

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



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SENATE

RECEIVED BY: *ji*

S. B. No. 429

Introduced by Senator FRANCIS G. ESCUDERO

EXPLANATORY NOTE

This proposed legislation seeks to enhance and modernize the NBI, with expanded structure, capability and manpower, responsive to the demands of the times.

The NBI shall implement a modernization program geared towards the acquisition of state-of-the art investigative and intelligence equipment and the establishment of forensic and scientific laboratories.

It provides for the increase in the investigative and non-investigative staff of the Bureau and their positions upgraded to adequately meet the increasing demands of an expanded investigative and detective work.

It likewise seeks to provide additional compensation, benefits and privileges such as trainings, free health insurance, accident insurance and scholarship grants to NBI agents and employees.

Also, this bill creates a special trust fund for the purpose of providing legal assistance to NBI personnel who are criminally charged in connection with the performance of their official functions.

Passage of this measure is earnestly sought.

FRANCIS G. ESCUDERO



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

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 Bureau of*
2 *Investigation Reorganization and Modernization Act.*"

3
4 SEC. 2. *Declaration of Policy.* - It is the policy of the state to promote and maintain a
5 modern, competent and highly trained investigative body, functionally integrated and national in
6 scope.

7 Toward this end, the state shall formulate plans and programs to enhance and modernize
8 the National Bureau of Investigation (NBI), with expanded structure, capability and manpower,
9 responsive to the demands of the times.

10
11 SEC. 3. *Reorganization, Modernization and Expansion of the National Bureau of*
12 *Investigation.* - The National Bureau of Investigation, hereinafter referred to as the NBI, is
13 hereby reorganized and modernized.

14
15 The National Bureau of Investigation (NBI) shall implement a modernization program
16 geared towards the acquisition of state-of-the-art investigative and intelligence equipment and
17 the establishment of forensic and scientific laboratories. The program shall include provisions
18 for the training of its personnel in this regard.

19
20 The investigative and non-investigative staff of the NBI shall be increased and their
21 positions upgraded to adequately meet the increasing demands of an expanded investigative and
22 detective work.

1 The present organizational structure of the NBI shall be reorganized into the Office of the
2 Director, Office of the Deputy Director for Administration and Office of the Deputy Director for
3 Operations, Office of the Assistant Directors for Investigation Service, Intelligence Service,
4 Comptroller Service, Internal Audit Service, Forensic and Scientific Research Service, Legal
5 Service, and Information and Communications Technology Service. Each service shall be
6 composed of the necessary divisions and sections.

7
8 The NBI shall establish a Regional Office in every region and a sub-office in every
9 province, to be headed by a Regional Director and Head Agent, respectively. Field offices in
10 Congressional Districts shall likewise be established/maintained.

11
12 The investigative and non-investigative staff of the NBI occupying the positions affected
13 by the changes embodied in this Act at the time of its approval shall thereafter occupy the
14 positions by this Act, and discharge the duties and functions of their new positions and receive
15 the corresponding salary and benefits without the necessity of any new appointment.

16
17 **SEC. 4. *Qualifications of NBI Agents:***

- 18
19 a.) Citizen of the Philippines;
20 b.) Of good moral character;
21 c.) A member of the Philippine Bar or a Holder of a Baccalaureate Degree who passed
22 the necessary Government licensure examination; and
23 d.) Other qualifications for appointment as may be required by the NBI. These
24 qualifications and requirements for appointment shall include, among others, passing
25 the competitive mental and physical examination and sufficient instruction and
26 training to be given by the NBI.

27
28 **SEC. 5. *Compensation.*** – The Director, for purposes of salary and benefits, shall have
29 the equivalent rank of an Undersecretary.

30
31 Salaries and benefits of other Bureau officials and personnel shall be reckoned from the
32 salary level of the Director.

1 Subject to availability of funds, salaries and privileges of NBI personnel may be further
2 increased in amounts to be determined by the Department of Budget and Management (DBM)
3 and the NBI director.

4
5 **SEC. 6. Powers and Functions.** – The NBI shall have the following powers and
6 functions:

- 7 a.) Act as national clearing house of criminal records and other related information for
8 the benefit of judicial, quasi-judicial and administrative bodies, all prosecuting and
9 law enforcement entities, as well as the Legislative and Executive branches of the
10 Government;
- 11 b.) Act as repository for the following:
- 12 1. All derogatory and criminal records and civilian identification records, including
13 their identifying marks and characteristics;
 - 14 2. Ballistic records of firearms including but not limited to data ownership,
15 possession, and other related identifying circumstances for cases handled by the
16 NBI;
 - 17 3. Dental records pursuant to Presidential Decree No. (P.D. No.) 1575; and
 - 18 4. National deoxyribonucleic acid (DNA) database.
- 19 For this purpose, a modern NBI Clearance and Identification Center shall be established;
- 20 c.) Render technical assistance to judicial, quasi-judicial and administrative bodies, all
21 prosecuting and law enforcement entities of government, as well as, the Legislative
22 and Executive branches of the Government, when so requested;
- 23 d.) Establish an NBI Academy which shall be responsible for the recruitment, training
24 and development of all NBI agents and personnel;
- 25 e.) Establish and maintain an integrated, comprehensive and state-of-the-art network,
26 equipment and facilities to be used by the NBI in its criminal investigation, detection
27 and evidence gathering, and to provide the corresponding training in this regard;
- 28 f.) Establish and maintain a Cyber Investigation and Assessment Center which shall
29 serve as the nerve center for computer, information technologies, data on cyber crime
30 cases, computer intrusion, threats and other related crimes or activities;
- 31 g.) Establish and maintain a Forensic and Scientific Research Center which shall service
32 as the primary center for forensic and scientific research in furtherance of scientific
33 knowledge in criminal investigation, detection and evidence collection and
34 preservation; and provide the necessary training therefore;
- 35 h.) Establish, control, supervise and administer a National Deoxyribonucleic Acid
36 (DNA) database which shall be independent from other agencies;

- 1 i.) Enlist the assistance of the Philippine National Police, Armed Forces of the
2 Philippines or any other agency of the Government, including government-owned
3 and/or -controlled corporations, in its anti-crime drive. Such assistance may include
4 the use of the enlisted agency's personnel and facilities upon prior approval of the
5 head of the agency concerned;
- 6 j.) Conduct intelligence operations in furtherance of the foregoing powers and functions;
- 7 k.) Enter into any contract or transaction for the acquisition, ownership, possession,
8 administration, lease, disposition or acceptance of real or personal property in its
9 name; and
- 10 l.) Perform such other related functions as the President or the Secretary of Justice may
11 assign.

12
13 **SEC. 7. Jurisdiction.** – The NBI shall have investigative jurisdiction over the following
14 cases:

- 15 1. Cases involving violations of the Anti-Dummy Law;
- 16 2. Extradition Cases;
- 17 3. Cases where the alleged offender is a public officer or employee where the
18 penalty to be imposed is imprisonment for not less than six years;
- 19 4. Cases where the alleged offenders are members of organized groups or
20 syndicates;
- 21 5. Cases of Human Trafficking;
- 22 6. Cybercrime Cases;
- 23 7. Cases involving commercial, economic and financial crimes;
- 24 8. Cases involving national security;
- 25 9. Cases involving threats to security or assaults against the persons of the President,
26 Vice President, Justices of the Supreme Court, Members of Congress and the
27 Cabinet;
- 28 10. Identification of the dead/victims in case of mass fatality incident caused by
29 natural disasters;
- 30 11. Transnational crimes;
- 31 12. Terrorism; and
- 32 13. Piracy/Violations of intellectual property.

33
34 *Provided, however,* That the President or Secretary of Justice may direct
35 investigation of any crime when public interest so requires; and *Provided further,* That
36 the NBI shall have authority to investigate all crimes not assigned exclusively to other
37 law enforcement agencies; *And Provided finally,* That once the NBI takes cognizance

1 of a case within its primary jurisdiction, all other agencies shall provide supportive role in
2 the investigation.

3 The NBI may likewise extend its services, whenever properly requested, in the
4 investigation of cases of administrative or civil nature in which the government is
5 interested.

6
7 **SEC. 8. *The NBI Director, Other Officials and the Personnel Selection Board***
8 **(PSB).** – The NBI shall be headed by a Director and assisted by two (2) Deputy
9 Directors, one Deputy Director for Administration and another Deputy Director for
10 Operations, and an Assistant Director for each of the following seven (7) Services:
11 Investigation Service, Intelligence Service, Comptroller Service, Internal Audit Service,
12 Forensic and Scientific Research Service, Legal Service, and Information and
13 Communications Technology Service.

14 Rank and classification of NBI officials and members of the investigative staff
15 shall be as follows:

- 16 a. Director
- 17 b. Deputy Director
- 18 c. Assistant Director
- 19 d. Regional Director
- 20 e. Assistant Regional Director
- 21 f. Head Agent
- 22 g. Supervising Agent
- 23 h. Senior Agent
- 24 i. Agent III
- 25 j. Agent II
- 26 k. Agent I

27 No person shall be appointed Director unless he is a natural-born citizen of the
28 Philippines, a member of the Philippine Bar and with at least fifteen (15) years of
29 experience in investigative work, prosecutorial or judicial arm of the government. He
30 shall serve for a term of three (3) years without reappointment.

31 Bureau officials, from Director I to Bureau Director, shall be appointed by the
32 President of the Philippines upon the recommendation of the Personnel Selection Board
33 (PSB) as approved by the NBI Director.

34 Forensic doctors, chemists and other experts shall be called Special Agents. Their
35 ranks shall be equal to regular agents.

36 The PSB shall be composed of the Deputy Directors and Assistant Directors and
37 such other members as may be required by law. It shall be chaired by the Deputy

1 Director for Administration. The PSB shall have the power to recommend, for approval,
2 by the NBI Director, all promotions and selections of personnel and the criteria thereof.

3 The PSB shall continue to adopt a merit system on the basis of highly technical
4 qualifications in the fields of investigation, forensics and intelligence and such other
5 qualifications consistent with civil service eligibility requirements. This separate merit
6 system shall provide for the career development program for each position and rank and
7 shall apply to all incumbent officials and employees of the Bureau.

8
9 **SEC. 9. Powers and Functions of the Director.** – The Director shall have the
10 following powers and functions:

- 11 a.) Formulate policies, guidelines and programs to effectively carry out the
12 purposes of this Act;
- 13 b.) Direct, control and supervise the administration and operations of the NBI;
- 14 c.) Promulgate rules and regulations as may be necessary or proper for the
15 effective exercise of the powers and functions as well as the discharge of the
16 duties and responsibilities of the NBI, its officials and personnel;
- 17 d.) Determine, from time to time, subject to availability of funds, and the
18 approval of the Secretary of the Department of Budget and Management
19 (DBM), the limits to which, in terms of amount and period covered,
20 reasonable allowances, incentives, bonuses, privileges and other benefits may
21 be given to Bureau employees;
- 22 e.) Create or abolish, subject to the approval of the Secretary of the Department
23 of Justice (DOJ), any division/unit as may be required by the exigencies of the
24 service;
- 25 f.) Deploy any of its officials or personnel for out-of-country missions including,
26 but not limited to, assignments as functionaries attached to any Philippine
27 Embassy, consulate or any other diplomatic office abroad in coordination with
28 the Department of Foreign Affairs: *Provided*, That any expense incurred by
29 the NBI representative in the establishment of his or her office, including
30 operation and maintenance, is shouldered by the NBI;
- 31 g.) Hire consultants for such length of time as may be deemed required by the
32 exigencies of the service;
- 33 h.) Issue mission orders and permits to carry firearms outside residence to its
34 agents;
- 35 i.) Designate NBI informants;

1 j.) Remove, suspend or otherwise discipline NBI personnel for a cause in
2 accordance with Civil Service Rules and Regulations and other pertinent laws,
3 in any of the following circumstances:

- 4 1.) When the charge is serious and the evidence of guilt is strong, or
5 2.) When the respondent is notoriously undesirable.

6
7 *Provided, However,* that when the penalty meted out against an erring
8 personnel is suspension for more than six (6) months or removal from service,
9 such suspension or removal from service may be appealed to the Secretary of
10 Justice and shall not be executor pending such appeal.

11
12 k.) Perform any and all acts necessary, proper or incidental to the attainment of
13 the purposes and objectives of this Act; and

14 l.) Perform such other related functions as may be provided by law or authorized
15 by the Secretary of Justice.

16 **SEC. 10. Powers and Functions of the Investigative Staff.** - The Investigative
17 staff of the NBI shall have the following powers and functions:

18 a.) Conduct searches, arrests and seizures in accordance with existing laws, rules
19 and regulations;

20 b.) Issue subpoenas or *subpoena duces tecum* for the appearance of any person
21 for investigation; Deliberate and unjustified failure to obey the subpoena
22 herein mentioned shall render the person concerned liable for obstruction of
23 justice under P.D. 1829;

24 c.) Take and require sworn statements of any person or persons so summoned in
25 relation to cases under investigation;

26 d.) Administer oaths in cases under investigation; and

27 e.) Own, possess and carry, outside their office and residence, suitable and
28 adequate firearms for their personal protection in connection with their duties
29 and for the proper protection of witnesses and persons in custody: *Provided,*
30 That no previous special permit for such possession shall be required.

31
32 **SEC. 11. Benefits and Privileges.** - The NBI shall provide its employees with
33 the following benefits:

34 a.) Health care services through a Health Maintenance Organization (HMO).
35 Expenses for the mandatory annual executive check-up of all regular
36 employees shall be for the account of the NBI;

- 1 b.) Accident insurance policies for all employees, procured by the NBI at its own
2 expense, while in the performance of their official duties and functions;
- 3 c.) Without prejudice to efficiency in the service, grant trainings, scholarships
4 and seminars to deserving employees, on official time and at the expense of
5 the NBI, to upgrade their knowledge and skills: *Provided* That grantees under
6 this provision shall be selected on the basis of merit as determined by
7 competitive examination;
- 8 d.) Longevity pay subject to guidelines that shall hereafter be issued by the NBI
9 Director in accordance with existing laws and regulations and subject further
10 to the approval of the Secretary of the Department of Budget and Management
11 (DBM); and
- 12 e.) A Provident Fund which shall consist of contributions made by both the
13 management and member-employees to a common fund to provide additional
14 benefits to NBI employees. The Fund shall be provided with a capital to be
15 sourced from, among others, retained collection from clearance fees. Said
16 Fund shall be augmented by counterpart contributions of NBI personnel at an
17 amount to be agreed upon by the management and member-employees.

18
19 **SEC. 12. *Retirement Benefits.*** – Upon attaining sixty (60) years of age with
20 at least fifteen (15) years of continuous government service, or upon accumulation of
21 thirty (30) years of satisfactory continuous service, whichever is earlier, an NBI
22 personnel shall be compulsorily retired and shall be entitled to receive benefits provided
23 by law.

24 **SEC. 13. *Special Trust Fund.*** – A special trust fund shall be established to
25 assist NBI personnel who are criminally charged in connection with the performance of
26 their official functions. Aside from legal assistance, medical, funeral and other assistance
27 shall be extended by the Director when necessary. The percentage of NBI annual income
28 from clearance fees and other fees to be set aside for this purpose shall be in accordance
29 with, or provided in the General Appropriations Act.

30
31 **SEC. 14. *Seminars and Other Professional Fees.*** – Subject to availability of
32 funds, fees for relevant seminars, as well as professional membership fees for lawyers,
33 registration fees, and related miscellaneous expenses incurred in completing the
34 Mandatory Continuing Legal Education (MCLE) course shall be borne by the NBI.
35 Moreover, professional membership, registration fees, including the mandatory
36 continuing professional education (CPE), and related miscellaneous expenses of other

1 employees holding positions for which a professional license is required by the NBI, shall
2 be borne by the NBI.

3
4 **SEC. 15. *Transportation Benefits.*** – Subject to availability of funds,
5 employees shall be provided with contracted transportation services until such time that
6 the office can procure additional motor vehicles for this purpose.

7
8 **SEC. 16. *Franking Privilege.*** – All official mail matters of the NBI
9 addressed for delivery within the Philippines shall be received, transmitted and delivered
10 free of charge: *Provided*, That such mail matters when addressed to private persons or
11 non-government offices shall not exceed one hundred and twenty (120) grams; *Provided*
12 *further*, That use of this privilege for non-official purposes shall be a ground for
13 disciplinary action.

14
15 **SEC. 17. *Grant of Special Allowances.*** – The investigative and non-investigative
16 personnel of the NBI shall be granted special allowances in amounts to be determined by
17 the NBI Director and the Department of Budget and Management (DBM).

18 The grant of special allowances shall be implemented uniformly in such sums
19 and amounts and to the extent that can be supported by the funding source as specified in
20 Section 19 hereof: *Provided*, That said special allowance shall not exceed One Hundred
21 percent (100%) of the basic salary of the NBI personnel concerned as provided for in
22 R.A. No. 6758 otherwise known as the Salary Standardization Law of 1989, as amended.

23 **SEC. 18. *Use of NBI Clearance Fees and other fees.*** – The NBI shall be
24 authorized to use its collections from clearance fees to augment its operational expenses
25 such as but not limited to capital outlay, expenses for health care services, career
26 advancement and professionalization, legal assistance, seminars and other professional
27 fees, among others, in accordance with, or as may be provided in the General
28 Appropriations Act.

29
30 **SEC. 19. *Funding Source.*** – The funds required for the implementation of this
31 Act including employee benefits shall be taken from:

- 32 1. All collections from NBI clearance and certification fees;
33 2. All service incomes from trainings, DNA, drug tests, confirmatory and neuro tests
34 and the like;
35 3. Ten Percent (10%) of the proceeds of confiscated/forfeited articles from the cases
36 investigated by the NBI upon order of the court
37 4. Other miscellaneous incomes; and

1 5. Other fees which may be determined or imposed by the Director.
2

3 **SEC. 20. *Effect of Subsequent Salary Increases.*** – Upon implementation of any
4 subsequent increased in the salary rates provided under R.A. No. 6758, as amended, all
5 special allowances granted under Section 17 hereof shall be considered as an
6 implementation of said salary increases as provided by law. The special allowances
7 equivalent to the increase in the basic salary as may be provided by law shall be converted
8 as part of the basic salary: *Provided,* That the amounts converted as basic salary shall be
9 funded from the regular appropriations of the NBI. Any excess in the allowances granted
10 under this Act not converted to basic salary shall continue to be granted as such and shall
11 continue to be funded under the immediately preceding Section.
12

13 **SEC. 21. *Implementing Rules and Regulations.*** – Within sixty (60) days from
14 the approval of this Act, the NBI Director in coordination with the Secretary of Budget and
15 Management shall promulgate such rules and regulations as may be necessary to carry out
16 the provisions of this Act.
17

18 **SEC. 22. *Transitory Provisions.*** – All unexpended appropriations, real and
19 personal property, contracts, records and documents relating to the existing NBI shall be
20 transferred to the reorganized NBI.

21 All rights, obligations and liabilities of the existing NBI shall likewise be deemed
22 to be rights, obligations and liabilities of the reorganized NBI.

23 All incumbent officials and personnel of the NBI shall continue in office and
24 perform their duties as such without need of reappointment *Provided,* That the incumbent
25 Assistant Director shall continue in Office as Deputy Director and the incumbent Deputy
26 Directors shall continue in office as Assistant Directors of their respective or equivalent
27 services.

28 Incumbent special investigators shall be deemed regular agents provided they
29 meet the qualifications set forth under Section 4 hereof within two (2) years from the
30 effectivity of this Act.

31 **SEC. 23. *Repealing Clause.*** – Pertinent provisions of Executive Order 292, the
32 Revised Administrative Code of 1987, as amended, R.A. No. 460 dated December 3, 1997,
33 R.A. No. 157 dated June 19, 1947, Executive Order No. 482 dated May 7, 1998,
34 Administrative Order No. 117 dated February 17, 1994, and all laws, decrees, orders, rules
35 and regulations or parts thereof which are contrary to or inconsistent with the provisions of
36 this Act, are hereby repealed or amended accordingly.

1 **SEC. 24. *Separability Clause.*** – If any provision of this Act is declared invalid or
2 unconstitutional the provisions not affected thereby shall continue to be in full force and
3 effect.

4 **SEC. 25. *Effectivity.*** – This Act shall take effect after fifteen (15) days from its
5 publication in the Official Gazette or in two (2) newspapers of general circulation in the
6 Philippines.

Approved,