

**FIFTEENTH CONGRESS OF THE REPUBLIC
OF THE PHILIPPINES
FIRST REGULAR SESSION**

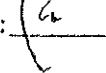


Senate
Office of the Secretary

11 MAY 10 P3:44

SENATE

S.B. No. 2810

RECEIVED BY: 

Introduced by: SEN. RAMON BONG REVILLA, JR.

EXPLANATORY NOTE

Since the National Bureau of Investigation's creation in 1936, we citizens have enjoyed the privilege of having an institution of reliable and dynamic professionals committed to providing quality investigative and support service to serve the ends of truth and justice, founded on the fine ideals of Nobility, Bravery and Integrity. For the past 75 years, the NBI has been instrumental in the curtailing the insurgence of crime in society.

Like any successful institution though, to maintain its efficacy, the bureau must continuously be dynamic and able to adapt to the ever-changing society which it serves. The influx of new technology especially in the last few decades has brought about a new breed of criminals who use the latest most intricate technological advancements to further their malevolent pursuits.

This proposed measure aims to bridge the widening gap in technology by reorganizing, expanding and modernizing the NBI. This also includes provisions for the betterment of investigators and other personnel by addressing the need for continuous learning in order to keep at par and abreast with the worsening crime rate.

I earnestly hope that my fellow legislators realize the urgency and merit of this proposed measure, and with me act swiftly for it's passage.


RAMON BONG REVILLA, JR.

'11 MAY 10 P 3 :44

SENATE
S. B. No. **2810**

RECEIVED BY: 

INTRODUCED BY HON. RAMON BONG REVILLA JR.

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

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

SECTION 1. *Short Title* - This Act shall be known as the "THE NATIONAL BUREAU OF INVESTIGATION REORGANIZATION AND MODERNIZATION ACT OF 2011".

SECTION 2. *Declaration of Policy* -It is the policy of the State to promote and maintain a modern, competent and highly-trained investigative body, functionally integrated and national in scope.

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

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

The NBI shall implement a modernization program geared towards the acquisition of the state-of-the-art investigate and intelligence equipment and establishment of advanced and sophisticated forensic and scientific laboratories. The program shall include provisions for the training of its personnel in this regard.

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

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

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

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

SECTION 4. *Qualifications of NBI Agents:*

1. Citizen of the Philippines;
2. Of good moral character;
3. Member of the Philippine Bar or a Holder of Baccalaureate Degree who passed the necessary Government licensure examination; and
4. Other qualifications for appointment as may be required by the NBI.

SECTION 5. *Powers and Functions* - The NBI shall have the following powers and functions:

- 1.) Undertake investigation and detection of crimes and other offenses against the laws of the Philippines, upon its own initiative and as public interest may require;
- 2.) Act as a national clearing house of criminal records and other related information for the benefit of judicial, quasi-judicial and administrative bodies, as well as, the Legislative and Executive branches of Government.
- 3.) Act as repository for the following:
 - a) All derogatory and criminal records and civilian identification records;
 - b) Ballistic records of firearms including but not limited to data ownership, possession, and other related identifying circumstances;
 - c) Dental records pursuant to PD 1575; and
 - d) National deoxyribonucleic acid (DNA) database;

For this purpose, a modern NBI Clearance and Identification Center shall be established;

- 4.) Render technical assistance to judicial, quasi-judicial and administrative bodies, all prosecuting and law enforcement entities of government, as well as, the Legislative and Executive branches of the Government, when so requested;
- 5.) Establish an NBI Academy which shall be responsible for the recruitment, training and development of all NBI agents and personnel;
- 6.) Establish and maintain an integrated, comprehensive and state-of-the-art network, equipment and facilities to be used by the NBI in its criminal investigation, detection and evidence gathering, and to provide the corresponding training in this regard;
- 7.) Establish and maintain Cyber Investigation and Assessment Center which shall serve as the nerve center for computer, information technologies, data on cyber crime cases, computer intrusion, threats and other related crimes or activities;
- 8.) Establish and maintain a Forensic and Scientific Research Center which shall serve as the primary center for forensic and scientific research in furtherance of scientific knowledge in criminal investigation, detection and evidence collection and preservation; and provide the necessary training therefor;
- 9.) Establish, control, supervise and administer a National Deoxyribonucleic Acid (DNA) Databank System;

- 10.) Enlist the assistance of the Philippine National Police, Armed Forces of the Philippines or any other agency of the Government, including government-owned-and/or-controlled corporations, in its anti-crime drive. Such assistance may include the use of enlisted agency's personnel and facilities upon prior approval of the head of the agency concerned;
- 11.) Enter into any contract or transaction for the acquisition, ownership, possession, administration, lease, disposition or acceptance of real or personal property in its name; and
- 12.) Perform such other related functions as the President or the Secretary of Justice may assign.

SECTION 6. *Jurisdiction* - The NBI shall have primary jurisdiction to undertake investigations in the following cases:

1. Public Corruption
2. Organized/Syndicated Crimes
3. Cyber Crimes
4. Offenses Involving Economic Sabotage
5. Post-Blast Investigation
6. Human Trafficking
7. Illegal Interception of Communications
8. Commercial Crimes
9. Kidnapping, assault and assassination of the President, Vice President, Members of Congress and the Cabinet, and Supreme Court Justices.
10. The NBI shall be primarily in charge of identification of the dead/victims in case of mass fatality incident caused by natural disasters.

PROVIDED, however, that the President, Secretary Justice or NBI Director may direct investigation of any crime where public interest so requires; and

PROVIDED further, that the NBI shall have the authority to investigate all crimes not assigned exclusively to other law enforcement agency.

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

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

Rank/Classification of NBI Officials and Members of the Investigative Staff shall be as follows:

- a) Director
- b) Deputy Director
- c) Assistant Director
- d) Regional Director
- e) Assistant Regional Director
- f) Head Agent
- g) Supervising Agent
- h) Senior Agent
- i) Agent III

- j) Agent II
- k) Agent I

No person shall be appointed Director unless he is a natural-born citizen of the Philippines, a member of the Philippine Bar should come from the ranks of Deputy Directors and Assistant Directors. He shall serve for a term of three (3) years without reappointment.

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

Forensic Doctors, Chemists and other experts shall be called Special Agents. Their ranks shall be equal to regular agents (Agent I to Head Agent).

The Personnel Selection Board (PSB) shall be composed of the Deputy Directors and such other members as may be required by law. It shall be chaired by the Deputy Director for Administration. The PSB shall have the power to recommend, for approval, by the NBI Director, all promotions and selections.

SECTION 8. *Compensation* - The Director, for purposes of salary and benefits, shall have the equivalent rank of a Department Secretary.

Salaries and benefits of other Bureau officials and personnel shall be reckoned from the salary level of the director.

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

SECTION 9. *Powers and Functions of the Director* - The Director shall have the following powers and functions:

- 1) Formulate policies, guidelines and programs to effectively carry the purposes of this Act;
- 2) Direct, control and supervise the administration and operations of the NBI;
- 3) Promulgate rules and regulations as may be necessary or proper for the effective exercise of the powers and functions as well as the discharge of the duties and responsibilities of out the NBI, its officials and personnel;
- 4) Remove, suspend or otherwise discipline NBI Personnel for cause in accordance with the existing Civil Service Rules and Regulations and other pertinent laws;
- 5) Determine, from time to time, subject to availability of funds, the limits to which, in terms of amount and period covered, reasonable allowances, incentives, bonuses, privileges and other benefits may be given to Bureau employees;
- 6) Deploy any of its official or personnel for out-of-country missions including, but not limited to, assignments as functionaries attached to Philippine Embassy, consulate or any other diplomatic office abroad in coordination with the Department of Foreign Affairs;
- 7) Issue mission orders and permits to carry firearms outside residence;
- 8) Create or abolish division/unit as may be requires by the exigencies of the service;

9) Designate NBI informants;

10) Perform any and all acts necessary, proper or incidental to the attainment of the purposes and objectives to this Act; and

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

SECTION 10. Powers and Functions of the Investigative Staff –The investigative staff of the NBI shall have the following powers and functions:

1. Conduct searches, arrests and seizures in accordance with the existing laws, rules and regulations;
2. Issue subpoena or subpoena *duces tecum* for the appearance at Government expense of any person for investigation.

Deliberate and unjustified failure to obey the subpoena herein mentioned shall render the person concerned liable for Obstruction of Justice under P.D. 1829;

3. Take and require sworn statements of any person or persons so summoned in relation to cases under investigation;
4. Administer oaths in cases under investigation;
5. Own, possess and carry, outside 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 persons in custody; Provided, that no previous special permit for such possession shall be required;
6. Have access, examine, secure, take custody of and photocopy public records; *Provided*, That as regards public and/ or bank records, such access need not be upon prior approval with the court in cases involving a verified complaint for Malversation of Public Funds or Property, as defined and penalized under the Revised Penal Code, as amended, violation of the Anti-Graft and Corrupt Practices Act (RA 3019), the Anti-Money Laundering Law of 2001 (RA 9160 as amended by RA 9194), Code of Conduct and Ethical Standards of Public Officials and Employees (RA 6713), Comprehensive Dangerous Drugs Act of 2002 (RA 9165), Anti-Plunder Act (RA 7080, as amended) or the Human Security Act of 2007 (RA 9372);

The refusal to allow NBI any access to, examination and/ or handling of records mentioned in this paragraph shall render the person concerned liable for Obstruction of Justice under PD 1829.

SECTION 11. Benefits and Privileges -The NBI shall provide its employees with the following benefits:

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

2) Accident insurance policies for all employees, procured by the NBI at its own expense, while in the performance of their official duties and functions; and

3) Without prejudice to efficiency in the service, grant trainings, scholarships and seminars to deserving employees, on official time and at the expense of the NBI, to upgrade their knowledge and skills; *Provided, That:* scholars under this provisions shall be selected on the basis of merit as determined by competitive examination.

4.) Longevity Pay subject guidelines that shall hereafter be issued the NBI Director; *Provided, That:* such pay shall, for retirement purposes, be an integral part of an NBI retiree's basic salary; and

5.) A provident fund which shall consist of contributions made by both the management and member-employees to a common fund to provide additional benefits to NBI employees. That the Fund shall be provided with a capital to be sourced from, among others, retained collection from clearance fees. Said Fund shall be augmented by counterpart contributions of NBI personnel at an amount to be agreed upon by the Management and member-employees.

SECTION 12. *Retirement Benefits* – Upon attaining sixty (60) years of age at least fifteen (15) years of continuous government service, or upon accumulation of thirty (30) years of satisfactory continuous services, whichever is earlier, an NBI personnel shall be compulsorily retired and shall be entitled to receive benefits provided by law. Monetary incentives/special allowances shall, for retirement purposes, be an integral part of a retiree's basic salary.

SECTION 13. *Legal Assistance* - A special trust fund shall be established to assist NBI personnel who are criminally charged in connection with the performance of their official functions.

SECTION 14. *Seminar and Other Professional Fees* - Subject to the availability of funds, fees for relevant seminars, as well as professional membership fees for lawyers, registration fees, and related miscellaneous expenses incurred in completing the Mandatory Continuing Legal Education (MCLE) course shall be borne by the office. Moreover, professional membership, registration fees, including the Mandatory Continuing Professional Education (MCPE), and related miscellaneous expenses of other. Employees holding positions for which a professional license is required by the NBI, shall be borne by the NBI.

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

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

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

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

SECTION 18. *Retention of Fifty Percent (50%) of NBI Clearance fees* - The NBI shall be authorized to retain at fifty percent (50%) of its collection from clearance fees to augment its

operational expenses including capital outlay, expenses for health care services, career advancement and professionalization, legal assistance, seminars and other professional fees, among others.

SECTION 19. *Funding Source* - The funds required for the implementation of this Act including employee benefits shall be taken from:

- 1) Collections from NBI Clearance and certification fees;
- 2) Service incomes from trainings, DNA, Drug Tests, Confirmatory and Neuro tests and the like; and
- 3) Other miscellaneous incomes.

SECTION 20. *Effect of Subsequent Salary Increases* - Upon implementation of any subsequent increases in the salary rates provided under Republic Act No. 6758, as mentioned, all special allowances granted under Section 17 hereof shall be considered as an implementation of said salary increases as provided by law. The special allowances equivalent to the increase in the basic salary as may be provided by law shall be converted as part of the basic salary; *Provided*, That the amounts converted as basic salary shall be funded from the regular appropriations of the NBI. Any excess in the allowances granted under this Act not converted to basic salary continues to be granted as such and shall continue to be funded under the immediately preceding Section.

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

SECTION 22. *Transitory Provisions* – All unexpected appropriations, real and personal property, contracts, records and documents relating to the existing NBI shall be transferred to the reorganized NBI.

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

All incumbent personnel of the NBI shall continue in office and perform their duties as such; *Provided*, that the incumbent Assistant Director shall continue in Office as Deputy Director and the incumbent Deputy Directors shall continue in office as Assistant Directors of their respective or equivalent Services.

Incumbent Special Investigators shall be deemed Regular Agents provided they meet the qualifications set forth under Section 4 hereof within two (2) years from effectivity of this Act.

SECTION 23. *Repealing Clause* - Pertinent provisions of Executive Order 292 (*Revised Administrative Code of 1987, as amended*), Republic Act No. 157 dated June 19, 1947, and all laws, decrees, orders, rules and regulations or parts thereof which are contrary to or inconsistent with the provisions of this Act, are hereby repealed or amended accordingly.

SECTION 24. *Separability Clause* - If any provision of this Act is declared invalid or unconstitutional, the provisions not affected thereby shall continue to be in full force and effect.

SECTION 25. *Effectivity*- This Act shall take effect after fifteen (15) days from its publication in the Official Gazette or in two (2) national newspapers of general circulation in the Philippines.

Approved,