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SENATE
S. B. No. 1897

Introduced by Senator Francis N. Pangilinan

EXPLANATORY NOTE

Philippine crime rate continues to escalate in magnitude and intensity. Law enforcement agencies do not seem able to deliver and respond accordingly to prevent or combat commission of these crimes and offenses.

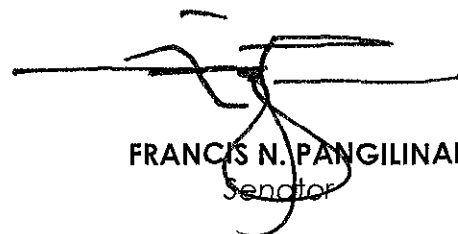
It is not so hard to comprehend the rationale for the seeming inability of our law enforcement agencies to fight crimes in the country. Our National Bureau of Investigation, for one, has its foundation from an age-old organizational system and procedures established almost seven (7) decades ago when the National Bureau of Investigation (NBI) was created upon approval of Commonwealth Act No. 181 by the legislature on November 13, 1936.

The NBI, thus, is presently faced with bureaucratic restrictions and resource -technology, human, and financial limitations.

If the National Bureau of Investigation (NBI) is keenly willing and eager to fight crimes in the country, the structural challenges of the present institution must be addressed. The NBI shall be adequately equipped in terms of fully-trained and highly-skilled personnel, state-of-the-art equipment and facilities, and competent logistics for mobilization.

Thus, the instant bill entitled "The National Bureau of Investigation Reorganization and Modernization Act of 2005" which proposes to recognize, modernize and expand the NBI to provide the agency the much needed capacity to successfully address the "high tech" level at which criminals pursue their "trade", cannot be more than timely apt.

In view of the foregoing considerations, the immediate approval of this bill is therefore urgently recommended.


FRANCIS N. PANGILINAN
Senator

Introduced by Senator Francis N. Pangilinan

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

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

SECTION 1. Title. – This Act shall be known as the **“National Bureau of Investigation Reorganization and Modernization act of 2005”**.

SEC. 2. Declaration of Policy. – It is the policy of the State to promote and maintain a modern investigative body, functionally integrated and national in scope.

Towards this end, the State hereby adopts the policy of implementing plans and programs to ensure respect for the rule of law through a modern, professional, competent an effective and wholistic drug treatment and rehabilitation system in the country.

SEC. 3. Reorganization and Modernization of the National Bureau of Investigation. – The National Bureau of Investigation (NBI), hereinafter referred to as the Bureau, is hereby reorganized and modernized to meet the standards of an investigative and detective agency with expanded structure and manpower responsive to the demands of the times. The reorganized Bureau shall be under the administrative supervision of the Department of Justice (DOJ).

SEC. 4. Powers and Functions. – The Bureau shall have the following powers and functions:

- 1.) To undertake investigation and detection of crimes and other offenses against the laws of the Philippines, upon its own initiative or upon complaint or request of a private or government entity.

Once the Bureau has commended its own investigation of any heinous crime, it shall be the lead agency to continue the investigation. Where the investigation of violations of special laws is vested upon another agency and said agency has commenced such investigation, the Bureau shall exercise only a supportive and coordinative role unless directed by the President or the Secretary of Justice to conduct an independent investigation or when so requested by the agency concerned or the victim's family.

- 2) a. To act as a national clearing house of all criminal records and other information for the benefit and use of the judicial, quasi-judicial and administrative bodies, prosecuting and law-enforcement entities of the Philippines, and such other agencies and entities of the government whenever necessary in the performance of their mandate;
- b. To act as repository of records of fingerprints, palmprints, footprints, and other identification records;
- c. To act as repository of ballistics records of firearms including but not limited to data on ownership, possession and other related identifying circumstances;
- d. To act as repository of dental records pursuant to P.D. 1575; and
- e. To have control and supervision over the National DNA Database.
- 3) To render technical assistance to the judicial, quasi-judicial and administrative bodies, prosecuting and law-enforcement agencies, and such other agencies or entities of the government whenever requested;
- 4) To establish district the *National Bureau of Investigation National Academy* which shall be responsible for the training and development of the human resources of the Bureau and other government entities as well as those of the private sector;
- 5) To establish district offices in every congressional district in the country (except in Metro Manila)
- 6) To establish adequate and suitable rehabilitation centers nationwide for drug dependents to be known as *NBI DRUG AND REHABILITATION CENTERS* whose main function is to provide medical, psychiatric and other related services to drug dependents admitted in said Centers;
- 7) To establish and maintain modern forensic science laboratories nationwide, and to conduct researches and avail of training and development programs (local and foreign) in furtherance of scientific knowledge in criminal investigation and detection;
- 8) To establish and maintain an *integrated, comprehensive, and state-of-the-art* communications network, equipment, and technical services and provide and/or avail corresponding training on said fields;
- 9) To enlist the assistance of the Philippine National Police (PNP), Armed Forces of the Philippines (AFP), or any other branch, department, bureau, office, agency or instrumentality of the government including government-owned and/or controlled corporation, in the anti-crime drive, which may include the use of the enlisted body's personnel, facilities, and resources for a more resolute prevention, detection, and investigation of crimes and the prosecution of criminal offenders; and
- 10) To perform such related functions as the Secretary of Justice may assign from time to time.

SEC. 5. Structure. – The Bureau shall be composed of a Director, a Deputy Director, and eight (8) Assistant Directors for the following services:

1. Special Investigation Services;
2. Regional Operations Services;
3. Intelligence Services;
4. Comptroller Services;
5. Administrative Services;
6. Human Resources Services;
7. Technical Services; and
8. Legal Services.

It shall maintain the present regional offices and expand the existing district offices by establishing an NBI District Office in every congressional district nationwide (except in Metro Manila);

The Bureau shall be composed of at least fourteen thousand (14,000) employees, five thousand (5,000) of whom shall be Agents/Special Investigators deployed in all congressional district and who, together with the existing and qualified personnel of the NBI, shall form the nucleus of the newly organized and modernized Bureau: *Provided*, That such number of employees may, from time to time, as the exigency of the service may require, be increased by the Director.

SEC. 6. The Director. – The Bureau shall be headed by a Director who shall be appointed by the President of the Philippines for a term of six (6) years who may not be removed from office except for cause. He shall have the same rank, salary and privileges of an Undersecretary. In case of permanent vacancy, the next appointee to the position shall serve only the unexpired portion of the term.

SEC. 7. Qualifications of the Director. – The Director of the Bureau must be a citizen of the Philippines; a member of the Integrated Bar of the Philippines (IBP) in good standing of at least ten (10) years prior to his appointment; must be a career officer of the Bureau either as Deputy Director or Assistant Director, and must have served the Bureau for a continuous period of at least ten (10) years.

SEC. 8. Powers and Functions of the Director. – The Director shall have the following powers and functions:

- (1) As the disciplining authority in the Bureau, to resort to summary proceedings subject to due process of law, order the removal or dismissal of any employee of the Bureau who are non-presidential appointees, under any of the following circumstances:
 - a) When the charge is serious and the evidence of guilt is strong;
 - b) When the respondent is a recidivist or has been repeatedly charged and there is reasonable ground to believe that he is guilty of the present charge; and
 - c) When the respondent is notoriously undesirable.

PROVIDED, That the removal or dismissal, except those by the President himself or upon his order, may be appealed to the Civil Service Commission (CSC).

- (2) Establish policies and standards for effective, efficient and economical operation of the Bureau in accordance with the programs of government;

- (3) Exercise direct supervision and control over all functions and activities of the Bureau including the transfer of officials and personnel in the exigency of the service;
- (4) Promulgate rules and regulations necessary to carry out the objectives, policies, plans and programs of the Bureau;
- (5) Establish as many regional branches and/or district offices and divisions as the exigencies of the services may require;
- (6) To determine from time to time, and depending on the availability of funds, the limits to which, in terms of amount and period covered, hazard, amelioration, allowance, and incentive pay that may be given to employees of the bureau;
- (7) To deploy any Bureau official and 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 (DFA);
- (8) To hire consultants for such length of time as may be deemed required by the exigencies of the service;
- (9) To appoint confidential agents and issue permits to carry firearms outside of residence and mission orders;
- (10) Perform such other related functions as may be provided by law or authorized by higher authority.

SEC. 9. Deputy Director and Assistant Directors: Their qualifications and functions. – The Director shall be assisted by a Deputy Director and eight (8) Assistant Directors whose basic qualifications and functions are herein below stated:

- a. *Deputy Director.* He must be a citizen of the Philippines and a member of the Integrated bar of the Philippines (IBP) in good standing and must have rendered a minimum of ten (10) years as Assistant Regional Director or three (3) years as Regional Director;
- b. *Assistant Director for Special Investigation Services.* He must be a citizen of the Philippines and a member of the Integrated Bar of the Philippines (IBP) in good standing, and must have rendered a minimum of ten (10) years continuous and satisfactory service to the Bureau, three (3) years of which must have been as Regional Director or five (5) years as Assistant Regional Director;
- c. *Assistant Director for Regional Operations Services.* He must be a citizen of the Philippines and a member of the IBP in good standing, and must have rendered a minimum of ten (10) years continuous and satisfactory service to the Bureau, three (3) years of which must have been as Regional Director or five (5) years as Assistant Regional Director;
- d. *Assistant Director fro Intelligence Services.* He must be a citizen of the Philippines and a member of the IBP in good standing, and must have rendered a minimum of ten (10) years of continuous and satisfactory service to the Bureau, three (3) years of which must

have been as Regional Director or five (5) years as Assistant Regional Director.

- e. *Assistant Director for Administrative Services.* He must be a citizen of the Philippines, a member of the IBP in good standing and must have rendered a minimum of ten (10) years of continuous and satisfactory service to the Bureau, three (3) years as Regional Director or five (5) years as Assistant Regional Director;
- f. *Assistant director for Comptrollership Services.* He must be a citizen of the Philippines and a member of the IBP in good standing and must have rendered a minimum of ten (10) years continuous and satisfactory service to the Bureau, three (3) years of which must have been as Regional Director or five (5) years as Assistant Regional Director;
- g. *Assistant Director for human Resources Development Services.* He must be a citizen of the Philippines and a member of the IBP in good standing and must have rendered ten (10) years continuous and satisfactory service to the bureau, three (3) years of which must have been as Regional Director or five (5) years as Assistant Regional Director ;
- h. *Assistant Director for Technical Services.* He must be a citizen of the Philippines and a member of the IBP in good standing and must have rendered ten (10) years continuous and satisfactory service to the bureau, three (3) years of which must have been as Regional Director or five (5) years as Assistant Regional Director ;
- i. *Assistant Regional Director for Legal Services.* He must be a citizen of the Philippines and a member of the IBP in good standing who must have rendered either actual continuous service as Legal Officer for at least (10) years, five (5) years of which must be as Chief of any Division under the service or must have been as Regional Director for at least three (3) years or five (5) years as Assistant Regional Director.

All Assistant Directors shall have equal rank and basic salaries.

SEC. 10. Basic Qualifications of the Regional Directors. – There shall be a Regional Director (RD) in every regional office who shall be appointed by the President of the Philippines. The Regional Director must be an Agent of the Bureau, at least forty (40) years of age, and must have rendered a continuous and uninterrupted service in the Bureau for at least ten (10) years, seven (7) years of which must have been with the investigate or intelligence service.

The Regional Director is the alter-ego of the Director in his area of responsibility; he implements policies and programs of the Bureau; and performs such other functions and duties as are assigned to him by the Director.

SEC. 11. Basic qualifications of the Assistant Regional Director. – Assistant Regional Director (ARD) shall be appointed by the President of the Philippines. The Assistant Regional Director must be an Agent of the Bureau, at least thirty five (35) years of age, and must have rendered a continuous and an interrupted service in the Bureau for at least eight (8) years, five (5) years of which must have been in a supervisory capacity in the investigative or intelligence service.

SEC. 12. Qualifications of NBI Agents. – Agents of the Bureau must be citizens of the Philippines, of good moral character, members of the Integrated Bar of the Philippines (IBP) in good standing;

Only Agents of the Bureau shall be appointed to the positions of Chiefs and Assistant Chiefs of Divisions of the Investigative, Intelligence and Regional Operations Services.

SEC. 13. Powers and Functions of NBI Agents. – The Director, Deputy Director, Assistant Directors, Assistant Regional Directors and Agents shall have the following powers and functions:

1. To make arrest, searches and seizures in accordance with existing laws, rules and regulations;
2. To issue subpoena or subpoena duces tecum: *PROVIDED*, That failure to obey a subpoena or subpoena duces tecum issued under this Section without justification shall be punished for contempt under the Rules of Court;
3. To take sworn statements of any person or persons so summoned in relation to cases under investigation, subject to constitutional restrictions;
4. To administer oaths pertaining upon cases under investigation;
5. To own, possess, and carry outside of their office and residence suitable and adequate firearms for their personal protection in connection with their duties and for the proper protection of witnesses and person in custody: *PROVIDED*, That no previous special permit for such possession shall be required; and *PROVIDED*, further, That the Director, in appropriate cases may in his discretion issue such permit to possess and carry firearms outside of residence to persons as may be necessary in the interest of the service; and
6. To have access, secure, take custody and photocopy any and all private and public records which may be used as evidence in connection with any investigation being conducted by the Bureau, notwithstanding existing laws to the contrary.

SEC. 14. Qualifications of Special Investigators. – Agents in the investigation of cases shall be supported, assisted and complemented by Special Investigators. Special investigators shall be under the supervision of Agents and whose minimum qualifications are as follows:

- a) Must be citizens of the Philippines;
- b) Must be a holder of a four-year college degree;
- c) Must have at least two years of study leading to a bachelor's degree in law;
- d) Must have passed a government licensure examination administered by the Professional Regulations Commission (PRC) or a holder of a first grade civil service eligibility.

SEC. 15. Duties and Functions of Special Investigators. – The Bureau's Special Investigators shall have the following duties and functions:

1. To make arrest, searches, and seizures in accordance with existing laws, rules and regulations;
2. To take sworn statements of any person or persons so summoned in relations to cases under investigation, subject to constitutional restrictions; and
3. To own, possess, and carry outside of their office and residence suitable and adequate firearms for their personal protection in connection with their duties and for the proper protection of witnesses and person in custody: PROVIDED, That no previous special permit for such possession shall be required; and PROVIDED, further, That the Director, in appropriate cases may in his discretion issue such permit to possess and carry firearms outside of residence to persons as may be necessary in the interest of the service.

SEC. 16. Non-Agent Lawyers and Other Specialized Technical Support Personnel. – Non-agent lawyers and highly specialized technical personnel such as physicians, chemist and the like shall enjoy the same salary, benefit, and privileges of the Bureau's Special Investigator, provided they have passed the appropriate government licensure examination administered by the Professional Regulation Commission (PRC) for the particular field.

SEC. 17. Exemption from the Salary Standardization Law. – All positions in the reorganized Bureau shall be exempted from the coverage of Republic Act No. 6758 otherwise known as the "Salary Standardization Law".

SEC. 18. Longevity Pay. – All Bureau officials and regular employees shall be entitled to a month longevity pay as follows:

- a) 5% of his base pay after five (5) years of continuous and faithful service;
- b) 10% of his base pay after ten (10) years of continuous and faithful service;
- c) 15% (maximum) of his base pay after fifteen years of continuous and faithful service.

SEC. 19. Death and Disability Benefit. – The compulsory heirs or the designated beneficiaries of the Bureau's Agents, Special Investigators, or any member of the investigative team who may die while in the performance of their official functions shall receive the amount of Five Hundred Thousand Pesos (P500,000.00) as death benefit: Provided, That if permanent disability results from the performance of official function, the Agent, Special Investigator, or member of the investigative team, shall likewise receive said death benefit.

For this purpose, the amount of fifty million pesos (P50,000,000.00) is hereby appropriated as initial fund and thereafter such amount shall be increased from time to time so as to respond to future exigencies.

SEC. 20. Trust Fund for Legal Assistance. – A special fund shall be established to assist Bureau Personnel who are charged either before the Ombudsman or any judicial body in connection with the performance of official function. An Amount of Three Million Pesos (P3,000,000.00) is hereby appropriated as initial trust fund for this purpose. Two percent (2%) of the Bureau's yearly collection of clearance fees shall be appropriated for the

implementation and maintenance of the special trust fund. To carry out this provision, the Director is hereby authorized to administer and issue implementing guidelines as may be necessary therefore.

SEC. 21. *Transitory Provisions.* – All unexpected appropriations, real and personal property, contracts, records, and documents relating to the existing NBI shall be transferred to the newly reorganized and modernized Bureau.

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

Officials and employees of the existing NBI shall be absorbed into the newly reorganized and modernized Bureau on the Basis of continued satisfactory performance: Provided, That officers and employees who shall be separated from the service as a result of the reorganization and modernization shall be entitled to gratuity as specified under civil service laws, rules and regulations or under the law of general application in force at the time of their separation.

SEC. 22. *Appropriations.* – For the implementation of this Act, there is hereby appropriated an initial amount of One Billion Three Hundred Million Pesos (P1,300,000.00) intended for salaries and wages, traveling and other expenses of personnel, supplies, materials and equipment and for such other expenditures as may be needed for the operation and maintenance of the Bureau. Henceforth, the appropriation provided in the current General Appropriations Act and other special laws for the implementation of this Act.

Additional funding to fully implement the required personnel, maintenance and other operations and capital outlays down to congressional district levels shall be included in the subsequent agency annual budget: Provided, That the organizational framework and staffing pattern of the newly reorganized and modernized Bureau shall be prescribed and approved by the Director within sixty (60) days after the approval of this Act and authorized positions created herein shall be filled by regular appointments by the Director.

Towards such objectives, the Bureau is hereby authorized to retain fifty percent (50%) of its revenues from fees collected from the issuance of clearances and other related services to augment operating and maintenance expenses, including additional confidential/intelligence expenses; overtime pay; outlays for the acquisition of investigative/intelligence and forensic laboratory equipment, as well as outlays for the construction of buildings.

SEC. 23. *Periodic Performance Evaluation.* – The Bureau shall formulate and enforce a system of measuring and evaluating periodically and objectively its performance and submit its report annually to the President through the Secretary of Justice

SEC. 24. *Implementing Rules and Regulations.* – The Bureau shall promulgate the necessary rules and regulations for the effective implementation of this Act.

SEC. 25. *Repealing Clause.* – The provisions of Republic Acts Nos. 157, 2389 and 2678 and all other acts or Executive issuance inconsistent herewith are hereby repealed or amended accordingly.

SEC. 26. Separability Clause. – If any provision of this Act is declared unconstitutional, the same shall not affect the validity and effectivity of the other provisions hereof.

Sec. 27. Effectivity. – This Act shall take effect after fifteen (15) days following its complete publication in the *Official Gazette* or in at least two (2) newspapers of general circulation.

Approved,