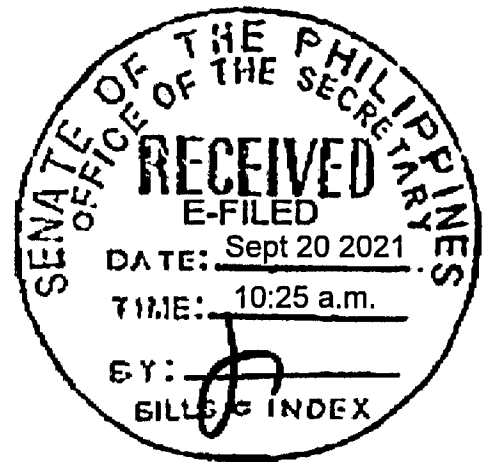


EIGHTEENTH CONGRESS OF THE)
REPUBLIC OF THE PHILIPPINES)
Third Regular Session)



SENATE

S.B. No. 2405

Introduced by SENATOR RONALD "BATO" DELA ROSA

**AN ACT
STRENGTHENING THE REGULATION OF PRIVATE SECURITY SERVICES
INDUSTRY, REPEALING FOR THE PURPOSE, REPUBLIC ACT NO. 5487,
ENTITLED, "AN ACT TO REGULATE THE ORGANIZATION AND OPERATION
OF PRIVATE DETECTIVE, WATCHMEN OR SECURITY GUARD AGENCIES", AS
AMENDED**

EXPLANATORY NOTE

It is a declared policy of the State, as provided in Section 5 of the 1987 Philippine Constitution, to wit:

"The maintenance of peace and order, the protection of life, liberty, and property, and promotion of the general welfare are essential for the enjoyment by all the people of the blessings of democracy."

The government acknowledges the role of security guards and other private security professionals in the country. They are considered by the Philippine National Police as force multipliers in maintaining peace and order, and providing security and protection to the community.

Republic Act (RA) No. 5487, otherwise known as The Private Security Agency Law was approved on June 21, 1969. In October 1972, certain provisions of the law was amended by Presidential Decree No. 11. Surely, in a span of 52 years, the private security industry has seen its share of changes and adjustments. And the most obvious question is whether RA 5487 is still capable of providing order to the Private Security

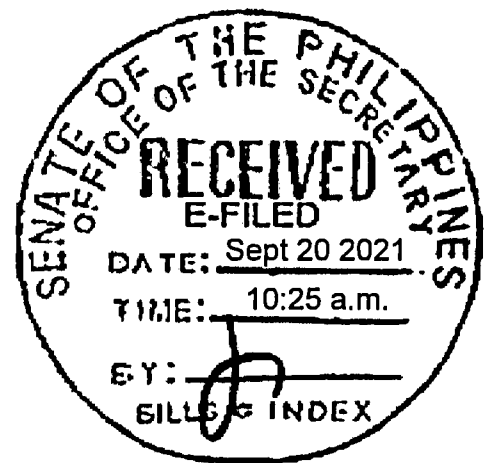
Industry as well as protecting the rights of those who belong to it. If not, then it is likewise our duty to identify its gaps and inadequacies.

This proposed legislation seeks to primarily strengthen the regulation of the private security services industry in order to adapt to the development and advancement of the current times and to provide the needed protection for all security guards and other private security personnel. The enactment of this proposed measure is long overdue.

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


RONALD "BATO" DELA ROSA

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

CHAPTER I
GENERAL PROVISIONS

1 SECTION 1. *Short Title.* - This Act shall be known as "The Private Security Services
2 Industry Act".

3

4 SEC. 2. *Declaration of Policies.* - The State recognizes the vital role of the private
5 sector in the protection of the people and safeguarding of property as well as
6 maintenance of peace and order in the country.

7

8 Towards this end, the State shall adopt measures to strengthen the regulation
9 of private security services industry and establish quality standards to ensure
10 competent private security personnel and professionals that complements our law
11 enforcement authorities in preservation of public order in the country.

12

13

1 SEC. 3. *Definition of Terms.* – As used in this Act:

- 2 a. *Company Guard Force* refers to a security force maintained and operated by
3 any private sole proprietorship, one-man corporation, company/corporation,
4 association or cooperative utilizing any of its employees to watch, secure or
5 guard its business establishment premises, compound or properties.
- 6 b. *License to Exercise Security Profession (LESP)* refers to a permit issued by the
7 Chief of the PNP or the duly authorized representative, recognizing a natural
8 person to be qualified to perform the duties as security professional or training
9 personnel.
- 10 c. *License to Operate (LTO)* refers to a permit issued by the Chief PNP or the duly
11 authorized representative, certifying and authorizing a person to engage in
12 employing and deploying security guards, K9 teams, protection agents, private
13 detectives and other licensed specialized security personnel; or a juridical
14 person to establish, engage, direct, manage or operate a private detective
15 agency or private security agency or company guard force after payment of
16 the prescribed dues or fees and after complying with all the requirements as
17 provided by the rules and regulations implementing this Act.
- 18 d. *Pre-Licensing Training Programs* refer to licensing pre-requisite and pre-
19 licensing training programs that include all training and academic programs
20 and courses with the objective to indoctrinate the individual with the basic skills
21 and educational backgrounds necessary in the effective exercise and
22 performance of the security and detective profession. These include, but are
23 not limited to, the Basic Security Guard Course and the Security Officers
24 Training Course.
- 25 e. *Private Investigator* refers to a duly licensed private security personnel to
26 perform detective, investigative and business intelligence.
- 27 f. *Private Investigation Agency* refers to any duly licensed entity that employs
28 and deploys private investigators; or provides detective and investigative
29 services in consideration for a management and administrative fee.
- 30 g. *Private Security Agency* refers to any person, natural or juridical, who contracts,
31 recruits, trains, furnishes or posts any security guard, to perform its functions
32 or solicit individuals, businesses, firms, or private, public or government-owned

1 or controlled corporations to engage its service or those of his/its security
2 guards, for hire, commission or compensation thru subscription or as a
3 consultant/trainer to any private or public corporation whose business or
4 transactions involve national security or interest like the operation and/or
5 management of domestic or ocean vessels, airplanes, helicopters, seaports,
6 airports heliports, landing strips etc., or as consultant on any security related
7 matter, or to provide highly specialized security, private escort, detective and
8 investigation services like gangway security, catering security, passenger
9 profiling, baggage examination, providing security on board vessels or aircraft,
10 or other security needs that PNP may approve.

11 h. *Private Security Industry* refers to the industry that is engaged in providing
12 security consulting, management, administration, operation, and provision of
13 private or company watchman, guarding, investigative work, security training,
14 K9 security, providers of security hardware, security hardware operation,
15 personal protection services, security consultant, Security uniform and
16 paraphernalia suppliers and the consumers of the services thereof.

17 i. *Private Security Professional* refers to a person who is issued a valid LESP of
18 any classification or category, issued by the designated government Agency
19 after satisfying all the qualifications and requirements set for by this law and
20 its implementing rules and regulations. It includes Security Watchmen, Security
21 Guards, Security Officers, Personal Security Escorts, Private Investigator,
22 Training Officers and Directors, K9 Handlers, K9 Administrators, K9 Evaluators,
23 K9 Trainers, Kennel Masters and other Certified or Licensed Security Service
24 Providers rendering or performing security, Investigation, Security Escorting
25 Services, Security Hardware Planners and Systems Designers, Security
26 Hardware Operators, Security Managers, Security Consultants whether
27 employed by private security agencies, private corporations, government
28 agencies or independently practicing or providing professional security
29 services.

30 j. *Private Security Services* refers to the act of providing or rendering security
31 services for compensation pursuant to a mutually agreed terms of reference
32 and contract and shall include the act of providing or rendering services to

1 watch an establishment whether public or private, building, compound/area or
2 property, to conduct access control/denial in any form whether physically,
3 manually or scientifically by electronic monitoring systems, for the purpose of
4 securing such area/property and at the same time ensuring safety and
5 protection of persons within such areas, to maintain peace and order within
6 such areas, to conduct private security training, and/or to conduct
7 investigation. It shall also include the act of contracting, recruiting, training,
8 furnishing or posting any security guard, to do its functions or solicit individuals,
9 businesses, firms, or private, public or government-owned or controlled
10 corporations to engage his/its service or those of his/its security guards, for
11 hire, commission or compensation thru subscription or as a consultant/trainer
12 to any private or public corporation.

13 k. *Private Security Training* refers to training and academic programs and courses
14 duly approved and prescribed by the PNP and adopted by the Technical
15 Education and Skills Development Authority (TESDA). It includes the pre-
16 licensing requirements of individual security guards and other security
17 personnel approved by RA 5487, the periodic and non-periodic in-service skill
18 refreshers for such security personnel, and other specialized, individual or
19 group, private security personnel skills development.

20 l. *Security Consultant* refers to a security professional authorized by law to
21 provide security services such a designing and formulation of a Security Plan,
22 Threat and Vulnerability Assessment, Resiliency Planning, Security Surveying,
23 Security Auditing, Risk Management, Travel Security Training, Event Security
24 Planning and Management, Emergency and Incident Planning and
25 Management, Crisis Management, Business Continuity and other services
26 related to the formulation of security-related solutions other than providing
27 guards and watchmen.

28
29 **CHAPTER II**
30 **REGISTRATION AND LICENSING OF PRIVATE SECURITY AGENCY**

31

1 SEC. 4. *Private Security Agency (PSA)*. – Any Filipino citizen or juridical entity wholly
2 owned and controlled by Filipino citizens may organize a private security agency and
3 provide security services.

4
5 SEC. 5. *PSA Operator or Licensee*. – No applicant shall be granted license to operate
6 PSA unless the applicant possesses the following qualifications:

- 7 a. Must be at least twenty-five (25) years of age;
- 8 b. Must hold a bachelor's degree;
- 9 c. Must be a part owner of the company or in case of juridical entity, holder of at
10 least one (1) share of stock with voting rights;
- 11 d. Must be of good moral character;
- 12 e. Must not have been convicted ~~no previous record of any conviction~~ of any crime
13 or offense involving moral turpitude; and
- 14 f. Must be physically and mentally fit, and passed the neuro-psychiatric test and
15 drug test administered by the PNP or other similar government centers and
16 facilities:

17 *Provided*, That in case of juridical entity, the named operator or licensee shall
18 be its President or any of its directors complying with the above requirements and
19 duly authorized by their Board of Directors.

20
21 SEC. 6. *License to Operate (LTO)* - A license to operate (LTO) issued by the Chief PNP
22 is required to operate and manage a PSA and, PSTA: *Provided*, That LTO for PSTA
23 shall be granted only to a training school, institute, academy, or educational institution
24 which offers courses prescribed and approved by the PNP or training programs
25 accredited by TESDA.

26
27 SEC. 7. *Period of Validity of LTO*. – LTO issued to PSA and PSTA shall be valid for a
28 maximum period of five (5) years, subject to renewal: *Provided*, That the Chief PNP
29 may set a shorter validity period for LTO with applicable fees adjusted accordingly.

30
31 SEC. 8. *Fees and Bond to be Paid* – Every application for LTO shall be accompanied
32 by a bond issued by competent or reputable surety, fidelity or insurance company,

1 duly accredited by the Insurance Commission. The bond shall be used to answer to
2 any valid and legal claim against the agency by its clients or employees. The amount
3 of bond shall be determined by the Chief PNP depending on the number of PSPs
4 employed.

5
6 **SEC. 9. *Administrative Fee of Private Security Agencies.*** - The minimum administrative
7 fee that may be charged by PSAs to its clients shall not be less than twenty per cent
8 (20%) of the total contract cost, subject to adjustment by the Department of Labor
9 and Employment: *Provided*, That additional fees shall be charged for the acquisition
10 and maintenance of extraneous tools and equipment used for security operation by
11 the agency required by the clients and for the continuous deployment of private
12 security professionals in hazardous conditions.

13
14 **SEC. 10. *Issuance of Firearms.*** – Ownership and possession by PSAs and its PSPs
15 shall be in accordance with Republic Act No. 10591, entitled “An Act Providing for a
16 Comprehensive Law on Firearms and Ammunition and Providing Penalties Thereof”:
17 *Provided*, That possession of firearms by PSPs shall only be allowed during its time of
18 duty: *Provided, further*, That inventory of firearms of PSAs shall be subject to periodic
19 inspection by the PNP.

20
21 **SEC. 11. *Uniform.*** – The uniform of private security personnel shall be different from
22 the uniform worn and prescribed for members of the AFP, the PNP and other law
23 enforcement authorities. The Chief PNP, through the authorized representative, shall
24 prescribe the uniform, ornaments, equipment and paraphernalia to be worn by the
25 private security professionals while on duty.

26
27 **CHAPTER III**
28 **PRIVATE SECURITY PROFESSIONALS**
29

30 **SEC. 12. *License to Exercise Private Security Profession (LESP).*** - No applicant shall be
31 granted license to exercise Private Security Profession unless the applicant possesses
32 the following qualifications:

- 33 a. Must be a Filipino citizen;

- 1 b. Must be physically and mentally fit;
- 2 c. Must be of good moral character; and
- 3 d. Must not have been convicted of any crime involving moral turpitude.

4 For purposes of securing an LESP, a letter of authority to conduct training must
5 be issued by the SOSIA. Such training includes the pre-licensing requirements of the
6 individual private security professionals, periodic and non-periodic in-service skill
7 refreshers for such security personnel, and other specialized, individual or group,
8 private security personnel skills development: *Provided*, That the PNP Chief shall
9 provide for additional qualifications for Security Consultant and Security Officers based
10 on the industry requirements and practice.

11
12 *Sec. 13. Period of Validity of LESP.* - The LESP of duly qualified private security
13 professionals shall be valid for a period of five (5) years from the date of its issuance.

14
15 *SEC. 14. Pre-Licensing Training.* No person shall be granted LESP without undergoing
16 Pre-Licensing Training Program as defined in this Act.

17
18 *SEC. 15. Ladderized Training and Education.* – The PNP, in partnership with private
19 security training institution or public institutions duly accredited by the government to
20 provide such training education to private security professionals, shall develop
21 ladderized training and education which include basic security guard courses,
22 specialized security guard courses, security officers training courses, whether
23 specialized or not, detective training courses, and candidate protection agent courses.
24 It shall also include enhancement trainings, such as but not limited to, supervisory
25 trainings, personal upliftment and other specialized trainings to place the security
26 professional a level up from his current position.

27
28 **CHAPTER IV**
29 **PENAL PROVISIONS**

30
31 *SEC. 16. Penal Clause.* – Any violation of the provisions of this Act, after due notice
32 and hearing, shall suffer the corresponding penalties herein provided:

- 1 a. A license to operate of PSA may be cancelled, revoked or suspended by the
2 Chief PNP when:
- 3 1. It takes part in an armed conflict against the government;
 - 4 2. It uses force or the threat of force or those it represents in a
5 national or local electoral contest;
 - 6 3. It uses its authority to be involved in human rights violations;
 - 7 4. It is used as a privately-owned and operated para-military
8 organization operating outside of the regulatory framework
9 established by this law and the implementing rules and
10 regulations adopted by the PNP;
 - 11 5. It intentionally and maliciously makes use of electronic security
12 devices or remote video surveillance in a manner that violates the
13 privacy of civilians;
 - 14 6. It acted grossly negligent in dealing with violations, or mistakes
15 of its members, or incompetency in its ranks;
 - 16 7. Its named operator or licensee is convicted by final judgement of
17 any crime or felony;
 - 18 8. It violates any provision of the Labor Code of the Philippines, as
19 amended, including its implementing rules and regulations; and
 - 20 9. It acted in a manner which renders the private security agency a
21 detriment to the maintenance of peace and order.
- 22 b. Any PSAs or any entity which operates without a valid LTO shall suffer the
23 penalty of fine of not less than one million pesos (P1,000,000.00) and not more
24 than five million pesos (P5,000,000.00) at the discretion of the Chief PNP;
- 25 c. Any PSAs or any entity which operates with an expired LTO shall suffer the
26 penalty of fine of not less than fifty thousand pesos (P50,000.00) and not more
27 than one hundred thousand pesos (P100,000.00) at the discretion of the Chief
28 PNP.
- 29 d. Any person practicing Private Security Profession without a valid license or
30 expired license shall suffer the penalty of fine of not less than fifty thousand
31 pesos (P50,000.00) and not more than one hundred thousand pesos
32 (P100,000.00) at the discretion of the Chief PNP;

1 e. Any person who offers to render or renders services to persons or places
2 conducting illegal activities shall suffer the penalty of imprisonment of not less
3 than twelve (12) years and one day to twenty (20) years, and a fine of one
4 million pesos (P1,000,000), at the discretion of the court, without prejudice to
5 criminal prosecution under other laws;

6 f. Any person who violates any of the provisions of this act not mentioned in the
7 preceding subsections shall suffer the penalty of imprisonment of not less than
8 six (6) months and one day to six years, or a fine of one million pesos
9 (P1,000,000), or both, at the discretion of the court, and cancellation or
10 suspension of its license with forfeiture of the bond without prejudice to
11 criminal prosecution under other laws.

12
13 If the offender is a juridical entity, the penalty shall be imposed upon the officer
14 or officers of the juridical entity who participated in the decision that led to the
15 violation of any provision of this Act, without prejudice to the cancellation of their
16 license issued by the PNP.

17 **CHAPTER V**
18 **MISCELLANEOUS PROVISIONS**

19
20 *SEC. 17. Implementing Rules and Regulations (IRR).* - The Chief PNP, in consultation
21 with stakeholders and other national private security associations, representations of
22 private security cooperatives and other stakeholders of the security industry, and
23 subject to the provisions of existing laws, shall promulgate the rules and regulations
24 necessary to implement the provisions of this Act within ninety (90) days from its
25 effectivity. Furthermore, the Chief PNP shall consult with the said stakeholders prior
26 to the issuance of all regulations and issuances related to and affecting the private
27 security services industry. The PNP is mandated to review the IRR every three (3)
28 years.

29
30 *SEC. 18. Separability Clause.* - If any part or provision of this Act is declared
31 unconstitutional, the remainder of this Act or any provisions not affected thereby shall
32 remain in force and effect.

1 SEC. 19. *Repealing Clause.* - Republic Act 5487 is hereby repealed. All other laws,
2 presidential decree or issuance, executive order, letter of instruction, rules, regulations
3 and administrative orders inconsistent with the provisions of this Act are hereby
4 repealed or modified accordingly.

5

6 SEC. 20. *Effectivity.* - This Act shall take effect fifteen (15) days after its complete
7 publication in the Official Gazette or in a newspaper of general circulation.

8

Approved,