

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



'15 SEP 15 P3:32

S E N A T E

RECEIVED BY: J

COMMITTEE REPORT NO. 249

Submitted jointly by the Committees on Justice and Human Rights *and*
Finance on SEP 15 2015

Re: Senate Bill No. 2950

Recommending its approval in substitution of S. Nos. 429 and 1902

Sponsor: Senator Pimentel

MR. PRESIDENT:

The Committees on Justice and Human Rights *and* Finance to which
were referred S. No. 429, introduced by Senators Francis G. Escudero and
Cynthia A. Villar, entitled:

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

And S.No. 1902, introduced by Senator Loren Legarda, entitled:

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

have considered the same and have the honor to report them back to the Senate with the recommendation that the attached Senate Bill No. 2950 _____, prepared by the Committees, entitled:

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

be approved in substitution of S. Nos. 429 and 1902, with Senators Escudero, Villar, Legarda, and Pimentel as authors thereof.

Respectfully Submitted:



SEN. SEN. LOREN LEGARDA

Chairperson,

Committee on Finance



SEN. AQUILINO "KOKO" PIMENTEL III

Chairman,

Committee on Justice and Human Rights

MEMBERS:

SEN. PIA CAYETANO



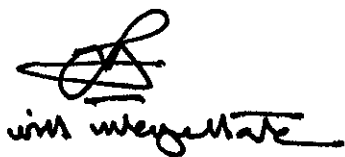
SEN. JUAN EDGARDO "SONNY" ANGARA



SEN. ANTONIO F. TRILLANES IV



SEN. TEOFISTO GUINGONA III



with integerrate

SEN. FRANCIS G. ESCUDERO



SEN. MA. LOURDES NANCY BINAY



SEN. GREGORIO B. HONASAN

SEN. JINGGOY EJERCITO-ESTRADA

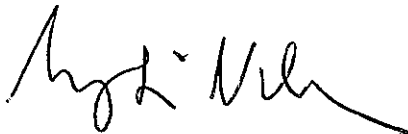


SEN. SERGIO R. OSMEÑA

SEN. RAMON "BONG" REVILLA, JR.

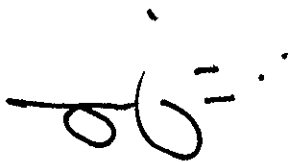
SEN. GRACE POE

SEN. FERDINAND MARCOS, JR.



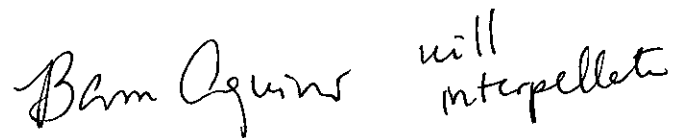
SEN. CYNTHIA A. VILLAR

SEN. MIRIAM DEFENSOR SANTIAGO



SEN. JOSEPH VICTOR EJERCITO

SEN. PAOLO BENIGNO "BAM" AQUINO IV



Ex-Officio Members:

SEN. JUAN PONCE ENRILE

Senate Minority Floor Leader

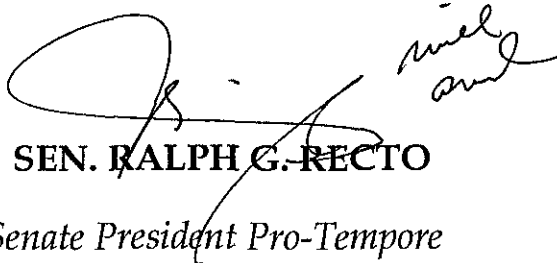
SEN. ALAN PETER CAYETANO

Senate Majority Floor Leader



SEN. VICENTE C. SOTTO III

Acting Minority Floor Leader



SEN. RALPH G. RECTO

Senate President Pro-Tempore

HON. FRANKLIN M. DRILON

Senate President

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



15 SEP 15 P3:33

RECEIVED BY: 

SENATE
S. No. 2950

Prepared by the Committees on Justice and Human Rights *and* Finance with
Senators Escudero, Villar, Legarda, *and* Pimentel as Authors thereof

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

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

1 **SECTION 1. *Short Title.*** - This Act shall be known as the
2 “*National Bureau of Investigation Modernization Act.*”

3
4 **SEC. 2. *Declaration of Policy.*** - It is the policy of the State to
5 promote and maintain an effective, modern, gender-responsive,
6 competent and highly trained investigative body, functionally integrated
7 and national in scope.

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

12

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

SEC. 3. *Reorganization, Modernization, and Expansion.* - The National Bureau of Investigation (NBI) is hereby reorganized and modernized to adequately meet the increasing demands of an expanded investigative and detective work.

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

The present organizational structure of the NBI shall be reorganized into the Office of the Director, Office of the Deputy Director for Administration, Office of the Deputy Director for Operations, Offices of the Assistant Directors for Investigation Service, Intelligence Service, Comptroller Service, Human Resource and Management Service, Internal Audit Service, Forensic and Scientific Research Service, Legal Service, and Information and Communications Technology Service. Each service shall be composed of the necessary divisions and sections.

The NBI shall establish a Regional Office in every region to be headed by a Regional Director and District Offices in every province to be headed by a Head Agent. Field Offices may also be established and maintained by the Director as the need arises.

The NBI personnel complement shall be increased and their positions upgraded, as follows:

Old Position	From		New Position	To	
		Salary Grade			Salary Grade
Director VI		SG 30	Director		SG 30
Director V (Assistant Director)		SG 29	Deputy Director		SG 29
Director III (Deputy Director)		SG 27	Assistant Director		SG 28
Director II (Regional Director)		SG 26	Regional Director		SG 27
Director I (Assistant Regional Director)		SG 25	Assistant Regional Director		SG 26
Investigation Agent VI (Head Agent)		SG 25	Head Agent		SG 25
Investigation Agent V (Supervising Agent)		SG 24	Supervising Agent		SG 24
Investigation Agent IV (Senior Agent)		SG 23	Senior Agent		SG 23
Investigation Agent III		SG 22	Investigation Agent III (Agent)		SG 22
Investigation Agent II		SG 20			
Investigation Agent I		SG 18			
Special Investigator V		SG24			

Special Investigator IV		SG22			
Special Investigator III		SG18			

1

2 The number of administrative support personnel shall also be
3 increased to effectively carry out their functions.

4 The NBI personnel occupying the positions affected by the
5 changes embodied in this Act at the time of its approval shall thereafter
6 occupy and discharge the duties and functions of their new positions and
7 receive the corresponding salary and benefits without the necessity of
8 new appointment.

9

10 **SEC. 4. Powers and Functions.** - The NBI shall have the
11 following powers and functions:

- 12 a) Undertake investigation and detection of crimes and other
13 offenses against the laws of the Philippines, on its own
14 initiative, upon complaint of an offended party, or as public
15 interest may require;
- 16 b) Issue *subpoena* for the appearance of any person for
17 investigation or production of documents, through its officers
18 from the ranks of Regional Director to Director;
- 19 c) Act as a national clearing house of criminal records and other
20 related information for the benefit of the Government;
- 21 d) Render technical assistance to Government agencies and
22 instrumentalities, when so requested;

- 1 e) Extend assistance in cases involving extradition and mutual
2 legal assistance, when requested by the Department of Justice;
- 3 f) Establish an NBI Academy which shall be responsible for the
4 recruitment, training, and development of all NBI agents and
5 personnel, among others;
- 6 g) Establish and maintain a Forensic and Scientific Research
7 Center which shall serve as the primary center for forensic and
8 scientific research in furtherance of scientific knowledge in
9 criminal investigation, detection, evidence collection and
10 preservation, and provide the necessary training therefor;
- 11 h) Establish and maintain a Cyber Investigation and Assessment
12 Center which shall serve as the nerve center for computer
13 information technologies, data on cybercrime cases, computer
14 intrusion, threats, and other related crimes or activities;
- 15 i) Establish and maintain an integrated, comprehensive, and state-
16 of-the-art network of equipment and facilities to be used by the
17 NBI in its criminal investigation, detection, and evidence
18 gathering, and to provide the corresponding training in this
19 regard;
- 20 j) Request the assistance of the Philippine National Police (PNP),
21 Armed Forces of the Philippines, or any other agency of the
22 Government, including government-owned and/or-controlled
23 corporations, in its anti-crime drive. Such assistance may
24 include the use of the agency's personnel and facilities upon
25 prior approval by the head of the agency concerned;
- 26 k) Conduct intelligence operations in furtherance of the foregoing
27 powers and functions;
- 28 l) Enter into any contract or transaction for the acquisition,
29 ownership, possession, administration, lease, disposition or

1 acceptance of real or personal property in its name, subject to
2 the approval of the Secretary of Justice;

3 m) Establish a modern NBI Clearance and Identification Center
4 containing all derogatory and criminal records and civilian
5 identification records, including their identifying marks and
6 characteristics and fingerprint database, as well as dental
7 records pursuant to Presidential Decree No. 1575, entitled
8 “Requiring Practitioners of Dentistry to Keep Records of Their
9 Patients”;

10 n) Maintain, for purposes of investigative and forensic
11 requirements of the NBI, relevant database such as ballistic
12 records of firearms including but not limited to data ownership,
13 possession, and other related identifying circumstances; and
14 Deoxyribonucleic Acid (DNA) databank; and

15 o) Perform such other functions as the President or the Secretary of
16 Justice may assign.

17
18 **SEC. 5. *Priority Cases.*** – The following shall be the priority cases:

- 19 a) Human Trafficking cases in all airports in the Philippines;
20 b) Extra-Judicial/Extra-Legal Killings committed by the state’s
21 security forces against media practitioners and activists;
22 c) Killings of Justices and Judges;
23 d) Violation of Republic Act No. 10175, otherwise known as the
24 “Cybercrime Prevention Act”;
25 e) Cases referred by the Inter-Agency Anti-Graft Coordinating
26 Council (IAGCC) or similar bodies;
27 f) Violations of the Anti-Dummy Law;

28

- 1 g) Cases involving threats to security or assaults against the
2 persons of the President, Vice President, Senate President,
3 Speaker of the House of Representatives, and Chief Justice of
4 the Supreme Court;
- 5 h) Cases where the alleged offenders are members of organized
6 groups or syndicates where the imposable penalty is *prision*
7 *mayor* in its minimum period;
- 8 i) Identification of the dead/victims in case of mass fatality
9 incidents caused by natural disasters; and
- 10 j) Violations of commercial, economic, and financial or white-
11 collar crimes such as, but not limited to, those punishable under
12 Republic Act No. 8792 otherwise known as "E-Commerce Act
13 of 2000", Republic Act No. 8484 otherwise known as "Access
14 Devices Regulations Act of 1998", Republic Act No. 8293
15 otherwise known as "Intellectual Property Code of the
16 Philippines," Republic Act No. 8799 otherwise known as
17 "Securities Regulation Code," Presidential Decree No. 1689
18 otherwise known as "Decree Increasing the Penalty for Certain
19 Forms of Estafa," and other similar penal statutes that may be
20 enacted by Congress.

21

22 Once the NBI takes cognizance of any of the aforementioned
23 cases, the PNP and other law enforcement agencies/investigative entities
24 shall collaborate with and render assistance to the NBI. In cases where
25 jurisdiction is vested exclusively and/or primarily with the PNP or other
26 law enforcement agency/investigating agency, the NBI shall collaborate
27 with and render assistance to the same.

1 **SEC. 6. *The NBI Director and Other Officials*** - The NBI shall be
2 headed by a Director and assisted by two (2) Deputy Directors, one for
3 Administration and another for Operations, and an Assistant Director for
4 each of the following eight (8) Services: Investigation Service,
5 Intelligence Service, Human Resources and Management Service,
6 Comptroller Service, Internal Audit Service, Forensic and Scientific
7 Research Service, Legal Service, and Information and Communications
8 Technology Service.

9 The NBI Director shall be appointed by the President and shall
10 have the rank, salary, and benefits equivalent to that of an
11 Undersecretary. No person shall be appointed Director unless he is a
12 natural-born citizen of the Philippines, a member of the Philippine Bar,
13 with at least fifteen (15) years of relevant professional experience, and
14 preferably from within the ranks of directors.

15 The Deputy Directors to Assistant Regional Directors shall
16 likewise be appointed by the President of the Philippines, coming from
17 the ranks of the NBI, upon the recommendation of the Secretary of
18 Justice.

19 No person shall be appointed Deputy Director unless he is a
20 natural-born citizen of the Philippines, a member of the Philippine Bar
21 or a Certified Public Accountant, with at least ten (10) years of relevant
22 professional experience.

23

24 **SEC. 7. *Powers and Functions of the Director***. - The Director
25 shall have the following powers and functions:

26 a) Formulate policies, guidelines, and programs to effectively carry
27 out the purposes of this Act;

- 1 b) Direct, control, and supervise the administration and operations
2 of the NBI;
- 3 c) Promulgate rules and regulations as may be necessary or proper
4 for the effective exercise of the powers and functions of the NBI,
5 as well as the discharge of the duties and responsibilities of its
6 officials and personnel;
- 7 d) Determine, from time to time, subject to availability of funds
8 and the approval of the Secretary of the Department of Budget
9 and Management (DBM), the limit of reasonable allowances,
10 incentives, bonuses, privileges, and other benefits which may be
11 given to the NBI personnel;
- 12 e) Create or abolish any division/unit and positions therein as may
13 be required by the exigencies of the service, subject to the
14 endorsement of the Secretary of Justice and approval of the
15 Department of Budget and Management;
- 16 f) Deploy any of its officials or personnel for missions abroad
17 including, but not limited to, assignments as functionaries
18 attached to any Philippine Embassy, consulate, or any other
19 diplomatic office abroad in coordination with the Department of
20 Foreign Affairs: *Provided*, That any expense incurred by the NBI
21 representative in the establishment of his or her office, including
22 operation and maintenance, is shouldered by the NBI;
- 23 g) Hire consultants, subject to pertinent laws and rules, as may be
24 deemed required by the exigencies of the service;
- 25 h) Issue mission orders and permits to carry duly licensed firearms
26 outside residence to its Agents, organic personnel assisting in the
27 investigation, and other duly deputized personnel of the DOJ
28 assisting the NBI in their investigative work;
- 29 i) Designate NBI informants for investigative purposes;

- 1 j) Remove, suspend, or otherwise discipline NBI agents and
2 personnel for cause in accordance with Civil Service Rules and
3 Regulations and other pertinent laws;
4 k) Determine and impose administrative fees;
5 l) Perform any and all acts necessary, proper, or incidental to the
6 attainment of the purposes and objectives of this Act; and
7 m) Perform such other functions as may be provided by law or
8 authorized by the Secretary of Justice.

9
10 **SEC. 8. *Qualifications of NBI Agents.*** – The minimum
11 qualifications of NBI agents are the following:

- 12 a) Citizen of the Philippines;
13 b) Of good moral character;
14 c) A member of the Philippine Bar or a holder of a Baccalaureate
15 Degree who passed the necessary Government licensure
16 examination relevant to the investigative functions of the NBI;
17 and
18 d) Successfully passed the competitive mental and physical
19 examinations required by the NBI.

20
21 **SEC. 9. *Powers and Functions of Agents.*** - The agents of the NBI
22 shall have the following powers and functions:

- 23 a) Undertake investigations pursuant to the mandate of the NBI;
24 b) Conduct searches, arrests, and seizures in accordance with
25 existing laws, rules and regulations;
26 c) Take and require sworn statements of any person or persons so
27 summoned in relation to cases under investigation;
28 d) Administer oaths in cases under investigation; and
29 e) Such other functions as may be assigned by the NBI Director.

1 **SEC. 10. *Benefits and Privileges.*** - The NBI shall provide its
2 personnel with the following benefits:

- 3 a) Health care services through a Health Maintenance Organization
4 (HMO) for its regular employees;
- 5 b) Accident insurance policies for all employees;
- 6 c) Trainings, scholarships, and seminars to deserving employees to
7 upgrade their knowledge and skills, on official time and at the
8 expense of the NBI;
- 9 d) Longevity pay, subject to guidelines that shall hereafter be issued
10 by the NBI Director in accordance with existing laws and
11 regulations and subject further to the approval of the DBM
12 Secretary;
- 13 e) Hazard pay, subject to pertinent laws and rules; and
- 14 f) Transportation Benefits, subject to availability of funds,
15 employees shall be provided with contracted transportation
16 services until such time that the office can procure additional
17 motor vehicles for this purpose.

18
19 **SEC. 11. *Seminars and Other Professional Fees.*** - Fees for
20 relevant seminars, as well as professional membership fees for lawyers,
21 registration fees, and related miscellaneous expenses incurred in
22 completing the Mandatory Continuing Legal Education (MCLE) course
23 shall be borne by the NBI. Likewise, professional membership fees,
24 registration fees, including the mandatory continuing professional
25 education (CPE), and related miscellaneous expenses of other employees
26 holding positions for which a professional license is required by the
27 NBI, shall be borne by the NBI.

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

8
9 **SEC. 13. *Retention and Use of NBI Clearance Fees and other***
10 ***Fees.*** - The NBI shall be authorized to retain and use every year thirty
11 percent (30%) of its collections from clearance fees for its
12 modernization and to augment its operational expenses such as but not
13 limited to capital outlay, expenses for health care services, career
14 advancement and professionalization, legal assistance, seminars and
15 other professional fees, among others. *Provided,* that in no case shall
16 said annual appropriation exceed one hundred fifty million pesos
17 (P150,000,000.00).

18
19 **SEC. 14. *Funding Source.*** - The funds required for the
20 implementation of this Act, including employee benefits, shall be taken
21 from:

- 22 a) Collections from NBI clearance and certification fees;
23 b) Incidental income from trainings, tests, and the like;
24 c) Proceeds from the sale of confiscated/forfeited articles after
25 public auction from the cases investigated by the NBI upon
26 order of the court;

- 1 d) Other fees which may be determined and imposed by the
2 Director; and
3 e) The General Appropriations Act.
4

5 **SEC. 15. *Implementing Rules and Regulations.*** - Within sixty
6 (60) days from the approval of this Act, the NBI Director, in
7 coordination with the Secretary of Justice and the Secretary of Budget
8 and Management, shall promulgate such rules and regulations as may be
9 necessary to carry out the provisions of this Act.
10

11 **SEC. 16. *Transitory Provisions.*** – All unexpended appropriations,
12 real and personal property, contracts, records, and documents relating to
13 the existing NBI shall be transferred to the reorganized NBI.

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

17 All incumbent officials and personnel of the NBI shall continue in
18 office and perform their duties as such without need of reappointment
19 *Provided*, that the incumbent Assistant Director shall continue in office
20 as Deputy Director and the incumbent Deputy Directors shall continue
21 in office as Assistant Directors of their respective or equivalent services.

22 Incumbent Special Investigators who have undergone the basic
23 training course in the NBI Academy at the time of the passage of this
24 bill but do not meet the qualifications of an agent under this Act shall
25 remain as Special Investigators whose position status shall be converted
26 from regular to co-terminus with the incumbent, to be abolished once
27 vacated.
28

1 **SEC. 17. *Separability Clause.*** - Should any provision of this Act
2 be declared invalid, the remaining provisions shall continue to be valid
3 and subsisting.

4

5 **SEC. 18. *Repealing Clause.*** Provisions of R.A. No. 157 dated 19
6 June 1947, R.A. No. 2678 dated 18 June 1960, and Section 12, Chapter
7 4, Title III, Book IV of Executive Order 292 or the Administrative Code
8 of 1987, as amended, and all laws, decrees, orders, rules and regulations
9 or parts thereof which are contrary to or inconsistent with the provisions
10 of this Act, are hereby repealed or amended accordingly.

11

12 **SEC. 19. *Effectivity.*** - This Act shall take effect fifteen (15) days
13 after its publication in two (2) newspapers of general circulation.

Approved,