribed by the PNP-Crime Laboratory (PNPCL), in respect of the taking of buccal 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;

e. Detainee refers to a person arrested and detained under existing 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 identical twins;

g. DNA evidence refers to constitutes 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, pursuant to Republic Act No. 9165, otherwise known as the *"Comprehensive Dangerous Drug Act of 2002"*, who possesses a cluster of physiological, behavioral and cognitive phenomena of variable intensity, in which his or her use of psychoactive drug 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 foreign state and includes an international organization established by the government of states or an international organization;

l. Forensic DNA analysis refers to analysis of the DNA from a body sample or crime scene sample to determine forensic DNA profile;

m. Forensic DNA profiles refers to the result obtained from forensic DNA analysis on body sample or crime scene, providing a unique string of alpha numeric characters to provide identity reference;

n. Law Enforcement Personnel refers to any employee or personnel 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 other than 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 is the country's central repository of DNA profiles created under this Act; and
- s. Street Children refers to homeless children under the age of eighteen (18) years old who live and spend significant amounts of time on the streets, parks, premises of malls, and other public areas of a city, municipality, or any open space as their shelter who are under the custody of Department Social Welfare and Development and their field office.

## **ARTICLE II**

### **FORENSIC DNA DATABASE**

SEC. 4. *Establishment of Philippine National Forensic DNA Database.* — A forensic DNA database through the 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 DNA profile derived from an intimate sample or a non-intimate sample that is found —
  - 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 persons convicted of any offense under any written law;

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 a 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; and

k. Voluntary person 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.

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

### **ARTICLE III**

#### **MANAGEMENT OF DATABASE AND ACCESS TO INFORMATION**

SEC. 6. *Management.* — The PNPCL 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 function under this Act, including the following:

- a. To be responsible for the general conduct, administration, and management of the DNA database;
- b. 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;
- c. To ensure that DNA profiles and any information in relation thereto are securely stored and remain confidential;
- d. To store and dispose samples taken for the purpose of forensic DNA analysis in accordance with the provisions of this Act;
- e. To cooperate with both local and foreign law enforcement agencies 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 supplemental, incidental, or consequential to any of the functions specified in this section or in furtherance of the objectives of the Philippine National Forensic DNA Database.

SEC. 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 PNPCL 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).

SEC. 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 in or derived from DNA for identification may be used as evidence in any courts or proceedings in the country subject to the existing Rules on DNA Evidence.

#### **ARTICLE IV**

#### **TAKING, STORING, DISPOSING OF DNA SAMPLES, REMOVAL OF DNA PROFILE, AND CONFIDENTIALITY**

SEC. 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 of 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 law enforcement agency;
- h. Is an active member of the Armed Forces of the Philippines; and

i. Is a person who is voluntarily providing a sample to be placed into the DNA database.

SEC. 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.

SEC. 11. *Refusal to give sample.* — If a person 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 offence and shall, on conviction, be liable to a fine not exceeding three hundred thousand pesos (P300,000.00) or to imprisonment for a term not exceeding six (6) years, or both.

SEC. 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 months after the DNA profile has been generated.

SEC. 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, Subsections g and h may request that their DNA profile, and any related information, be deleted from the DNA databank at any time. Member/s 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 months of being notified of such request, delete the DNA profile and any information in relation to the profile.

SEC. 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.

SEC. 15. *Sample Given Voluntarily.* — 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:

a. Where a written consent is given, a certified DNA collector, before the taking of the intimate or non-intimate sample, inform 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 an access to his or her information; and
- iii. That he or she may at any time withdraw his consent.

SEC. 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**

SEC. 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.

SEC. 18. *Committee Members.* — The Committee shall be composed of nine 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 from the NBI, one from the DOST, one from the DOH and two from other agencies or institutions actively engaged in forensic DNA testing. The Committee shall be chaired by an official from the PNP being the repository of the database.

SEC. 19. *Laboratory Standards.* — The Committee shall develop, adopt, and recommend standards for quality management, including standards for testing the proficiency of Assurance Standards for forensic DNA testing laboratories, including standards for testing 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**

SEC. 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; or who shall intentionally destroy, mutilate, conceal, remove or otherwise impair the verity or availability of DNA

records or profile; shall suffer the penalty of twelve (12) years and one (1) day imprisonment and a fine not less than Six Hundred Thousand Pesos (P600,000.00) at the discretion of the court.

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

SEC. 21. *Tampering, Abetting, or Attempting to Tamper DNA Samples.* — Any person who shall knowingly tampers or causes to be tampered with any intimate sample or non-intimate sample taken for the purposes of this Act; or any person who abets the commission of or who attempts to tamper any intimate or non-intimate sample taken for the purposes of this Act, on conviction, shall suffer the penalty of twelve (12) years and one (1) day imprisonment or a fine not less than Six Hundred Thousand Pesos (P600,000.00) or both, at the discretion of the court.

A person convicted tampering, abetting, or attempting to tamper DNA samples shall be perpetually disqualified from the right to hold public office.

SEC. 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 Fifty Thousand Pesos (P500,000.00) or both, at the discretion of the court.

SEC. 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 (P400,000.00) or both, at the discretion of the court. Provided that, no action, suit, prosecution or 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.

SEC. 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 (P300,000.00) or both, at the discretion of the court.

## ARTICLE VII GENERAL PROVISIONS

SEC. 25. *Sharing of Data Between the PNP and the NBI.* — The PNP and the National Bureau of Investigation (NBI) shall establish a system to ensure that DNA profiles from each of their respective databases are compared regularly and communicate any relevant information.

SEC. 26. *Cooperation with foreign law enforcement agencies.* —

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 offence or a prosecution of a criminal offence 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 that Philippines is an official member, or an international organization.

SEC. 27. *Regulations.* — The PNP shall work with other relevant Philippine government agencies and interests to develop regulations as necessary to give full effect to, or for carrying out, the provisions of this Act.

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

SEC. 29. *Implementing Rules and Regulations.* — Within one hundred and twenty (120) days, the necessary rules and regulations for the implementation of this Act shall be promulgated by the Department of Interior and Local Government.

SEC. 30. *Appropriations.* — The amount necessary for the implementation of this Act shall be included in the General Appropriations Act of the year following its enactment into law and thereafter.

SEC. 31. *Separability Clause.* — If any portion or provision of this Act is declared invalid or unconstitutional, other provisions hereof shall remain in full force and effect.

SEC. 32. *Repealing Clause.* – All laws, presidential decrees, executive orders, rules and regulations which are inconsistent with the provisions of this Act are hereby repealed or amended accordingly.

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

*Approved,*