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SENATE
S. No. 3124

RECEIVED BY: *J.*

Introduced by Senator Miriam Defensor Santiago

AN ACT
ESTABLISHING A NATIONAL CRIME DATABASE

EXPLANATORY NOTE

The country has witnessed the escalation of crimes with syndicates habitually committing crimes to the detriment of peace and order and the public welfare. Individuals and families have been victimized and brutalized in heinous crimes, with criminals committing them with impunity due to their political connections. To aggravate the situation, law enforcement personnel who are supposed to be the protectors of the people take advantage of their positions also in the pursuit of lawless undertakings.

The identification of the criminal elements that are often out in the open is therefore essential for the eradication of crime. Law enforcement could quickly resolve cases being investigated if they have immediate access to updated criminal records. This can be done if there is a national crime database.

This bill seeks to establish a national crime database, which will be useful in the elimination of crime.¹

Miriam Defensor Santiago
MIRIAM DEFENSOR SANTIAGO
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¹ This bill was originally filed during the Thirteenth Congress, First Regular Session.

'16 JAN 25 P5:18

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AN ACT
ESTABLISHING A NATIONAL CRIME DATABASE

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 “National Crime
2 Database Act.”

3 SECTION 2. *Purposes.* –

4 (1) To create a complete and accurate nationwide criminal record database that is
5 an essential element in fighting crime;

6 (2) To require the National Bureau of Investigation and the Philippine National
7 Police to provide information and records for the National Identification Index and the
8 National Fingerprint File in order to provide criminal history records in a timely fashion,
9 to create criminal history records repositories, and for non-criminal justice purposes, to
10 update existing criminal records systems that are currently outdated and contain
11 incomplete or incorrect information; and

12 (3) To make accessible detailed databases of criminal history records, including
13 arrests and dispositions.

14 SECTION 3. *Definition of Terms.* – For the purposes of this Act, the term:

15 (1) “Crime database officer” means an official so designated by the Director of the
16 NBI as the chief administrator of the criminal history record repository or a designee who
17 is a regular full-time employee of that repository;

1 (2) "Criminal history record repository" means the agency designated by the
2 appropriate executive official or the legislature to perform centralized record-keeping
3 functions for criminal-history records and services;

4 (3) "Criminal history records" means information collected by criminal justice
5 agencies on individuals consisting of identifiable descriptions and notations of arrests,
6 detentions, indictments, or other formal criminal charges, and any disposition arising
7 therefrom, including acquittal, sentencing, correctional supervision, or release. The term
8 does not include identification information such as fingerprint records if such information
9 does not indicate involvement of the individual with the criminal justice system;

10 (4) "Criminal justice" encompasses any of the following activities: detection,
11 apprehension, detention, pre-trial release, post-trial release, prosecution, adjudication,
12 correctional supervision, or rehabilitation of accused persons or criminal offenders. The
13 administration of justice shall include criminal identification activities and the collection,
14 storage and dissemination of criminal history records;

15 (5) "Criminal justice agency" means (a) courts; (b) a governmental agency or sub-
16 unit thereof which performs the administration of criminal justice pursuant to a statute or
17 executive order, and which allocates a substantial part of its annual budget to the
18 administration of criminal justice;

19 (6) "Criminal justice services" means services provided by the NBI to criminal
20 justice agencies in response to a request for information about a particular individual or
21 as an update to information previously provided for criminal justice purposes;

22 (7) "Direct access" means access to the National Identification Index by computer
23 terminal or other automated means not requiring the assistance of or intervention by any
24 other party or agency;

25 (8) "Interregional Identification Index System" or "III System" means the system
26 for the storage of criminal history records and includes the National Identification Index,

1 the National Fingerprint File, and the criminal history record repositories of the NBI, the
2 PNP, the courts, and other criminal justice agencies;

3 (9) "National Fingerprint File" means a database of fingerprints, or other uniquely
4 personal identifying information, about an arrested or charged individual maintained by
5 the NBI to provide positive identification of record subjects indexed in the III System;

6 (10) "National Identification Index" means an index maintained by the NBI
7 consisting of names, identifying numbers, and other descriptive information relating to
8 record subjects about whom there are criminal-history records in the III System;

9 (11) "National indices" means the National Identification Index and the National
10 Fingerprint File;

11 (12) "NBI" means the National Bureau of Investigation;

12 (13) "NBI National Office" means the main office which shall have control over
13 the national indices of the national crime database;

14 (14) "Non-criminal justice purposes" means uses of criminal history records for
15 crime prevention and other legitimate law enforcement purposes authorized by law
16 including, but not limited to, employment suitability or licensing determinations,
17 immigration and naturalization matters, and national security clearances;

18 (15) "PNP" means the Philippine National Police;

19 (16) "Positive identification" means a determination, based upon a comparison of
20 fingerprints or other equally reliable biometric identification techniques, that the subject
21 of a record search is the same person as the subject of a criminal-history record or records
22 indexed in the III System; and

23 (17) "Regional unit" means the NBI or PNP regional units covering the fourteen
24 geographical regions in the Philippines, unless otherwise specified.

1 **SECTION 4. *Establishment of National Crime Database Council.* –**

2 (1) There is hereby established a National Crime Database Council which shall
3 have the authority to promulgate rules and procedures governing the use of the III System
4 for criminal justice and non-criminal justice purposes. The Council shall be located, for
5 administrative purposes, within the NBI main office. The Council shall be organized and
6 its first meeting held as soon as practicable after the effective date of this Act.

7 (2) The Council shall consist of the following eight members: –

8 (A) Director of the National Bureau of Investigation;

9 (B) Secretary of Justice;

10 (C) Secretary of the Interior and Local Government;

11 (D) Court Administrator;

12 (E) Chief of the Presidential Anti-Organized Crime Task Force;

13 (F) Head of the Crime Prevention and Coordination Service of the National
14 Police Commission;

15 (G) Director of the Philippine National Police Computer Center; and

16 (H) Representative of a non-governmental organization involved in crime
17 prevention and eradication.

18 (3) The Chairman of the Council shall be a member of and be elected by the
19 members of the Council. The Chairman shall serve a two-year term and may be re-
20 elected to only one additional one-year term.

21 (4) The Council shall have authority to request from the NBI such reports, studies,
22 statistics, or other information or materials as it finds necessary to enable it to perform its
23 duties under this Act. The NBI, to the extent authorized by law, may provide such
24 assistance or information.

25 (5) The Chairman may establish technical or other committees as may be
26 necessary and may prescribe their membership, responsibilities and duration.

1 **SECTION 5. *Development of a Plan for Establishing a National Crime***
2 ***Database.***—

3 **(1) *In General.*** — Not later than forty-five (45) days after the date of enactment of
4 this Act, the National Crime Database Council, in coordination with other criminal-
5 justice agencies, and after consultation with the different regional directors of both the
6 National Bureau of Investigation and the Philippine National Police, shall develop a plan
7 on how to create a national crime database, using the interregional identification index
8 system or III system, to which the criminal justice agencies shall have direct access.

9 **(2) *Objective.*** — The objective of the plan developed under paragraph (1) shall be
10 to establish a national crime database, which shall include the criminal history records,
11 with samples of fingerprints, and the disposition of cases, if any. The existing database of
12 criminal history records being used for employment or travel clearances shall be updated
13 and integrated with the proposed national crime database.

14 **SECTION 6. *Responsibilities of Criminal Justice Agencies.*** —

15 **(1) *NBI Responsibilities.*** —

16 **(A)** The NBI Director shall appoint an NBI Crime Database Officer who
17 will:

18 **(i)** have the responsibility for administering the provisions of this
19 Act within the NBI and the criminal justice agency community;

20 **(ii)** ensure that any provision and rules, procedures and standards
21 established under this Act are complied with; and

22 **(iii)** regulate the use of records received by means of the III System
23 from other criminal justice agencies when such records are supplied by the
24 NBI directly to other criminal justice agencies.

1 **(B)** The NBI will provide to criminal justice agencies and to regional
2 criminal history record repositories, criminal-history records maintained in its
3 database for non-criminal justice purposes described in Section 3, paragraph (14).

4 **(C)** The NBI will provide a telecommunications network and maintain
5 centralized facilities for the exchange of criminal-history records for both criminal
6 justice and non-criminal justice purposes described in Section 3, paragraphs (4)
7 and (14). The NBI will ensure that the exchange of these records for criminal
8 justice purposes has priority over exchange for non-criminal justice purposes.

9 **(D)** The NBI shall modify or enter into user agreements with regional
10 criminal-history record repositories to require them to establish record-request
11 procedures conforming to those prescribed in this Act.

12 ***(2) Responsibilities of the NBI and PNP Regional Units. –***

13 **(A)** Each regional unit shall appoint a crime database officer who will:

14 **(i)** have the responsibility of administering the provisions of this Act
15 within that region;

16 **(ii)** ensure that provisions, rules, procedures, and standards
17 established under this Act, and other forthcoming implementing rules are
18 complied with in the region; and

19 **(iii)** regulate the in-region use of records received by means of the
20 III System from the NBI National Office or from other criminal justice
21 agencies.

22 **(B)** Each regional criminal-history record repository will:

23 **(i)** provide information and records for the National Identification
24 Index and the National Fingerprint File;

1 (ii) provide the region's III System-indexed criminal history records
2 for non-criminal justice purposes described in Section 3, paragraph (14);
3 and

4 (iii) be managed by the regional NBI unit.

5 (C) Each regional unit will participate in the National Fingerprint File.

6 (D) Each regional unit will provide and maintain telecommunications and
7 related equipment necessary to support the services set forth in this Act.

8 (3) *The Courts.* –

9 (A) The courts will provide the data concerning the disposition of cases, to
10 be included in criminal history records.

11 (B) The courts will provide the information as to the status of pending
12 cases.

13 (4) *Compliance with ID System Standards.* –

14 In carrying out their responsibilities under this Act, criminal justice
15 agencies and the NBI will comply with system rules, procedures, and standards
16 duly established under this Act and any implementing rules or regulations issued
17 by the National Crime Database Council, concerning record dissemination and
18 use, response times, data quality, system security, and other aspects of system
19 operation.

20 (5) *Maintenance of Record Services.* –

21 (A) Use of the III System for non-criminal justice purposes authorized in
22 this Act shall be managed so as not to diminish the level of services provided in
23 support of criminal-justice purposes.

24 (B) Administration of the provisions of this Act shall not reduce the level of
25 service available to authorized non-criminal justice users on the effective date of
26 this Act.

1 **SECTION 7. *Authorized Record Disclosures.* –**

2 (1) To the extent authorized by our laws which authorize national indices checks,
3 the NBI National Office criminal-history record repository will provide on request
4 criminal history records to regional criminal history record repositories for non-criminal
5 justice purposes.

6 (2) The NBI National Office criminal history record repository, and regional
7 criminal history record repositories will provide criminal history records to criminal
8 justice agencies and other governmental or nongovernmental agencies for non-criminal
9 justice purposes allowed by our laws, which authorize national indices checks.

10 (3) Records obtained under this Act may be used only for the official purposes for
11 which they were requested. Implementing rules and regulations shall be issued, that shall
12 establish procedures and measures consistent with the provisions of this Act, to ensure
13 that records are used only by authorized officials for authorized purposes and to require
14 that subsequent record checks are requested to obtain current information whenever a
15 new need arises. These procedures must ensure that record entries that may not legally be
16 used for a particular non-criminal justice purpose will be deleted from the response and,
17 if no information authorized for release remains, an appropriate “no record” response will
18 be communicated to the requesting official.

19 **SECTION 8. *Record-Request procedures.* –**

20 (1) Applicant fingerprints or other approved forms of positive identification will
21 be submitted with all requests for criminal-history record checks for non-criminal justice
22 purposes.

23 (2) Requests for criminal-history record checks utilizing the National Indices made
24 under any law shall be submitted through that regional criminal-history record repository.
25 A regional criminal history record repository will process interregional requests for non-

1 criminal justice purposes through the national indices only if such requests are
2 transmitted through another regional criminal-history record repository or the NBI
3 National Office.

4 (3) Requests for criminal-history record checks utilizing the National Indices made
5 under any law shall be submitted through the NBI National Office or, if the repository
6 consents to process fingerprint submissions, through the repository in the region in which
7 such requests originated. Direct access to the National Identification Index by entities
8 other than the NBI National Office and regional criminal-history records repositories
9 shall not be permitted for non-criminal justice purposes.

10 (4) The NBI National Office and the regional criminal-history record repository
11 may charge fees for handling requests involving fingerprint processing for non-criminal
12 justice purposes. No fees will be charged, however, for providing criminal-history
13 records in response to an electronic request for a record that does not involve a request to
14 process fingerprints.

15 (5) If a regional repository cannot positively identify the subject of a record
16 request made for non-criminal justice purposes, then the request, together with
17 fingerprints or other approved identifying information, will be forwarded to the NBI
18 National Office for a search of the national indices. If the NBI positively identifies the
19 subject as having an III System-indexed record or records, then the NBI will so advise the
20 regional repository that submitted the request. The repository will then be entitled to
21 obtain additional criminal history record information from the NBI or other regional
22 repositories.

23 SECTION 9. *Criminal-history Record Upgrades.* – The National Crime Database
24 Council shall issue guidelines that shall require: –

1 (1) that all arrest reports and final disposition orders are submitted to the nearest
2 regional repository, or if there is none, to the NBI National Office criminal history
3 records repository within seven days;

4 (2) the regional repository to enter these records and orders into the database not
5 more than 24 hours after the repository receives the information;

6 (3) the NBI regional unit handling the repository to conduct audits, at least
7 annually, of the region's criminal records to ensure that such records contain correct and
8 complete information about every arrest and report the results of each audit to the
9 National Crime Database Council;

10 (4) the NBI regional director whose unit is managing the regional repository to
11 certify to the National Crime Database Council, on January 1 of each year, that the
12 criminal justice agencies, courts, and records officials of the regions are in compliance
13 with this section; and

14 (5) such other conditions as the National Crime Database Council determines are
15 necessary.

16 **SECTION 10. *Authorization of Appropriations.*** – For the purpose of carrying out
17 this Act, there are authorized to be appropriated to the National Crime Database Council
18 Ten Million Pesos (P10,000,000.00) for every fiscal year and such sums as may be
19 necessary to carry out the provisions of this Act.

20 **SECTION 11. *Separability Clause.*** – If any provision of this Act is held invalid or
21 unconstitutional, the same shall not affect the validity and effectivity of the other
22 provisions hereof.

1 SECTION 12. *Repealing Clause.* – All laws, decrees, orders, and issuances, or
2 portions thereof, which are inconsistent with the provisions of this Act, are hereby
3 repealed, amended or modified accordingly.

4 SECTION 13. *Effectivity Clause.* – This Act shall take effect fifteen (15) days
5 after its publication in the *Official Gazette* or in two (2) newspapers of general
6 circulation.

Approved,

/ml26Nov2015