

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

TWENTIETH CONGRESS
Second Regular Session

HOUSE BILL NO. 10301



Introduced by: Hon. Keith Micah "Atty. Mike" D.L. Tan

**AN ACT INSTITUTIONALIZING THE NATIONAL POLICE CLEARANCE SYSTEM,
DEFINING ITS FUNCTIONS, PRESCRIBING STANDARDS FOR THE PROCESSING
AND PROTECTION OF POLICE RECORDS, AND APPROPRIATING FUNDS
THEREFOR**

EXPLANATORY NOTE

Section 5, Article II of the 1987 Philippine Constitution dictates that "[t]he maintenance of peace and order, the protection of life, liberty, and property, and promotion of the general welfare are essential for the enjoyment by all the people of the blessings of democracy." To achieve this, our state institutions must constantly evolve, leveraging the power of modern technology to protect our citizens while streamlining governance.

Currently, the process of verifying criminal and derogatory records remains fragmented across various localized platforms, exposing the system to administrative inefficiencies, vulnerabilities, and bureaucratic red tape. Furthermore, the lack of a uniform, legally mandated centralized repository limits the capability of our law enforcement agencies to efficiently track criminal elements, serve outstanding warrants, and share critical forensic data in real time.

While the Philippine National Police (PNP) presently operates the National Police Clearance System through administrative measures, there is no law that expressly institutionalizes the system, defines its scope and legal effect, prescribes uniform standards for the processing and protection of police records, and ensures its continuity through statutory authority. This bill seeks to institutionalize the National Police Clearance System by establishing a comprehensive legal framework governing its operation, safeguarding personal information consistent with Republic Act No. 10173, or the "Data Privacy Act of 2012," and enhancing the capability of the PNP to deliver efficient, reliable, and secure police clearance services.

In view thereof, the approval of this bill is earnestly sought.

Keith Micah "Atty. Mike" D.L. Tan
4th District, Quezon

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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".

SEC. 2. *Declaration of Policy.* - It is hereby declared the policy of the State to promote peace and order through a professional, modernized, and technology-driven police organization. Towards this end, the State shall institutionalize a centralized National Police Clearance System that ensures the efficient processing and verification of police records while protecting the constitutional right to privacy and ensuring compliance with Republic Act No. 10173, otherwise known as the "Data Privacy Act of 2012."

SEC. 3. *National Police Clearance System.* - The National Police Clearance System (NPCS), is hereby institutionalized as the centralized system for the processing, maintenance, and verification of police records maintained by the PNP.

The PNP shall administer, operate, maintain, and continuously enhance the NPCS and shall formulate the policies and procedures necessary for its effective implementation.

The NPCS may contain police records lawfully maintained by the PNP, including records of arrests, warrants, booking information, fingerprints, photographs, ballistic information, and other police records authorized by existing laws and regulations.

SEC. 4. *National Police Clearance.* - The National Police Clearance shall be the official certification issued by the Philippine National Police indicating the

presence or absence of police records maintained under the National Police Clearance System.

For transactions with the Philippine National Police requiring verification of police records maintained by the PNP, the National Police Clearance shall be the only police-issued clearance required, unless otherwise provided by law.

SEC. 5. *Processing of Information.* – The collection, processing, storage, disclosure, and disposal of personal information under the National Police Clearance System shall be undertaken in accordance with Republic Act No. 10173, otherwise known as the "Data Privacy Act of 2012," and its implementing rules and regulations.

SEC. 6. *Confidentiality.* - The PNP 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.

SEC. 7. *Issuance of National Police Clearance.* – Any person may request for the issuance of his or her National Police Clearance from the PNP. 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."

SEC. 8. *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.

SEC. 9. *Prohibited Acts and Penalties.* – The following acts are prohibited:

- (a) Unauthorized access to records maintained under the National Police Clearance System;
- (b) Unauthorized disclosure of confidential information;
- (c) Unauthorized processing or use of information for personal gain or malicious purposes;
- (d) Tampering with, alteration, destruction, or falsification of records maintained under the National Police Clearance System.

Any person found guilty of the foregoing acts shall suffer imprisonment of one (1) year to three (3) years or a fine of not less than One Hundred Thousand Pesos (₱100,000.00) but not more than Five Hundred Thousand Pesos (₱500,000.00), or both, at the discretion of the court, without prejudice to prosecution under

Republic Act No. 10173 and other applicable laws.

SEC. 10. *Correction of Records.* – Any person who believes that information maintained under the National Police Clearance System is inaccurate, incomplete, or outdated may request the correction or updating of such records in accordance with procedures prescribed by the PNP and consistent with Republic Act No. 10173.

SEC. 11. *Appropriations.* – 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.

SEC. 12. *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 effective implementation of this Act.

SEC. 13. *Separability Clause.* – If any provision of this Act is declared unconstitutional, the remainder of this Act or any provision not affected, shall remain in full force and effect.

SEC. 14. *Repealing Clause.* – Any law, presidential decree or issuance, executive order, letter of instruction, administrative order, rule or regulation contrary to or inconsistent with the provisions of this Act is repealed, modified, or amended accordingly.

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

Approved,