

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

'13 NOV -4 P 4 :46

RECEIVED BY: js

SENATE

S.B. No. **1902**

---

Introduced by  
Senator LOREN LEGARDA

---

EXPLANATORY NOTE

The National Bureau of Investigation, as the premier national law enforcement agency tasked to conduct criminal investigations, must maintain a modern work system, and competent and highly-trained personnel, that will be at par with its foreign counterparts, especially in light of the constantly evolving modus of crimes and to ensure its continued effectivity.

This measure aims to strengthen the powers and functions of the NBI through a reorganization of its offices to streamline its activities, and modernize the investigative program through acquisition of state-of-the-art intelligence and forensic equipment. Moreover, this measure seeks to ensure the maintenance of elite and competent personnel through the provision of competitive compensation packages, including training, insurance benefits and scholarship grants for the bureau's agents and employees.

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

  
LOREN LEGARDA



'13 NOV -4 P4 :46

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

RECEIVED BY: *ju*

SENATE

S.B. No. **1902**

Introduced by Senator LOREN LEGARDA

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

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

1           **SECTION 1.     Title.** – This Act shall be known as the “The National  
2 Bureau of Investigation Reorganization and Modernization Act of 2013.”

3

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

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

10

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

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

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

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

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

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

17  
18           **SEC. 4.       *Qualifications of NBI Agents.***

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

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

- 28           1) Undertake investigation and detection of crimes and other offenses  
29           against the laws of the Philippines, upon its own initiative and as public  
30           interest may require;  
31  
32           2) Act as national clearing house of criminal records and other related  
33           information for the benefit of judicial, quasi-judicial and administrative

1 bodies, all prosecuting and law enforcement entities, as well as the  
2 Legislative and Executive branches of Government;

3  
4 3) Act as repository for the following:

5 a) All derogatory and criminal records and civilian identification  
6 records;

7 b) Ballistic records of firearms including but not limited to data  
8 ownership, possession, and other related identifying  
9 circumstances;

10 c) Dental records pursuant to PD 1575; and

11 d) National deoxyribonucleic acid (DNA) database;

12 For this purpose, a modern NBI Clearance and Identification Center shall be  
13 established;

14  
15 4) Render technical assistance to judicial, quasi-judicial and  
16 administrative bodies, all prosecuting and law enforcement entities of  
17 government, as well as the Legislative and Executive branches of the  
18 Government, when so requested;

19  
20 5) Establish an NBI Academy which shall be responsible for the  
21 recruitment, training and development of all NBI agents and personnel;

22  
23 6) Establish and maintain an integrated, comprehensive and state-of-the-  
24 art network, equipment and facilities to be used by the NBI in its criminal  
25 investigation, detection and evidence gathering, and to provide the  
26 corresponding training in this regard;

27  
28 7) Establish and maintain a Cyber Investigation and Assessment Center  
29 which shall serve as the nerve center for computer, information  
30 technologies, data on cyber crime cases, computer intrusion, threats and  
31 other related crimes or activities;

32  
33 8) Establish and maintain a Forensic and Scientific Research Center which  
34 shall serve as the primary center for forensic and scientific research in  
35 furtherance of scientific knowledge in criminal investigation, detection and

1 evidence collection and preservation; and provide the necessary training  
2 therefore;

3  
4 9) Establish, control, supervise and administer a National Deoxyribonucleic  
5 Acid (DNA) Databank System;

6  
7 10) Enlist the assistance of the Philippine National Police, Armed Forces  
8 of the Philippines or any other agency of the Government, including  
9 government-owned-and/or-controlled corporations, in its anti-crime drive.  
10 Such assistance may include the use of the enlisted agency's personnel and  
11 facilities upon prior approval of the head of the agency concerned;

12  
13 11) Enter into any contract or transaction for the acquisition, ownership,  
14 possession, administration, lease, disposition or acceptance of real or  
15 personal property in its name; and

16  
17 12) Perform such other related functions as the President or the Secretary  
18 of Justice may assign.

19  
20 **SEC. 6. Jurisdiction.** --The NBI shall have primary jurisdiction to  
21 investigate the following cases:

22  
23 1. Public Corruption

- 24 i. Anti-Graft and Corrupt Practices Act (Republic Act 3019);  
25 ii. Anti-Plunder Act (Republic Act 7080); and  
26 iii. Anti-Red Tape Act of 2007 (Republic Act 9485);  
27

28 2. Organized/Syndicated Crimes

- 29 i. Violation of the "Anti- Money Laundering Act of 2001"  
30 (Republic Act 9160 as amended by Republic Act 9194);  
31 ii. Pyramiding/Networking Scams (PD 1689 [Increasing the  
32 Penalty for Certain Forms of Estafa]);  
33 iii. Fake Land Titles; and  
34 iv. Kidnap-for-Ransom;

35  
36 3. Cyber Crimes

- 37 i. Computer Intrusions;  
38 ii. On-line Sexual Predators (i.e. Child Pornography);  
39 iii. Intellectual Property Theft;  
40 iv. Internet Fraud; and  
41 v. Identity Theft/Identity Fraud;

42  
43 4. Offenses Involving Economic Sabotage

- i. Syndicated/Large Scale Illegal Recruitment;
  - ii. Unfair Trade Practices (i.e. Violation of Republic Act 7581 ("Price Act"));
5. Post-Blast Investigation;
6. Human Trafficking (Republic Act 9208 and Republic Act 10364);
7. Illegal Interception of Communications ( i.e. Violation of the "Anti-Wire-Tapping Law" [Republic Act 4200]);
8. Commercial Crimes
  - i. Anti-Dummy Law (Commonwealth Act No. 108, as amended);
  - ii. Access Devices Regulation Act (Republic Act 8484);
  - iii. E-Commerce Act of 2000 (Republic Act 8792); and
9. Kidnapping, assault and assassination of the President, Vice President, Members of Congress and the Cabinet, and Supreme Court Justices;

10. The NBI shall be primarily in charge of identification of the dead/victims in case of mass fatality incident caused by natural disasters.

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

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

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

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

- a. Director
- b. Deputy Director

- 1 c. Assistant Director
- 2 d. Regional Director
- 3 e. Assistant Regional Director
- 4 f. Head Agent
- 5 g. Supervising Agent
- 6 h. Senior Agent
- 7 i. Agent III
- 8 j. Agent II
- 9 k. Agent I

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

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

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

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

24

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

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

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

32

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

- 1) Formulate policies, guidelines and programs to effectively carry out the purposes of this Act;
- 2) Direct, control and supervise the administration and operations of the NBI;
- 3) Promulgate rules and regulations as may be necessary or proper for the effective exercise of the powers and functions as well as the discharge of the duties and responsibilities of the NBI, its officials and personnel;
- 4) Remove, suspend or otherwise discipline NBI Personnel for cause in accordance with existing Civil Service Rules and Regulations and other pertinent laws;
- 5) Determine, from time to time, subject to availability of funds, the limits to which, in terms of amount and period covered, reasonable allowances, incentives, bonuses, privileges and other benefits may be given to Bureau employees;
- 6) Deploy any of its official or personnel for out-of-country missions including, but not limited to, assignments as functionaries attached to any Philippine Embassy, consulate or any other diplomatic office abroad in coordination with the Department of Foreign Affairs;
- 7) Issue mission orders and permits to carry firearms outside residence;
- 8) Create or abolish any division/unit as may be required by the exigencies of the service;
- 9) Designate NBI informants;
- 10) Perform any and all acts necessary, proper or incidental to the attainment of the purposes and objectives of this Act; and
- 11) Perform such other related functions as may be provided by law or authorized by the Secretary of Justice.

**SEC. 10. Powers and Functions of the Investigative Staff.** – The Investigative Staff of the NBI shall have the following powers and functions:

- 1) Conduct searches, arrests and seizures in accordance with existing laws, rules and regulations;
- 2) Issue subpoena or *subpoena duces tecum* for the appearance of any person for investigation; Deliberate and unjustified failure to obey the subpoena herein



1 mentioned shall render the person concerned liable for Obstruction of Justice  
2 under PD 1829;

3  
4 3) Take and require sworn statements of any person or persons so summoned in  
5 relation to cases under investigation;

6  
7 4) Administer oaths in cases under investigation;

8  
9 5) Own, possess and carry, outside their office and residence, suitable and  
10 adequate firearms for their personal protection in connection with their duties  
11 and for the proper protection of witnesses and persons in custody; Provided,  
12 that no previous special permit for such possession shall be required;

13  
14 6) Have access, examine, secure, take custody of and photocopy public records:  
15 *Provided*, That as regards public and/or bank records such access need not be  
16 upon prior approval of the court in cases involving verified complaint for  
17 Malversation of Public Funds or Property, as defined and penalized under the  
18 Revised Penal Code, as amended, violation of the Anti-Graft and Corrupt  
19 Practices Act (RA 3019), the Anti-Money Laundering Law of 2001 (RA 9160  
20 as amended by RA 9194), Code of Conduct and Ethical Standards of Public  
21 Officials and Employees (RA 6713), Comprehensive Dangerous Drugs Act of  
22 2002 (RA 9165), Anti-Plunder Act (RA 7080, as amended), and The Human  
23 Security Act of 2007 (RA 9372);

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

27  
28 **SEC. 11. *Benefits and Privileges.*** – The NBI shall provide its  
29 employees with the following benefits:

30 (1) Health care services through a Health Maintenance Organization  
31 (HMO). Expenses for the mandatory annual executive check-up of all  
32 regular employees shall be for the account of the NBI;

33 (2) Accident insurance policies for all employees, procured by the NBI at  
34 its own expense, while in the performance of their official duties and  
35 functions; and

- 1 (3) Without prejudice to efficiency in the service, grant trainings,  
2 scholarships and seminars to deserving employees, on official time and  
3 at the expense of the NBI, to upgrade their knowledge and skills;  
4 *Provided* that: grantees under this provision shall be selected on the  
5 basis of merit as determined by competitive examination;
- 6 (4) Longevity Pay subject to guidelines that shall hereafter be issued the  
7 NBI Director; *Provided, That:* such pay shall, for retirement purposes,  
8 be an integral part of an NBI retiree's basic salary; and
- 9 (5) A provident fund which shall consist of contributions made by both the  
10 management and member-employees to a common fund to provide  
11 additional benefits to NBI employees. The Fund shall be provided with  
12 a capital to be sourced from, among others, retained collection from  
13 clearance fees. Said Fund shall be augmented by counterpart  
14 contributions of NBI personnel at an amount to be agreed upon by the  
15 Management and member-employees.

16  
17 **SEC. 12. *Retirement Benefits.*** -- Upon attaining sixty (60) years  
18 of age with at least fifteen (15) years of continuous government service, or upon  
19 accumulation of thirty (30) years of satisfactory continuous service, whichever is  
20 earlier, an NBI personnel shall be compulsorily retired and shall be entitled to  
21 receive benefits provided by law. Monetary incentives/special allowances shall, for  
22 retirement purposes, be an integral part of a retiree's basic salary.

23  
24 **SEC. 13. *Legal Assistance.*** -- A special trust fund shall be  
25 established to assist NBI personnel who are criminally charged in connection with  
26 the performance of their official functions.

27  
28 **SEC. 14. *Seminar and Other Professional Fees.*** -- Subject to  
29 availability of funds, fees for relevant seminars, as well as professional membership  
30 fees for lawyers, registration fees, and related miscellaneous expenses incurred in  
31 completing the Mandatory Continuing Legal Education (MCLE) course shall be  
32 borne by the NBI. Moreover, professional membership, registration fees, including  
33 the mandatory continuing professional education (CPE), and related miscellaneous  
34 expenses of other employees holding positions for which a professional license is  
35 required by the NBI, shall be borne by the NBI.

1  
2           **SEC. 15. *Transportation Benefits.*** – Subject to the availability of funds,  
3 employees shall be provided with contracted transportation services until such time  
4 that the office can procure additional motor vehicles for this purpose.  
5

6           **SEC. 16.           *Franking Privilege.*** – All official mail matters of the  
7 NBI addressed for delivery within the Philippines shall be received, transmitted,  
8 and delivered free of charge: *Provided,* That such mail matters when addressed to  
9 private persons or non-government offices shall not exceed one hundred and twenty  
10 (120) grams; *Provided further,* That use of this privilege for non-official purposes  
11 shall be a ground for disciplinary action.  
12

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

17           The grant of special allowances shall be implemented uniformly in such  
18 sums and amounts and to the extent that can be supported by the funding source as  
19 specified in Section 19 hereof: *Provided,* That said special allowance shall not  
20 exceed One Hundred percent (100%) of the basic salary of the NBI personnel  
21 concerned as provided for in Republic Act No. 6758 otherwise known as the Salary  
22 Standardization Law of 1989, as amended.  
23

24           **SEC. 18.           *Retention of Fifty Percent (50%) of NBI Clearance***  
25 ***Fees.--*** The NBI shall be authorized to retain fifty percent (50%) of its collections  
26 from clearance fees to augment its operational expenses including capital outlay,  
27 expenses for health care services, career advancement and professionalization, legal  
28 assistance, seminars and other professional fees, among others.  
29

30           **SEC. 19.           *Funding Source.*** -- The funds required for the  
31 implementation of this Act including employee benefits shall be taken from:

- 32                   1) Collections from NBI clearance and certification fees;  
33                   2) Service incomes from trainings, DNA, Drug tests,  
34                   Confirmatory and Neuro tests and the like; and  
35                   3) Other miscellaneous incomes.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34

**SEC. 20.**           *Effect of Subsequent Salary Increases.* -- Upon implementation of any subsequent increases in the salary rates provided under Republic Act No. 6758, as amended, all special allowances granted under Section 17 hereof shall be considered as an implementation of said salary increases as provided by law. The special allowances equivalent to the increase in the basic salary as may be provided by law shall be converted as part of the basic salary: *Provided,* That the amounts converted as basic salary shall be funded from the regular appropriations of the NBI. Any excess in the allowances granted under this Act not converted to basic salary shall continue to be granted as such and shall continue to be funded under the immediately preceding Section.

**SEC. 21.**           *Implementing Rules and Regulations.* – Within sixty (60) days from the approval of this Act, the NBI Director in coordination with the Secretary of Budget and Management shall promulgate such rules and regulations as may be necessary to carry out the provisions of this Act.

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

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

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

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

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

1

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

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

8

9

10 *Approved,*