

NINETEENTH CONGRESS OF THE)
REPUBLIC OF THE PHILIPPINES)
First Regular Session)



Senate
Office of the Secretary

'22 JUL 18 P3:42

SENATE

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S. No. 725

Introduced by SENATOR RONALD "BATO" DELA ROSA

**AN ACT
ESTABLISHING THE NATIONAL POLICE CLEARANCE SYSTEM, PROVIDING
FUNDS THEREFOR AND FOR OTHER PURPOSES**

EXPLANATORY NOTE

Crime prevention and police services are highly efficient, effective and competent if it is responsive to the needs of the society, especially with the advancement of modern technology at this time of pandemic.

At present, the Philippine National Police (PNP) took the initiative in implementing the National Police Clearance System (NCPS), a more centralized system in applying for a police clearance which could aid in the investigation and detection of crimes nationwide. It can be recalled that prior to its implementation, each town and city had their own database and thus, the non-integration of local police databases gave rise to susceptible manipulation of records given a person might have criminal records in one locality but not in another.

The proposed bill seeks to institutionalize the NCPS which will consolidate information into a centralized police clearance and to ensure sustainability of the ongoing initiative of the PNP in improving the process on criminal record checks across jurisdictions.

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


RONALD "BATO" DELA ROSA



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**AN ACT
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*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 Police*
2 *Clearance System Act*".

3 **SEC. 2.** *Declaration of Policy.* - It is hereby declared the policy of the State to
4 ensure public safety thru a highly efficient, effective, competent and modernized police
5 force and the use of information and communications technology. Furthermore, the
6 State shall improve efficiency in the delivery of service by reducing bureaucratic red
7 tape and preventing corruption while ensuring the protection of the fundamental
8 human right of privacy.

9 **SEC. 3.** *National Police Clearance System.* - The National Police Clearance
10 System (NPCS) is hereby established. The Philippine National Police (PNP) shall be the
11 primary government agency responsible for the implementation of the NPCS.

12 Pursuant to this mandate, the PNP shall formulate and adopt policies for the
13 effective operationalization of the NPCS including, but not limited to, maintenance of

1 a national record of all reported crime incidents, warrants of arrest, pictures and
2 personal details of arrested and wanted persons, fingerprints and ballistic examination
3 records and other relevant information.

4 **SEC. 4. *Processing of Information.*** - The processing of information under the
5 NPCCS shall be subject to Section 11,12 and 13 of Republic Act No. 10173, otherwise
6 known as the "Data Privacy Act of 2012".

7 **SEC. 5. *Issuance of National Police Clearance.*** - Any person may request for
8 the issuance of their National Police Clearance from the PNP. In line with this, the PNP
9 may determine, fix and collect reasonable amounts to be charged as fees for the
10 issuance of the police clearance: *Provided, That* no fees and other charges shall be
11 collected from first time jobseekers when obtaining such police clearance as mandated
12 by Republic Act No. 11261, otherwise known as the "First Time Jobseekers Assistance
13 Act."

14 **SEC. 6. *Confidentiality.*** - The Philippine National Police shall ensure at all times
15 the confidentiality of any personal information that comes to its possession or obtained
16 as a requirement for the issuance of a Police Clearance under the preceding section.

17 **SEC. 7. Penal Provision.** - (a) Any person, who breach the confidentiality of
18 information contained in the NPCCS, whether by carelessness, improper behavior,
19 behavior with malicious intent, and use of confidential information for profit, shall be
20 penalized by imprisonment of three (3) months but not to exceed one (1) year and a
21 fine of not less than Fifty Thousand Pesos (P50,000.00) but not more than One
22 Hundred Thousand Pesos (P100,000.00), subject to the degree of breach of
23 information;

1 (b) The unauthorized processing of National Police Clearance without the
2 consent of the subject individual shall be penalized by imprisonment of three (3)
3 months but not to exceed one (1) year and a fine of not less than Fifty Thousand
4 Pesos (P50,000.00) but not more than One Hundred Thousand Pesos (P100,000.00).

5 **SEC. 8. *Appropriation.*** - The amount necessary for the effective
6 implementation of the provisions of this Act shall be taken from the current year's
7 appropriation of the PNP. Thereafter, such sum as may be needed for the continued
8 implementation of this Act shall be included in the annual General Appropriations Act.

9 **SEC. 9. *Implementing Rules and Regulations.*** - Within sixty (60) days from the
10 effectivity of this Act, the PNP shall promulgate the rules and regulations necessary
11 for the for the effective implementation of this Act.

12 **SEC. 10. *Separability Clause.*** - If any portion or provision of this Act is declared
13 unconstitutional, the remainder of this Act or any provisions not affected thereby shall
14 remain in force and effect.

15 **SEC. 11. *Repealing Clause.*** - All laws, decrees, orders, regulations and policies
16 inconsistent with the provisions of this Act are hereby repealed and/or amended
17 accordingly.

18 **SEC. 12. *Effectivity.*** - This Act shall take effect fifteen (15) days after its 6
19 complete publication in at least two (2) newspapers of general circulation.

Approved,