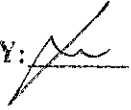


FIFTEENTH CONGRESS OF THE)
REPUBLIC OF THE PHILIPPINES)
First Regular Session)

'11 MAR -1 P5 :19

RECEIVED BY: 

SENATE

S.B. No. **2724**

Introduced by Senator **EDGARDO J. ANGARA**

EXPLANATORY NOTE

The National Bureau of Investigation (NBI) was created to investigate crimes and other offenses against the laws of the Philippines. The resolution of cases strongly depends on the degree of effectiveness of the country's investigative body. It is high time, therefore, to develop the NBI's potential to the fullest.

The proposed National Bureau of Investigation Reorganization and Modernization Act of 2011 seeks to reorganize the country's investigative body by strengthening its existing powers and functions and modernizing its investigative program through the acquisition of state-of-the-art intelligence equipment, making it attuned to the needs of the time.

The measure likewise seeks to provide adequate compensation, benefits and privileges, trainings, free health insurance, accident insurance and scholarship grants to NBI agents and employees. All of these are geared towards promoting and maintaining a modern, competent and highly-trained investigative body.

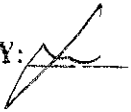
Under this bill, a special trust fund will be created for the purpose of providing legal assistance to NBI personnel who are criminally charged with violation of their official functions. Two percent (2%) of the annual collection from clearance fees shall be used to maintain and implement the said trust fund.

In view of the foregoing, the immediate passage of this bill is earnestly sought.


EDGARDO J. ANGARA

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AN ACT REORGANIZING AND MODERNIZING THE NATIONAL BUREAU OF INVESTIGATION, PROVIDING NECESSARY FUNDS THEREFORE, AND FOR OTHER PURPOSES

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

1 **SECTION 1.** *Title.* – This Act shall be known as the “The National Bureau of
2 Investigation Reorganization and Modernization Act of 2011.”

3

4 **SEC. 2.** *Declaration of Policy* – It is the policy of the State to promote and
5 maintain a modern, competent and highly trained investigative body, functionally
6 integrated and national in scope.

7 Toward this end, the State shall formulate plans and programs to enhance and
8 modernize the National Bureau of Investigation (NBI), with expanded structure, capability
9 and manpower, responsive to the demands of the times.

10

11 **SEC. 3.** *Reorganization, Modernization and Expansion of the National*
12 *Bureau of Investigation* – The National Bureau of Investigation, hereinafter referred to as
13 the NBI, is hereby reorganized and modernized.

14 The NBI shall implement a modernization program geared towards the acquisition
15 of state-of-the-art investigative and intelligence equipment and establishment of advanced
16 and sophisticated forensic and scientific laboratories. The program shall include
17 provisions for the training of its personnel in this regard.

18 The investigative and non-investigative staff of the NBI shall be increased and their
19 positions upgraded to adequately meet the increasing demands of an expanded
20 investigative and detective work.

1 The present organizational structure of the NBI shall be reorganized into the Office
2 of the Director, Office of the Deputy Director for Administration and Office of the Deputy
3 Director for Operations, Office of the Assistant Directors for Investigation Service,
4 Intelligence Service, Comptroller Service, Internal Audit Service, Forensic and Scientific
5 Research Service, Legal Service, and Information and Communications Technology
6 Service. Each Service shall be composed of the necessary divisions and sections.

7 The NBI shall establish a Regional Office in every region and a Sub-office in every
8 province, to be headed by a Regional Director and Head Agent, respectively. Field offices
9 in Congressional Districts shall likewise be established/maintained.

10 The investigative and non-investigative staff of the NBI occupying the positions
11 affected by the changes embodied in this Act at the time of its approval shall thereafter
12 occupy the positions mandated by this Act, and discharge the duties and functions of their
13 new positions and receive the corresponding salary and benefits without the necessity of
14 any new appointment.

15
16 **SEC. 4. *Qualifications of NBI Agents.***

- 17 1. Citizen of the Philippines;
- 18 2. Of good moral character;
- 19 3. Member of the Philippine Bar or a Holder of a Baccalaureate Degree
20 who passed the necessary Government licensure examination; and
- 21 4. Other qualifications for appointment as may be required by the NBI.

22 **SEC. 5. *Powers and Functions.*** – The NBI shall have the following powers
23 and functions:

- 24 1) Undertake investigation and detection of crimes and other offenses against the
25 laws of the Philippines, upon its own initiative and as public interest may require;
26
- 27 2) Act as national clearing house of criminal records and other related
28 information for the benefit of judicial, quasi-judicial and administrative bodies, all
29 prosecuting and law enforcement entities, as well as, the Legislative and Executive
30 branches of Government;
- 31
- 32 3) Act as repository for the following:
33 a) All derogatory and criminal records and civilian identification records;

- 1 b) Ballistic records of firearms including but not limited to data ownership,
- 2 possession, and other related identifying circumstances;
- 3 c) Dental records pursuant to PD 1575; and
- 4 d) National deoxyribonucleic acid (DNA) database;

5 For this purpose, a modern NBI Clearance and Identification Center shall be
6 established;

7
8 4) Render technical assistance to judicial, quasi-judicial and administrative
9 bodies, all prosecuting and law enforcement entities of government, as well as, the
10 Legislative and Executive branches of the Government, when so requested;

11
12 5) Establish an NBI Academy which shall be responsible for the recruitment,
13 training and development of all NBI agents and personnel;

14
15 6) Establish and maintain an integrated, comprehensive and state-of-the-art
16 network, equipment and facilities to be used by the NBI in its criminal
17 investigation, detection and evidence gathering, and to provide the corresponding
18 training in this regard;

19
20 7) Establish and maintain a Cyber Investigation and Assessment Center which
21 shall serve as the nerve center for computer, information technologies, data on
22 cyber crime cases, computer intrusion, threats and other related crimes or activities;

23
24 8) Establish and maintain a Forensic and Scientific Research Center which shall
25 serve as the primary center for forensic and scientific research in furtherance of
26 scientific knowledge in criminal investigation, detection and evidence collection
27 and preservation; and provide the necessary training therefore;

28
29 9) Establish, control, supervise and administer a National Deoxyribonucleic Acid
30 (DNA) Databank System;

31
32 10) Enlist the assistance of the Philippine National Police, Armed Forces of the
33 Philippines or any other agency of the Government, including government-owned-
34 and/or-controlled corporations, in its anti-crime drive. Such assistance may include

1 the use of the enlisted agency’s personnel and facilities upon prior approval of the
2 head of the agency concerned;

3
4 11) Enter into any contract or transaction for the acquisition, ownership,
5 possession, administration, lease, disposition or acceptance of real or personal
6 property in its name; and

7
8 12) Perform such other related functions as the President or the Secretary of
9 Justice may assign.

10
11 **SEC. 6. Jurisdiction.** --The NBI shall have primary jurisdiction to
12 investigate the following cases:

13
14 1. Public Corruption

- 15 i. Anti-Graft and Corrupt Practices Act (Republic Act 3019);
16 ii. Anti-Plunder Act (Republic Act 7080); and
17 iii. Anti-Red Tape Act of 2007 (Republic Act 9485);

18
19 2. Organized/Syndicated Crimes

- 20 i. Violation of the “Anti- Money Laundering Act of 2001” (Republic
21 Act 9160 as amended by Republic Act 9194);
22 ii. Pyramiding/Networking Scams (PD 1689 [Increasing the Penalty for
23 Certain Forms of Estafa]);
24 iii. Fake Land Titles; and
25 iv. Kidnap-for-Ransom;

26
27 3. Cyber Crimes

- 28 i. Computer Intrusions;
29 ii. On-line Sexual Predators (i.e. Child Pornography);
30 iii. Intellectual Property Theft;
31 iv. Internet Fraud; and
32 v. Identity Theft/Identity Fraud;

33
34 4. Offenses Involving Economic Sabotage

- 35 i. Syndicated/Large Scale Illegal Recruitment;
36 ii. Unfair Trade Practices (i.e. Violation of Republic Act 7581 (“Price
37 Act”));

38
39 5. Post-Blast Investigation;

40
41 6. Human Trafficking (Republic Act 9208);

42
43 7. Illegal Interception of Communications (i.e. Violation of the “Anti-Wire-
44 Tapping Law” [Republic Act 4200]);

45
46 8. Commercial Crimes

- 47 i. Anti-Dummy Law (Commonwealth Act No. 108, as amended);

- 1 ii. Access Devices Regulation Act (Republic Act 8484);
2 iii. E-Commerce Act of 2000 (Republic Act 8792); and
3
4 9. Kidnapping, assault and assassination of the President, Vice President,
5 Members of Congress and the Cabinet, and Supreme Court Justices;
6
7 10. The NBI shall be primarily in charge of identification of the dead/victims in
8 case of mass fatality incident caused by natural disasters.

9 *Provided*, however, that the President, Secretary of Justice or NBI Director may
10 direct investigation of any crime where public interest so requires; and *Provided* further,
11 that the NBI shall have authority to investigate all crimes not assigned exclusively to other
12 law enforcement agency.

13 The NBI may, likewise, extend its services, whenever properly requested, in the
14 investigation of cases of administrative or civil nature in which the government is
15 interested.
16

17 **SEC. 7. *The NBI Director, Other Officials and the Personnel Selection***
18 ***Board (PSB).*** --The NBI shall be headed by a Director and assisted by two (2) Deputy
19 Directors, one Deputy Director for Administration and another Deputy Director for
20 Operations, and an Assistant Director for each of the following seven (7) Services:
21 Investigation Service, Intelligence Service, Comptroller Service, Internal Audit Service,
22 Forensic and Scientific Research Service, Legal Service, and Information and
23 Communications Technology Service.

24 Rank/Classification of NBI Officials and Members of the Investigative Staff shall
25 be as follows:

- 26 a. Director
27 b. Deputy Director
28 c. Assistant Director
29 d. Regional Director
30 e. Assistant Regional Director
31 f. Head Agent
32 g. Supervising Agent
33 h. Senior Agent
34 i. Agent III
35 j. Agent II
36 k. Agent I

1 No person shall be appointed Director unless he is a natural-born citizen of the
2 Philippines, a member of the Philippine Bar and should come from the ranks of Deputy
3 Directors and Assistant Directors. He shall serve for a term of three (3) years without
4 reappointment.

5 Bureau officials, from Director I to Bureau Director, shall be appointed by the
6 President of the Philippines upon the recommendation of the Personnel Selection Board
7 (PSB) as approved by the NBI Director.

8 Forensic Doctors, Chemists and other experts shall be called Special Agents. Their
9 ranks shall be equal to regular agents (Agent I to Head Agent).

10 The Personnel Selection Board (PSB) shall be composed of the Deputy Directors
11 and Assistant Directors and such other members as may be required by law. It shall be
12 chaired by the Deputy Director for Administration. The PSB shall have the power to
13 recommend, for approval, by the NBI Director, all promotions and selections.

14

15 **SEC. 8. Compensation.** --The Director, for purposes of salary and benefits,
16 shall have the equivalent rank of a Department Secretary.

17 Salaries and benefits of other Bureau officials and personnel shall be reckoned from
18 the salary level of the Director.

19 Subject to availability of funds, salaries and privileges of NBI personnel may be
20 further increased in amounts to be determined by the Department of Budget and
21 Management (DBM) and the NBI Director.

22

23 **SEC. 9. Powers and Functions of the Director.** -- The Director shall have the
24 following powers and functions:

- 25 1) Formulate policies, guidelines and programs to effectively carry out the
26 purposes of this Act;
- 27 2) Direct, control and supervise the administration and operations of the NBI;
- 28 3) Promulgate rules and regulations as may be necessary or proper for the
29 effective exercise of the powers and functions as well as the discharge of the
30 duties and responsibilities of the NBI, its officials and personnel;
- 31 4) Remove, suspend or otherwise discipline NBI Personnel for cause in
32 accordance with existing Civil Service Rules and Regulations and other
33 pertinent laws;
- 34 5) Determine, from time to time, subject to availability of funds, the limits to
35 which, in terms of amount and period covered, reasonable allowances,

- 1 incentives, bonuses, privileges and other benefits may be given to Bureau
2 employees;
- 3 6) Deploy any of its official or personnel for out-of-country missions including,
4 but not limited to, assignments as functionaries attached to any Philippine
5 Embassy, consulate or any other diplomatic office abroad in coordination
6 with the Department of Foreign Affairs;
- 7 7) Issue mission orders and permits to carry firearms outside residence;
- 8 8) Create or abolish any division/unit as may be required by the exigencies of
9 the service;
- 10 9) Designate NBI informants;
- 11 10) Perform any and all acts necessary, proper or incidental to the attainment of
12 the purposes and objectives of this Act; and
- 13 11) Perform such other related functions as may be provided by law or authorized
14 by the Secretary of Justice.

15

16 **SEC. 10. Powers and Functions of the Investigative Staff.** – The

17 Investigative Staff of the NBI shall have the following powers and functions:

- 18 1) Conduct searches, arrests and seizures in accordance with existing laws, rules and
19 regulations;
- 20
- 21 2) Issue subpoena or *subpoena duces tecum* for the appearance of any person for
22 investigation; Deliberate and unjustified failure to obey the subpoena herein mentioned
23 shall render the person concerned liable for Obstruction of Justice under PD 1829;
- 24
- 25 3) Take and require sworn statements of any person or persons so summoned in
26 relation to cases under investigation;
- 27
- 28 4) Administer oaths in cases under investigation;
- 29
- 30 5) Own, possess and carry, outside their office and residence, suitable and adequate
31 firearms for their personal protection in connection with their duties and for the proper
32 protection of witnesses and persons in custody; Provided, that no previous special
33 permit for such possession shall be required;

34

1 6) Have access, examine, secure, take custody of and photocopy public records:
2 *Provided*, That as regards public and/or bank records such access need not be upon
3 prior approval of the court in cases involving verified complaint for Malversation of
4 Public Funds or Property, as defined and penalized under the Revised Penal Code, as
5 amended, violation of the Anti-Graft and Corrupt Practices Act (RA 3019), the Anti-
6 Money Laundering Law of 2001 (RA 9160 as amended by RA 9194), Code of Conduct
7 and Ethical Standards of Public Officials and Employees (RA 6713), Comprehensive
8 Dangerous Drugs Act of 2002 (RA 9165), Anti-Plunder Act (RA 7080, as amended),
9 and The Human Security Act of 2007 (RA 9372);

10 The refusal to allow NBI access to and/or to examine/handle records mentioned in this
11 paragraph shall render the person concerned liable for Obstruction of Justice under PD
12 1829.

13
14 **SEC. 11. *Benefits and Privileges.*** – The NBI shall provide its employees with
15 the following benefits:

- 16 (1) Health care services through a Health Maintenance Organization (HMO).
17 Expenses for the mandatory annual executive check-up of all regular employees
18 shall be for the account of the NBI;
- 19 (2) Accident insurance policies for all employees, procured by the NBI at its own
20 expense, while in the performance of their official duties and functions; and
- 21 (3) Without prejudice to efficiency in the service, grant trainings, scholarships
22 and seminars to deserving employees, on official time and at the expense of the
23 NBI, to upgrade their knowledge and skills; *Provided* that: grantees under this
24 provision shall be selected on the basis of merit as determined by competitive
25 examination;
- 26 (4) Longevity Pay subject to guidelines that shall hereafter be issued the NBI
27 Director; *Provided*, That: such pay shall, for retirement purposes, be an integral
28 part of an NBI retiree's basic salary; and
- 29 (5) A provident fund which shall consist of contributions made by both the
30 management and member-employees to a common fund to provide additional
31 benefits to NBI employees. The Fund shall be provided with a capital to be
32 sourced from, among others, retained collection from clearance fees. Said Fund
33 shall be augmented by counterpart contributions of NBI personnel at an amount
34 to be agreed upon by the Management and member-employees.

1 **SEC. 12. *Retirement Benefits.*** -- Upon attaining sixty (60) years of age
2 with at least fifteen (15) years of continuous government service, or upon accumulation of
3 thirty (30) years of satisfactory continuous service, whichever is earlier, an NBI personnel
4 shall be compulsorily retired and shall be entitled to receive benefits provided by law.
5 Monetary incentives/special allowances shall, for retirement purposes, be an integral part
6 of a retiree's basic salary.

7
8 **SEC. 13. *Legal Assistance.*** – A special trust fund shall be established to
9 assist NBI personnel who are criminally charged in connection with the performance of
10 their official functions.

11
12 **SEC. 14. *Seminar and Other Professional Fees.*** – Subject to availability of
13 funds, fees for relevant seminars, as well as professional membership fees for lawyers,
14 registration fees, and related miscellaneous expenses incurred in completing the Mandatory
15 Continuing Legal Education (MCLE) course shall be borne by the NBI. Moreover,
16 professional membership, registration fees, including the mandatory continuing
17 professional education (CPE), and related miscellaneous expenses of other employees
18 holding positions for which a professional license is required by the NBI, shall be borne by
19 the NBI.

20
21 **SEC. 15. *Transportation Benefits.*** – Subject to the availability of funds,
22 employees shall be provided with contracted transportation services until such time that the
23 office can procure additional motor vehicles for this purpose.

24
25 **SEC. 16. *Franking Privilege.*** – All official mail matters of the NBI
26 addressed for delivery within the Philippines shall be received, transmitted, and delivered
27 free of charge: *Provided*, That such mail matters when addressed to private persons or non-
28 government offices shall not exceed one hundred and twenty (120) grams; *Provided*
29 further, That use of this privilege for non-official purposes shall be a ground for
30 disciplinary action.

31
32 **SEC. 17. *Grant of Special Allowances.*** – The investigative and non-
33 investigative personnel of the NBI shall be granted special allowances in amounts to be
34 determined by the NBI Director and the Department of Budget and Management (DBM).

1 The grant of special allowances shall be implemented uniformly in such sums and
2 amounts and to the extent that can be supported by the funding source as specified in
3 Section 19 hereof: *Provided*, That said special allowance shall not exceed One Hundred
4 percent (100%) of the basic salary of the NBI personnel concerned as provided for in
5 Republic Act No. 6758 otherwise known as the Salary Standardization Law of 1989, as
6 amended.

7
8 **SEC. 18. *Retention of Fifty Percent (50%) of NBI Clearance Fees.--***

9 The NBI shall be authorized to retain fifty percent (50%) of its collections from clearance
10 fees to augment its operational expenses including capital outlay, expenses for health care
11 services, career advancement and professionalization, legal assistance, seminars and other
12 professional fees, among others.

13
14 **SEC. 19. *Funding Source.*** -- The funds required for the implementation

15 of this Act including employee benefits shall be taken from:

- 16 1) Collections from NBI clearance and certification fees;
- 17 2) Service incomes from trainings, DNA, Drug tests, Confirmatory and
18 Neuro tests and the like; and
- 19 3) Other miscellaneous incomes.

20
21 **SEC. 20. *Effect of Subsequent Salary Increases.*** -- Upon implementation

22 of any subsequent increases in the salary rates provided under Republic Act No. 6758, as
23 amended, all special allowances granted under Section 17 hereof shall be considered as an
24 implementation of said salary increases as provided by law. The special allowances
25 equivalent to the increase in the basic salary as may be provided by law shall be converted
26 as part of the basic salary: *Provided*, That the amounts converted as basic salary shall be
27 funded from the regular appropriations of the NBI. Any excess in the allowances granted
28 under this Act not converted to basic salary shall continue to be granted as such and shall
29 continue to be funded under the immediately preceding Section.

30
31 **SEC. 21. *Implementing Rules and Regulations.*** -- Within sixty (60) days

32 from the approval of this Act, the NBI Director in coordination with the Secretary of
33 Budget and Management shall promulgate such rules and regulations as may be necessary
34 to carry out the provisions of this Act.

1 **SEC. 22.** *Transitory Provisions.* -- All unexpended appropriations, real
2 and personal property, contracts, records and documents relating to the existing NBI shall
3 be transferred to the reorganized NBI.

4 All rights, obligations and liabilities of the existing NBI shall likewise be deemed
5 to be rights, obligations and liabilities of the reorganized NBI.

6 All incumbent personnel of the NBI shall continue in office and perform their
7 duties as such; Provided, that the incumbent Assistant Director shall continue in Office as
8 Deputy Director and the incumbent Deputy Directors shall continue in office as Assistant
9 Directors of their respective or equivalent Services.

10 Incumbent Special Investigators shall be deemed Regular Agents provided they
11 meet the qualifications set forth under Section 4 hereof within two (2) years from
12 effectivity of this Act.

13

14 **SEC. 23.** *Repealing Clause.* – Pertinent provisions of Executive Order 292
15 (*Revised Administrative Code of 1987, as amended*), Republic Act No. 157 dated June 19,
16 1947, Republic Acts numbered 2389 and 2678 and all laws, decrees, orders, rules and
17 regulations or parts thereof which are contrary to or inconsistent with the provisions of this
18 Act, are hereby repealed or amended accordingly.

19

20 **SEC. 24.** *Separability Clause.* – If any provision of this Act is declared
21 invalid or unconstitutional the provisions not affected thereby shall continue to be in full
22 force and effect.

23 **SEC. 25.** *Effectivity.* – This Act shall take effect after fifteen (15) days
24 from its publication in the Official Gazette or in two (2) newspapers of general circulation
25 in the Philippines.

26

27

28 *Approved,*