

THIRTEENTH CONGRESS OF THE REPUBLIC
OF THE PHILIPPINES
First Regular Session

SENATE

S. No. 1076

SENATE
OFFICE OF THE SECRETARY

'04 JUN 30 P10:18

RECEIVED BY: 

Introduced by Senator Edgardo J. Angara

EXPLANATORY NOTE

The government is in a continuing quest to search for fast-approaches to solve problems of bureaucratic procedures. Red tape has been the focus of complaints of many who queue in government offices. It is not surprising therefore, that a number of treatises on public administration validated the impressions imprinted in the minds of common civilians anent the inefficiency plaguing the governmental workforce as well as the leadership itself.

The problem accounts as a primary reason for the failure of bringing governmental effort closer to the people. And just like us, other countries are on the look out to experiment on innovative approaches to solve red tape. But the experiences of such countries as Germany, Japan, Indonesia, South Africa and Malaysia provide examples in addressing the said bureaucratic system through the ID System. In these countries, government transactions are easily facilitated and immediately responded to with the use of ID.

This bill seeks to establish an effective system to curb the perennial problems of red tape in the bureaucracy and to simplify the process relative to public and private transactions of citizens. It is also aimed at preserving national security by institutionalizing an effective system of monitoring the movement and activities of citizens so that investigation and prosecution of criminal acts as well as civil liabilities could be more easily facilitated.

Early approval of this bill is earnestly requested.


EDGARDO J. ANGARA

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AN ACT
ESTABLISHING A NATIONAL IDENTIFICATION SYSTEM IN THE
PHILIPPINES, CONSTITUTING FOR THE PURPOSE THE NATIONAL
REGISTRATION COORDINATING COUNCIL, AND FOR OTHER
PURPOSES

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

SECTION 1. **Title.** - This Act shall be known as "*The National Multi-Purpose ID Card Act of 2004.*"

SEC. 2. **Declaration of Policy.** - It is hereby declared a policy of the State to improve and uplift public service in the country, by promoting and facilitating legitimate transactions with Government offices as well as with private and business entities. For this purpose, there is a need to establish an effective system to curb the perennial problem of red tape in the bureaucracy and to simplify the processes relative to public and private transactions.

It is likewise an imperative policy to strengthen citizenship, immigration and national security laws.

The implementation of a National Identification System in this regard, with full protection accorded to the right to privacy of the individuals covered thereby, and with the full cooperation and active participation of various basic services and social security- providing agencies and other Government instrumentalities, will contribute to the attainment of the foregoing declaration of policy.

SEC. 3. **Definition of Terms.** - The following terms as used in this Act shall mean:

- a. *"ID Card"* - The national identification card issued by a participating agency in the implementation of the National Identification System, the features and uses of which are as indicated in this Act and as to be determined by the Council; provided, that the ID Card shall be used only by the Owner in order to avail of the services defined in this Act; provided, further, that the ID Card shall not be used to store data on the Owner more than is necessary and material as required in this Act;
- b. *"ID Number"* - The Primary Reference Number determined by the National Statistics Office and issued to every citizen of the Philippines; or the number issued by the Bureau of Immigration to every foreign national who applies for an Alien Certificate of Registration pursuant to Republic Act No. 562 (1950), as amended;
- c. *"Council"* - The National Registration Coordinating Council constituted under this Act;
- d. *"NSO"* - The National Statistics Office created pursuant to Commonwealth Act No. 591 (1940), as amended;
- e. *"System"* - The National Identification System established and authorized for implementation pursuant to this Act;
- f. *"Owner"* - The only authorized holder, possessor and user of the ID Card;
- g. *"Data"* - The personal and other circumstances of the person to whom was issued a National Identification Card, all of which are encoded in said ID Card, and kept in the records of the participating agencies;
- h. *"Use"* - The authorized functional use of the ID Card pursuant to this Act and as may be hereafter prescribed by the Council;

- i. *"Participating Agency"* - A branch, agency, subdivision or instrumentality of the Government of the Republic of the Philippines, accredited by the Council to implement the National Identification System.

SEC. 4. The National Identification System. - A National Identification System is hereby established and instituted, to provide official identification of all citizens of the Republic of the Philippines, and all foreign nationals permanently residing in the Philippines, through the issuance of a National Identification Card with ID Number of a permanent character, to convert and consolidate all existing Government-initiated identification systems intended for various purposes into one, integrated and multi-purpose system.

SEC. 5. Issuance of Primary ID Number. - All citizens of the Republic of the Philippines, upon registration of birth or upon their acquisition of Philippine citizenship, shall be issued by the NSO a Primary Reference Number, which shall serve as the identification number. The Primary Reference Number shall reflect only the basic data on the Owner of the ID. Card Such Primary Reference Number issued to a citizen shall not be transferable to another, and shall remain his/her number regardless of any change in his/her status, residence or other personal circumstances. For this purpose, the NSO shall, in the determination of the Primary Reference Number, devise a system of issuing such numbers with due regard to the immutability of such number in relation to the person to whom it was issued.

All such citizens born before the effectivity of this Act, or who acquired Philippine citizenship before the effectivity of this Act, shall secure their Primary Reference Number from the NSO.

SEC. 6. Issuance of Subsidiary ID Numbers. - The participating agencies in the System may issue subsidiary numbers to the Primary ID Number

issued under Section 5 hereof, with due regard to the requirements of such agencies and under such conditions as the Council shall prescribe.

SEC. 6. Citizens of Other Countries. - Citizens of other countries permanently residing in the Philippines shall likewise be assigned an ID Number and issued an ID Card at reasonable cost in the manner prescribed by the Bureau of Immigration; provided, that the assignment of an ID Number and issuance of the corresponding ID Card shall be done not later than the date of issuance of the Alien Certificate of Registration issued pursuant to Republic Act No. 562 (1950), as amended.

An accredited official of a recognized international organization, or of a foreign government with whom the Republic of the Philippines has established diplomatic relations, and members of his/her family and official staff, who are not citizens of the Philippines, shall not be required to secure an ID Number or the ID Card contemplated under this Act.

SEC. 7. Issuance of the ID Card. - All persons qualified under Section 5 and Section 6, respectively, hereof shall be issued by any of the participating agencies a National Identification Card not earlier than at the age of sixteen (16) years, free of charge and in the manner prescribed by the Council; provided, that in case a participating agency requires the issuance of an ID Card for those transacting business with it who may be younger than sixteen (16) years old, such agency shall do so under such conditions as the Council shall prescribe.

SEC. 8. Features of the ID Card. - The National Identification Card shall be made of a tamper-proof security material. It shall have on its face the ID Number, the imprinted photograph, name, birth date, date of issue, signature of the Owner, and such other material and necessary data as may be required by the Council and the participating agencies.

The Council shall likewise establish the standards in the use of biometric technology and in computer application designs of the System.

SEC. 9. Validity of the ID Card. - The ID Card shall be valid effective upon its issuance by the participating agency, and for as long as the material of which it is made permits its usage, unless sooner cancelled upon the death of the Owner, or surrendered by the Owner, or revoked, cancelled or recalled by the participating agency for good cause shown.

The ID Card may be replaced during its validity period, upon written application by the owner of the ID Card, to reflect the changed circumstances of the Owner.

SEC. 10. Issuance of Replacement Card. - A new ID Card which replaces a lost, worn-out or destroyed card, or upon written application by the Owner, shall be issued by a participating agency in the manner to be prescribed by the Council.

SEC. 11. Safeguards. - The Council and the participating agencies shall take appropriate and necessary measures to ensure that the privacy, confidentiality, integrity and accuracy of an individual's personal data are protected from unwarranted and unauthorized access. Such safeguards shall, as a minimum, include the following:

- a. The Council and the participating agencies shall limit the number of persons who can have access to the data on the ID Card;
- b. The ID Card will be protected by advanced security features and cryptographic technology;
- c. The Council shall ensure that only minimal, material and necessary data to the Owner and to the participating agency issuing the ID Card shall be recorded and stored in the ID Card;

- d. There will be a stringent system of access control, including passwords or personal identification numbers; different levels of access; and, audit trails;
- e. The Owner of the ID Card shall be provided with the means to access, print and interpret the data on his/her card and the application of such data;
- f. Any correction of relevant data stored in the ID Card shall be effected only upon a written request by the Owner of the ID Card, under such conditions as the participating agency issuing the ID Card shall prescribe; and
- g. All data included in the database shall be kept and treated as strictly confidential, and shall not be accessed or disclosed except upon written authorization of the Owner and in accordance with the requirements of Section 22 and Section 23, respectively, of this Act.

SEC. 12. Non-transferability. - The ID number issued pursuant to this Act is unique to the Owner of the ID Card. Both the ID Number and the ID Card are non-transferable, and shall not be assigned to any other individual even after the death of its owner. For this purpose, the participating agency shall devise a system of retiring ID numbers no longer in use on account of death of the owners or for other reasons.

SEC. 13. Limitation on Data to be Stored. - The right to privacy of the Owner of the ID Card is paramount, and shall be respected by the Council and the participating agencies in the implementation of the System. For this purpose, only such data personal to the Owner of the ID Card and which are material and necessary to carry out the functional uses of the ID Card as enumerated in Section 14 hereof shall be stored in the ID Card.

SEC. 14. Functional Uses of the ID Card. - The National Identification Card shall serve as the only official identification of the person to whom it is issued, and shall be valid and accepted for all legal intents and purposes, which shall include, but shall not be limited to, the following:

- a. Availment of SSS and GSIS benefits;
- b. Application for driver's license, passport, marriage license, and business permits;
- c. Issuance of death certificate;
- d. Application for clearances, licenses and permits from investigative and police agencies;
- e. Availment of services in health and medical institutions;
- f. Application for employment;
- g. Availment of benefits under Republic Act No. 7432 ("The Senior Citizens Law");
- h. Pre-requisite for registration as a voter, and for the exercise of the right to vote;
- i. Payment of taxes, fees and other charges;
- j. Opening of bank accounts;
- k. Encashment of checks;
- l. Applications for loans, credit cards, and utilities;
- m. Purchase of stocks;
- n. Insurance claims;
- o. Receipts of payments, checks, valuables, etcetera; and
- p. Claiming mail matters.

Other functional uses of the ID Card shall be determined by the Council.

SEC. 15. Absence of ID Card. - Failure of any person to present his/her ID Card when transacting business with the Government or with private entities

requiring the use and presentation of the ID Card shall not be a ground to deny or limit him/her of the basic Government and private services as long as he/she is qualified under existing laws.

SEC. 16. National Registration Coordinating Council. - The National Registration Coordinating Council is hereby constituted, which shall be a collegial body, consisting of permanent representatives of various government agencies with direct involvement in the development and implementation of the System, to be appointed by their respective heads, including, but not limited to the Commission on Elections, the Department of Foreign Affairs, the Department of Interior and Local Government, the Department of National Defense, the Bureau of Immigration, the National Statistics Office, the Land Transportation Office, the Bureau of Internal Revenue, the Social Security System, the Government Service Insurance System, and the Philippine Health Insurance Corporation.

The Council shall be assisted by a Secretariat, headed by an officer in the NSO not lower in rank than a Director III, and with all the participating agencies in the System represented therein.

The Administrator of the NSO shall serve as permanent chairman of the Council.

SEC. 17. Powers and Functions of the Council. - The Council shall exercise the following powers and functions:

- a. To issue, adopt and prescribe implementing rules and regulations for the effective implementation of this Act;
- b. To design the ID Card to be issued by the participating agencies, incorporating therein the basic features of the ID Card and the safeguards for its issuance and uses as indicated in this Act;

- c. To adopt all measures to maintain the privacy and security of all personal information maintained or kept by the participating agencies and all private entities or institutions with existing databases or registries of individuals, to prevent their unauthorized disclosure and ensure the confidentiality and proper management of these personal data;
- d. To adopt rules and regulations for the registration of persons, entities or institutions handling registries or databases of personal data of individuals, and determine which personal information being obtained, kept or maintained should be deemed confidential;
- e. Without prejudice to Section 19 hereof, to entertain, initiate, *motu proprio* or at the instance of the Owner of the ID Card, and endorse to the Department of Justice any complaint for the criminal prosecution of persons for any violation of the provisions of this Act;
- f. To adopt all measures to ensure the security, integrity and authenticity of all ID Cards issued under the System;
- g. To conduct or hold extensive public information campaign on the System in coordination with the Philippine Information Agency;
- h. To submit to Congress a written report of its operations and activities within sixty (60) days after the opening of every regular session; and
- i. To perform such other functions necessary to effectively implement the provisions of this Act.

SEC. 18. **Assistance.** – The Council shall call upon all branches, agencies, subdivisions and instrumentalities of Government to assist and cooperate with the Council in the effective implementation of the provisions of this Act.

SEC. 19. Enforcement by the Participating Agencies. - All participating agencies shall have the power and authority to effectively enforce the provisions of this Act.

In addition to their powers under their respective charters and under the Administrative Code of 1987 (Executive Order No. 292), the participating agencies shall have the power to issue cease and desist orders to prevent fraud or injury to individuals whose rights to privacy may be violated with the collection and use of personal data or information about him/her pursuant to the implementation of this Act.

SEC. 20. Prohibited Acts; Penalties. - The penalty of imprisonment from six (6) months and one (1) day to six (6) years shall be imposed upon any offender found guilty of the following acts or omissions:

- a. The willful submission, or causing to be submitted, of a fictitious name and other false data in the application form for a National Identification Card;
- b. The unauthorized printing, preparation or issuance of a National Identification Card;
- c. The falsification, mutilation, alteration of, or tampering with, the National Identification Card;
- d. The unauthorized use of a National Identification Card by any person other than the one to whom the card was issued; and
- e. The possession of a fake, falsified or altered National Identification Card.

SEC. 21. Refusal to Accept. - Any person who shall willfully and unjustifiably refuse to accept, acknowledge and/or recognize the National Identification Card as the only official identification of the Owner thereof shall be liable to a penalty of a fine of not more than Twenty Thousand Pesos

(Php20,000.00), at the discretion of the Court, for the first offense. Any subsequent violation shall be punishable by a fine of not less than Fifty Thousand Pesos (Php50,000.00) but not more than One Hundred Thousand Pesos (Php100,000.00), at the discretion of the Court.

SEC. 22. Confidentiality. - Without prejudice under existing laws applicable to the participating agencies, the records, reports and documents duly accomplished and submitted to a participating agency by the Owner of the ID Card, and any such records, reports and documents encoded in the database of the participating agency and/or reflected in the ID Card, shall be kept and treated as strictly confidential. They shall not be divulged without the written consent of the Owner or pursuant to a lawful Court order upon a prior endorsement by the participating agency, and shall be presumed correct as to the data and other matters stated therein, unless the necessary corrections to such records, reports and documents have been properly made upon written authorization by the Owner.

SEC. 23. Disclosure. - Any person who shall willfully use or disclose data or information furnished by the Owner of the ID Card, without written authorization from the latter, or except by a lawful Court order upon a prior endorsement by the participating agency, or as may be authorized by law, shall be liable to a penalty of a fine of not more than Fifty Thousand Pesos (Php50,000.00) or imprisonment for not more than six (6) months, or both, at the discretion of the Court.

SEC. 24. Congressional Oversight Committee. - There is hereby created for purposes of the implementation of this Act a congressional oversight committee composed of five (5) members from the Senate designated by the Senate President and five (5) members from the House of Representatives designated by the Speaker of the House of Representatives; Provided, That of the

five (5) members to be designated by each house of Congress, three (3) of them shall come from the majority and the remaining two (2) from the minority.

SEC. 25. Appropriation. - The amount of Twenty Million Pesos (Php20,000,000.00) is hereby appropriated out of funds of the National Treasury not otherwise appropriated, as operating funds of the Council and for it to undertake the information campaign required under this Act. Thereafter, such funds sufficient to fully carry out the purposes of this Act shall be appropriated for the Council and every participating agency every fiscal year in the General Appropriations Act.

SEC. 26. Transitory Provisions. - Within three (3) months from its full constitution and activation, the Council shall adopt a staggered program of implementation of the System as to coverage, with due regard to the existing identification projects of participating agencies, to realize economies of scale.

The Council shall, within the same period, coordinate with other Government agencies that issue similar identification numbers for varied purposes, in order to integrate all such systems in the National Identification System.

SEC. 27. Information Campaign. - Within six (6) months from the effectivity of this Act, the Council shall undertake an extensive campaign program to explain the implementation of the National Identification System to all citizens and resident aliens in the country.

SEC. 28. Implementing Rules. - The Council shall, not later than sixty (60) days from its full constitution, promulgate the Implementing Rules of this Act. Such Rules shall be effective fifteen (15) days from their publication in a newspaper of general circulation.

SEC. 29. Repealing Clause. - All laws, presidential decrees, orders, rules or regulations or parts thereof which are inconsistent with this Act are hereby repealed and/or modified accordingly.

SEC. 30. Effectivity Clause. - This Act shall take effect fifteen (15) days after its complete publication in two (2) newspapers of general circulation.

Approved,