



Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

Twentieth Congress
2nd Regular Session
HOUSE BILL NO. 11365



Introduced by **Rep. Antonio T. Kho** and **Rep. Elisa “Olga” T. Kho**

EXPLANATORY NOTE

The Philippine justice system continuously faces the challenge of solving crimes efficiently, accurately, and fairly. Modern forensic science, particularly Deoxyribonucleic Acid (DNA) technology, provides law enforcement agencies and courts with a powerful scientific tool for identifying individuals, linking biological evidence to persons, excluding innocent individuals, and assisting in the resolution of otherwise difficult or unsolved cases.

DNA evidence may be recovered from biological materials found at crime scenes and from other sources relevant to criminal investigations. When properly collected, analyzed, stored, and compared, DNA profiles can establish associations between crime-scene evidence and individuals with a high degree of scientific reliability. A national forensic DNA database can therefore complement existing investigative techniques and strengthen the evidentiary foundation of criminal investigations and prosecutions.

Several legislative measures have previously recognized the need for a Philippine forensic DNA database. Among these are House Bill No. 94 of the 19th Congress, which sought to institutionalize a national forensic DNA database for criminal investigations, identification of missing persons and unidentified human remains, and related purposes, as well as House Bill No. 1179 filed during the 20th Congress, which similarly proposed the establishment of a forensic DNA database in the Philippines.

Despite these legislative initiatives, there remains a need for a comprehensive statutory framework that will establish, maintain, regulate, and ensure the proper use of a Philippine National Forensic DNA Database. The proposed measure seeks to provide such a framework while ensuring that the collection and processing of DNA information are conducted in accordance with law, scientific standards, due process, privacy rights, and other constitutional safeguards.

The proposed Philippine National Forensic DNA Database shall serve as a centralized forensic resource for authorized government agencies. It shall facilitate the comparison of DNA profiles obtained from crime-scene evidence with legally obtained reference profiles, subject to the requirements and safeguards provided under the proposed Act.

At the same time, the use of DNA information presents legitimate concerns involving privacy, confidentiality, data security, consent, unlawful collection, unauthorized access, and misuse of genetic information. The proposed legislation therefore intends to establish clear rules governing the collection, submission, storage, retention, access, disclosure, use, and destruction of DNA samples and profiles. Appropriate safeguards should be incorporated to ensure that the database is utilized strictly for legitimate forensic and law-enforcement purposes and is not used for unauthorized discrimination, surveillance, or other purposes inconsistent with law.

The establishment of a national forensic DNA database will also promote greater coordination among the Philippine National Police, National Bureau of Investigation, Department of Justice, courts, forensic laboratories, and other authorized government agencies. A unified system can help minimize duplication of forensic records, facilitate lawful information-sharing, and improve the country's capacity to investigate and resolve crimes through scientifically supported evidence.

Importantly, DNA evidence should complement—not replace—the constitutional rights of persons accused of crimes. A DNA match must be evaluated together with other evidence and the applicable rules of evidence and procedure. The proposed Act therefore seeks to balance the legitimate needs of law enforcement with the fundamental rights to due process, privacy, and protection against unreasonable searches and seizures.

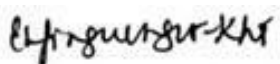
The experience of previous legislative proposals demonstrates the continuing recognition of the importance of establishing a forensic DNA database in the Philippines. Senate Bill No. 1456 of the 19th Congress and Senate Bill No. 357 of the 20th Congress, for example, both proposed legislations establishing a forensic DNA database, with the latter specifically proposing a Philippine National Police forensic DNA database.

This measure is therefore intended to provide the Philippines with a modern, scientifically grounded, secure, and accountable forensic DNA infrastructure capable of supporting criminal investigations, improving the identification of offenders and exoneration of innocent persons, assisting in the identification of missing persons and unidentified remains, and strengthening the administration of justice.

For these reasons, the immediate passage of this measure is earnestly sought.


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AN ACT
ESTABLISHING THE PHILIPPINE NATIONAL FORENSIC DNA DATABASE AND
APPROPRIATING FUNDS THEREFOR

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

ARTICLE I
PRELIMINARY

SECTION 1. *Short Title.* This Act shall be known as the "PNP Forensic DNA Database Act".

SEC. 2. *Declaration of Policy.* —

It is hereby declared the policy of the State to strengthen the administration of justice and enhance the capability of law enforcement agencies through the responsible use of modern forensic science and technology.

The State recognizes the value of deoxyribonucleic acid (DNA) analysis in the investigation and prosecution of crimes, identification of missing persons and unidentified human remains, exclusion of innocent persons from criminal investigations, and the accurate identification of persons in accordance with law.

The State shall establish a national forensic DNA database subject to the principles of legality, necessity, proportionality, scientific integrity, due process, confidentiality, data protection, and respect for human rights.

SEC. 3. *Definition of Terms.* —

For purposes of this Act:

- (a) Biological Sample refers to any organic material originating from the human body that contains or may contain DNA, including blood, saliva, buccal cells, hair, skin cells, tissue, bone, teeth, semen, and other biological material capable of DNA analysis;
- (b) Buccal Swab refers to a biological sample collected from the inside of the cheek for the purpose of obtaining DNA;
- (c) Certified DNA Collector refers to a person who has successfully completed the training and certification requirements prescribed under this Act for the lawful collection of DNA samples;
- (d) Crime Scene Sample refers to a biological sample obtained from a crime scene or from an object, person, or location reasonably connected with the commission of an offense;
- (e) DNA or Deoxyribonucleic Acid refers to the molecule containing genetic information found in cells and biological materials;
- (f) DNA Analysis refers to the scientific examination of a biological sample for the purpose of obtaining a DNA profile;
- (g) DNA Profile refers to the result of DNA analysis consisting of genetic information used for forensic identification and comparison;
- (h) Forensic DNA Database refers to the organized electronic repository of DNA profiles lawfully obtained and processed pursuant to this Act;
- (i) Missing Person refers to a person whose whereabouts are unknown and whose disappearance has been reported to the proper authorities;
- (j) Unidentified Human Remains refers to human remains whose identity has not been established through available identification procedures;
- (k) National Forensic DNA Database refers to the centralized database established under Section 4 of this Act;
- (l) DNA Laboratory refers to a laboratory authorized and appropriately accredited or certified to conduct forensic DNA examination;

(m) DNA Matching refers to the comparison of DNA profiles for the purpose of determining whether they are consistent with originating from the same individual or related individuals, subject to applicable scientific standards;

(n) Data Subject refers to an individual whose personal or sensitive personal information is processed pursuant to this Act; and

(o) Authorized User refers to a person duly designated and authorized under this Act to access or process information contained in the National Forensic DNA Database.

SEC. 4. *Establishment of the Philippine National Forensic DNA Database.* —

There is hereby established a Philippine National Forensic DNA Database (PNFDD) which shall serve as the centralized repository of forensic DNA profiles lawfully obtained pursuant to this Act.

The PNFDD shall be administered by the Philippine National Police (PNP) through its appropriate forensic laboratory or forensic group, subject to the supervision and oversight mechanisms provided under this Act.

The PNFDD shall maintain appropriate interoperability with authorized government forensic systems, subject to data protection, confidentiality, security, and access requirements.

SEC. 5. *Objectives of the National Forensic DNA Database.* —

The PNFDD shall have the following objectives:

- (a) To assist in the investigation and resolution of criminal offenses;
- (b) To establish or exclude the possible identity of persons connected with crime-scene evidence;
- (c) To assist in identifying missing persons and unidentified human remains;
- (d) To assist in the identification of victims of disasters, accidents, and mass-casualty incidents;
- (e) To prevent wrongful identification and wrongful prosecution of innocent persons;
- (f) To facilitate the comparison of lawfully obtained DNA profiles from different crime scenes;
- (g) To strengthen the scientific and technological capability of Philippine law enforcement agencies; and
- (h) To promote the proper, ethical, and scientifically reliable use of forensic DNA evidence.

SEC. 6. *Indices of the National Forensic DNA Database.* —

The PNFDD may contain separate and appropriately segregated indices for:

- (a) Crime scene DNA profiles;
- (b) DNA profiles lawfully obtained from persons in accordance with this Act and other applicable laws;
- (c) Convicted persons, subject to applicable legal requirements;
- (d) Missing persons;
- (e) Unidentified human remains;
- (f) Voluntary DNA contributors;
- (g) Law enforcement personnel where DNA profiling is necessary for legitimate forensic identification purposes; and
- (h) Other categories expressly authorized by law or by rules promulgated pursuant to this Act.

Each index shall have separate access, retention, disclosure, and destruction rules as may be necessary to protect the rights of individuals.

SEC. 7. *Collection of DNA Samples.* —

DNA samples shall be collected only by a Certified DNA Collector or other duly authorized forensic personnel and in accordance with established scientific procedures.

The collection of DNA samples shall be conducted in a manner that preserves the dignity, privacy, safety, and constitutional rights of the person from whom the sample is obtained.

A biological sample obtained pursuant to a valid warrant, lawful arrest, court order, applicable law, or other legally recognized authority may be processed without requiring separate consent, subject to the requirements of this Act and Republic Act No. 10173, otherwise known as the “Data Privacy Act of 2012.”

SEC. 8. *Collection from Crime Scenes.* —

DNA samples recovered from crime scenes shall be collected, documented, packaged, transported, stored, and analyzed in accordance with established forensic standards.

Every transfer, handling, examination, storage, and disposition of a crime-scene biological sample shall be documented to preserve its chain of custody.

SEC. 9. *Collection from Persons.* —

The collection of DNA samples from persons shall be undertaken only under circumstances authorized by this Act or other applicable law.

Nothing in this Act shall be construed as authorizing arbitrary or indiscriminate collection of DNA samples.

The collection and processing of DNA shall be limited to what is reasonably necessary for the legitimate forensic purpose for which the sample was obtained.

SEC. 10. *Voluntary DNA Contribution.* —

Any person may voluntarily provide a DNA sample for legitimate forensic purposes, subject to written informed consent.

The consent form shall clearly state:

- (a) The purpose of the collection;
- (b) The manner in which the DNA profile shall be processed;
- (c) The agencies or persons authorized to access the information;
- (d) The applicable retention period;
- (e) The circumstances under which the profile may be disclosed; and
- (f) The person's rights under applicable data protection laws.

SEC. 11. *Missing Persons and Unidentified Human Remains.* —

The PNFDD shall maintain an appropriate index for missing persons and unidentified human remains.

DNA profiles obtained from relatives of missing persons may be voluntarily submitted for comparison, subject to informed consent and applicable privacy safeguards.

The PNFDD shall facilitate DNA comparisons for the purpose of identifying missing persons and unidentified human remains, including those arising from disasters, accidents, and mass-casualty incidents.

SEC. 12. *DNA Analysis and Forensic Laboratories.* —

DNA analysis under this Act shall be performed only by duly authorized and appropriately accredited or certified forensic laboratories.

The responsible agency shall establish minimum standards concerning:

- (a) Personnel qualifications;

- (b) Laboratory facilities;
- (c) DNA extraction and analysis;
- (d) Quality assurance and quality control;
- (e) Proficiency testing;
- (f) Equipment calibration and maintenance;
- (g) Contamination prevention;
- (h) Documentation; and
- (i) Preservation and security of biological samples.

SEC. 13. *Chain of Custody.* —

All biological samples and DNA evidence shall be subject to strict chain-of-custody procedures.

The person who collects, receives, transfers, examines, stores, or disposes of a biological sample shall properly document the relevant transaction.

Failure to comply with established chain-of-custody requirements shall be considered in determining the evidentiary reliability of the DNA evidence in accordance with the Rules of Court and other applicable laws.

SEC. 14. *DNA Profile Rather Than Full Genetic Information.* —

To the extent scientifically and legally practicable, the PNFDD shall retain only the DNA information necessary for legitimate forensic identification purposes.

The system shall not be used to obtain or analyze genetic information relating to medical conditions, disease susceptibility, physical characteristics, behavioral traits, or other characteristics unrelated to legitimate forensic identification, except when expressly authorized by law and scientifically necessary for an identified lawful purpose.

SEC. 15. *Access to the National Forensic DNA Database.* —

Access to the PNFDD shall be restricted to duly authorized personnel.

Access shall be granted only when necessary for:

- (a) A criminal investigation;
- (b) Identification of missing persons;

- (c) Identification of unidentified human remains;
- (d) Identification of disaster or mass-casualty victims;
- (e) Judicial proceedings;
- (f) Quality assurance and forensic research authorized under this Act; or
- (g) Other purposes expressly authorized by law.

Every access to the PNFDD shall be logged and auditable.

SEC. 16. *DNA Matching and Investigative Leads.* —

A DNA match generated by the PNFDD shall constitute a forensic investigative lead and shall be evaluated together with other evidence in accordance with the Rules of Court and applicable laws.

A database match shall not, by itself, be deemed conclusive proof of guilt.

Nothing in this Act shall diminish the constitutional presumption of innocence or the rights of an accused under the Constitution.

SEC. 17. *Disclosure of DNA Information.* —

DNA profiles and related personal information contained in the PNFDD shall be treated as confidential.

Disclosure shall be permitted only:

- (a) To authorized law enforcement or forensic personnel for a lawful purpose;
- (b) Pursuant to an order of a competent court;
- (c) As necessary for judicial proceedings;
- (d) For identification of missing persons or unidentified human remains;
- (e) As required by law; or
- (f) With the informed consent of the data subject, when consent is legally applicable.

Unauthorized disclosure shall be subject to the penalties provided under this Act, Republic Act No. 10173, and other applicable laws.

SEC. 18. *Data Privacy and Security.* —

The collection, processing, storage, use, disclosure, and destruction of personal and sensitive personal information under this Act shall comply with Republic Act No. 10173, its implementing rules and regulations, and applicable issuances of the National Privacy Commission.

The PNFDD shall implement appropriate organizational, physical, and technical security measures to protect DNA information against unauthorized access, alteration, disclosure, loss, destruction, or other unlawful processing.

The PNP shall designate a Data Protection Officer or appropriate responsible officer for the PNFDD, without prejudice to the authority of the National Privacy Commission under existing law.

SEC. 19. *Retention and Destruction of DNA Profiles and Samples.* —

DNA profiles and biological samples shall not be retained indefinitely unless retention is expressly authorized by law and is necessary for a legitimate forensic purpose.

The implementing rules shall establish specific retention periods for each category of DNA profile and biological sample.

Where the legal basis for retention ceases to exist, the corresponding DNA profile and biological sample shall be removed or destroyed in accordance with applicable law and established procedures.

Destruction shall be properly documented and auditable.

SEC. 20. *Expungement.* —

A person whose DNA profile is retained in the PNFDD may request expungement when:

- (a) The profile was unlawfully collected;
- (b) The person was acquitted and there is no other lawful basis for continued retention;
- (c) The applicable retention period has expired;
- (d) The person was erroneously included in the database; or
- (e) Other circumstances provided by law or the implementing rules exist.

The implementing rules shall establish the procedure for filing, evaluating, and resolving requests for expungement.

SEC. 21. *Prohibited Acts.* —

The following acts are prohibited:

- (a) Unauthorized collection of DNA samples;
- (b) Unauthorized access to the PNFDD;
- (c) Unauthorized disclosure of DNA profiles or related information;
- (d) Unauthorized alteration, deletion, insertion, or manipulation of DNA records;
- (e) Use of DNA information for a purpose not authorized by this Act or other applicable law;
- (f) Falsification of DNA collection, examination, or database records;
- (g) Tampering with biological samples or DNA evidence;
- (h) Intentional violation of chain-of-custody procedures for the purpose of compromising evidence; and
- (i) Any other act that compromises the integrity, confidentiality, or security of the PNFDD.

SEC. 22. *Penalties.* —

Any person who commits any of the prohibited acts under the preceding section shall, upon conviction, be punished by imprisonment of not less than two (2) years but not more than six (6) years, or a fine of not less than Five hundred thousand pesos (₱500,000.00) but not more than Two million pesos (₱2,000,000.00), or both, at the discretion of the court, without prejudice to the application of higher penalties provided under Republic Act No. 10173 or other applicable laws.

If the offender is a public officer or employee, the appropriate administrative penalties shall likewise apply.

SEC. 23. *Forensic DNA Database Oversight Council.* —

There is hereby created a Forensic DNA Database Oversight Council composed of representatives from:

- (a) The Department of the Interior and Local Government;
- (b) The Philippine National Police;
- (c) The National Bureau of Investigation;
- (d) The Department of Justice;

- (e) The National Privacy Commission;
- (f) The Department of Science and Technology;
- (g) The Department of Health; and
- (h) Such other agencies as may be designated by the President.

The Council shall formulate policies and standards for the effective, ethical, scientifically sound, and rights-respecting implementation of this Act.

SEC. 24. *Functions of the Oversight Council.* —

The Council shall:

- (a) Develop national policies on forensic DNA database management;
- (b) Recommend standards for DNA collection, examination, storage, and disposal;
- (c) Monitor compliance with privacy and security requirements;
- (d) Promote interoperability among authorized forensic institutions;
- (e) Recommend measures to strengthen forensic DNA capabilities;
- (f) Review the implementation of this Act; and
- (g) Submit an annual report to Congress concerning the implementation and operation of the PNFDD.

SEC. 25. *Research and Training.* —

The implementing agencies shall develop continuing education and training programs for DNA collectors, forensic scientists, investigators, prosecutors, and other authorized personnel.

The government shall encourage scientific research and development relating to forensic DNA technology, subject to applicable ethical, privacy, and data-protection standards.

SEC. 26. *International Cooperation.* —

The appropriate government agencies may cooperate with foreign governments, international organizations, and recognized forensic institutions in matters involving forensic DNA technology, subject to Philippine laws on privacy, confidentiality, mutual legal assistance, extradition, and international cooperation.

No DNA profile or biological sample shall be transferred outside the Philippines except pursuant to law, treaty, international agreement, court order, or other lawful authority.

SEC. 27. *Implementing Rules and Regulations.* —

Within one hundred eighty (180) days from the effectivity of this Act, the PNP, in coordination with the Department of Justice, National Bureau of Investigation, National Privacy Commission, Department of Science and Technology, and other concerned agencies, shall promulgate the implementing rules and regulations necessary to carry out the provisions of this Act.

The IRR shall include rules concerning DNA collection, laboratory standards, chain of custody, database access, retention, expungement, cybersecurity, breach notification, audit procedures, and accountability.

SEC. 28. *Congressional Oversight.* —

The appropriate committees of the Senate and the House of Representatives shall exercise congressional oversight over the implementation of this Act.

The implementing agencies shall submit an annual report to Congress containing, among others:

- (a) The number of DNA profiles maintained;
- (b) The number of DNA matches generated;
- (c) The number of cases assisted by the database;
- (d) The number of missing persons and unidentified remains identified;
- (e) Data security incidents, if any;
- (f) Measures undertaken to protect privacy and confidentiality; and
- (g) The status of appropriations and expenditures for the implementation of this Act.

The report shall not contain personally identifiable information except when disclosure is authorized by law.

SEC. 29. *Appropriations.* —

The amount necessary for the initial implementation of this Act shall be charged against the current appropriations of the Philippine National Police and other concerned agencies.

Thereafter, such sums as may be necessary for the continued implementation of this Act shall be included in the annual General Appropriations Act.

Appropriations shall cover, among others:

- (a) Establishment and modernization of forensic DNA laboratories;
- (b) Acquisition and maintenance of laboratory equipment;
- (c) Establishment and maintenance of the secure database infrastructure;
- (d) Training and certification of personnel;
- (e) Cybersecurity and data-protection measures;
- (f) Quality assurance and accreditation;
- (g) Collection, storage, and preservation of biological samples; and
- (h) Other necessary expenses for the effective implementation of this Act.

SEC. 30. *Separability Clause.* If any provision of this Act is declared invalid or unconstitutional, the remainder thereof not affected thereby shall remain in force and in effect.

SEC. 31. *Repealing Clause.* All existing laws, orders, rules and regulations or parts thereof deemed inconsistent with the provisions of this Act are hereby repealed or modified accordingly.

SEC. 32. *Effectivity.* This Act shall take effect fifteen (15) days following the completion of its publication in the Official Gazette or in a newspaper of general circulation, whichever comes first.

Approved,