

THIRTEENTH CONGRESS OF THE REPUBLIC
OF THE PHILIPPINES
First Regular Session

) '04 JUN 30 P 4:47
)
)

RECEIVED BY: Osmeña

S E N A T E

S. No. 365

Introduced by Senator S. R. Osmeña III

EXPLANATORY NOTE

The National Bureau of Investigation (NBI) was created in 1947 by R.A. No 157. On June 20, 1959, R.A. No. 2389 was passed increasing the number and salaries of its agents. On June 18, 1960, the NBI was expanded and reorganized under R. A. No. 2678.

Today, more than half a century after its establishment the NBI continues to be the country's main clearing house of information regarding criminal, administrative and civil matters for use by prosecution and law-enforcement agencies, as dictated by public interest.

Since its inception, many things have changed in the environment. Population has increased. The government has grown into a huge bureaucracy. Technology strides have changed the modes of communication and of doing business and even the manner crimes are committed.

This bill proposes to elevate the NBI from a bureau level to a National Investigation Services Office, give it greater flexibility and muscle to attract competent lawyers, accountants and doctors to do the work, and cope with the demands of law enforcement in modern-day society.

In view of the foregoing, the immediate approval of this bill is earnestly requested.


SERGIO OSMEÑA III
Senator

THIRTEENTH CONGRESS OF THE REPUBLIC
OF THE PHILIPPINES
First Regular Session

) '04 JUN 30 P4:47
)
)

RECEIVED BY: Alu

S E N A T E

S. No. 365

Introduced by Senator S. R. Osmeña III

**AN ACT
TO REORGANIZE THE NATIONAL BUREAU OF INVESTIGATION INTO THE
NATIONAL INVESTIGATION SERVICES OFFICE, APPROPRIATING FUNDS
THEREFOR AND FOR OTHER PURPOSES**

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

- 1 **SECTION 1.** There is hereby created a National Investigation Services
- 2 Office under the administrative control and supervision of the Department of
- 3 Justice, with the following functions:
- 4 a) To undertake investigation of crimes and other offenses against the
- 5 laws of the Philippines, upon its own initiative and as public interest
- 6 may require;
- 7 b) To render assistance, whenever properly requested, in the
- 8 *investigation or detection of crimes and other offenses;*
- 9 c) To act as a national clearing house of criminal and other information
- 10 for the benefit and use of all prosecuting and law-enforcement entities
- 11 of the Philippines, identification records of all persons without criminal
- 12 convictions, records of identifying marks, characteristics, and
- 13 ownership or possession of all firearms as well as of test bullets fired
- 14 therefrom;

- 1 d) To give technical aid to all prosecuting and law-enforcement officers
2 and entities of the Government as well as the courts that may request
3 its services;
- 4 e) To extend its services, whenever properly requested, in the
5 investigation of cases of administrative or civil in nature in which the
6 Government is interested;
- 7 f) To undertake the instruction and training of a representative number of
8 peace officers at the request of their respective superiors along
9 effective methods of crime investigation and detection in order to
10 insure greater efficiency in the discharge of their duties;
- 11 g) To establish and maintain an up-to-date scientific crime laboratory and
12 to conduct researches in furtherance of scientific knowledge in criminal
13 investigation;
- 14 h) To perform such other related functions as the Secretary of Justice
15 may assign from time to time.

16 **SEC. 2.** The National Investigation Services Office shall be headed by a
17 Director-General, who shall be appointed by the President of the Philippines and
18 shall have the same rank, salary and privileges of an Undersecretary, and whose
19 qualifications shall be as follows:

- 20 a) He must be a citizen of the Philippines;
- 21 b) He must be a member of the Philippine Bar for at least ten (10) years
22 prior to his appointment;
- 23 c) He must be at least forty (40) years old;
- 24 d) And preferentially, he must have satisfactorily held the position of
25 Regional Director of the National Investigation Services Office or its
26 predecessor, the National Bureau of Investigation.

27 The Director-General shall be assisted by such number of Deputies and
28 Assistants as may be necessary to promote the efficient delivery of its services.

1 **SEC. 3.** The composition and size of the personnel of the National
2 Investigation Services Office shall be determined by the Director-General with
3 the approval of the Secretary of Justice: Provided, That the present personnel of
4 the National Bureau of Investigation shall be transferred to, and form the nucleus
5 of this new office.

6 The Director-General is hereby authorized to establish as many regional
7 branches and divisions as the exigencies of the service may require. Each
8 regional branch shall be headed by a regional director.

9 **SEC. 4.** Appointments to positions, other than clerical or janitorial, in the
10 different divisions with investigative functions in this Office shall be limited to
11 members of the Philippine Bar and/or certified public accountants or doctors of
12 medicine and, whenever a special need arises, those with at least ten (10) years
13 experience and training in other law-enforcement organization, who shall first
14 pass rigid mental, physical and psychological examination and after sufficient
15 instruction and training to be given by the National Investigation Services Office:
16 Provided, however, That the present qualified personnel of the different divisions
17 with investigative functions shall be retained: Provided, further, That the persons
18 appointed to the positions under this Section shall at least receive annual
19 salaries and be entitled to the same allowances, and benefits as those of the
20 State Prosecutors: and Provided, furthermore, That only bonafide members of
21 the Philippine Bar shall be exclusively appointed to the position of Regional
22 Director, as contemplated in this Act. Promotion in the National Investigation
23 Services Office shall be based only on merit and fitness.

24 **SEC. 5.** The members of the divisions performing investigative
25 functions of the National Investigation Services Office shall be peace officers,
26 and as such have the following authority and powers:

27 a) To make arrests, searches and seizures in accordance with existing
28 laws and rules;

- 1 b) To issue subpoena or subpoena duces tecum for the appearance, at
2 government expense, of any person for investigation;
- 3 c) To take and require sworn truthful statements of any person or
4 persona so summoned in relation to cases under investigation, subject
5 to constitutional restrictions;
- 6 d) To administer oaths upon cases under investigation;
- 7 e) To possess and carry outside their Office and residence suitable and
8 adequate firearms for their personal protection in connection with their
9 duties and for the proper protection of witnesses and persons in
10 custody: Provided, That no previous special permit for such
11 possession shall be required;
- 12 f) To have access to all public records and, upon authority of the
13 President of the Philippines in the exercise of his visitorial powers, to
14 records of private parties and concerns.

15 **SEC. 6.** All unexpended appropriations, supplies, materials, and
16 scientific equipment of the National Bureau of Investigation shall be transferred to
17 the National Investigation Services Office.

18 **SEC. 7.** For purposes of this Act, there is hereby appropriated from
19 the National Treasury not otherwise set aside, in addition to the sum already
20 appropriated for the National Bureau of Investigation, the sum of Fifty million
21 pesos (P50,000,000.00) for the salaries and wages, travelling and other
22 expenses of personnel, for the purchase of necessary supplies, materials and
23 equipment, and for other purposes.

24 **SEC. 8.** The provisions of Republic Act Numbered One hundred and
25 fifty-seven (R.A. No. 157), Republic Act Numbered Two thousand three hundred
26 eighty-nine (R.A. No. 2389) and Republic Act Numbered Two thousand six
27 hundred and seventy-eight (R.A. No. 2678) as well as any other act or provisions
28 of acts or executive issuances inconsistent herewith are hereby repealed.

1 **SEC. 9.** This Act shall take effect after fifteen (15) days following its
2 complete publication in the Official Gazette, or in at least two (2) national
3 newspapers of general circulation, whichever comes earlier.

Approved,