

THIRTEENTH CONGRESS OF THE }  
REPUBLIC OF THE PHILIPPINES }  
*First Regular Session*

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SENATE

S. No. 693

RECEIVED BY: *Allen*

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INTRODUCED BY HON. MANUEL B. VILLAR, JR.

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**EXPLANATORY NOTE**

Consistent with the policy of the State to promote and maintain a modern investigative body, the State hereby adopts a policy to ensure respect for rule of law by modernizing and professionalizing its law enforcement agencies.

Hence, this bill seeks to reorganize the National Bureau of Investigation for it to be able to catch up with the needs of the time. As crimes are now high-tech, the NBI's modernization is but timely.

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

  
**MANUEL B. VILLAR, JR.**  
Senator

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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 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 2004."

SECTION 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, modernization, professionalism, competence, efficiency and as well as plans and programs to develop an effective and wholistic drug treatment and rehabilitation system in the country.

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

SECTION 4. *Powers and Functions.* - The NBI shall have the following powers and functions:

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

Once the NBI has commenced its own investigation of any heinous crime, it shall be the lead agency to continue the investigation. Where the investigation of violation of special laws is vested in another agency and said agency has commenced such investigation, the NBI 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.

- b. 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 mandates;
- c. To act as repository of records of fingerprints, palmprints, footprints and other identification records;
- d. To act as repository of ballistics records of firearms including but not limited to data on ownership, possession and other related identifying circumstances;
- e. To act as repository of dental records pursuant to PD 1575;
- f. To have control and supervision over the National DNA Database.
- g. 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;
- h. To establish the "NBI 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;
- i. To establish District Offices in every Congressional District (except in Metro Manila);
- j. 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 cater medical, psychiatric and other related services to drug dependents admitted in said centers;
- k. To establish and maintain modern forensic science laboratories nationwide, to conduct research and avail training and development programs (local and foreign) in furtherance of scientific knowledge in criminal investigation and detection;
- l. To establish and maintain an integrated, comprehensive, and state-of-the-art communication network, equipment and facilities for the use of investigative, intelligence and technical services and provide/avail corresponding training on said fields;
- m. Enlist the assistance of the Philippine National Police, Armed Forces of the Philippines, or any other branch, department, bureau, office, agency or any instrumentality of the government including government-owned and/or controlled corporations, in the anti-crime drive which may include use of enlisted body's personnel, facilities and resources for a more resolute prevention, detection and investigation of crimes and prosecution of criminal offenders;

- n. To perform such' other related functions as the Secretary of Justice may assign from time to time.

SECTION 5. *Structure* - The NBI shall be composed of a Director, a Deputy Director and eight (8) Assistant Directors for the following services:

- a. Special Investigation Services
- b. Regional Operations Services
- c. Intelligence Services
- d. Comptroller Services
- e. Administrative Services
- f. Human Resource Services
- g. Technical Services
- h. Legal Services

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

The NBI shall be composed of at least 14,000 employees, 5,000 of whom shall be NBI Agents/Special Investigators deployed in all Congressional Districts and who, together with the existing and qualified personnel of the NBI, shall form the nucleus of the newly organized NBI, provided that such number of employees may, from time to time as the exigency of the service may require, be increased by the Director.

SECTION 6. *The Director* - The NBI shall beheaded 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 except for cause. He shall have the same rank, salary and privilege of an Undersecretary. In case of permanent vacancy, the next appointee to the position shall serve only the unexpired portion' of the term.

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

SECTION 8. *Powers and Function of the Director* - The Director shall have the following powers and functions:

- a. 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:
  1. When the charge is serious and the evidence of guilt is strong;

2. When the respondents is a recidivist or has been repeatedly charged and there is reasonable ground to believe that he is guilty of the present charge; and
3. 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.

- b. Established policies and standards for effective, efficient and economical operation of the office in accordance with the programs of government;
- c. 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;
- d. Promulgate rules and regulations necessary to carry out the objective, policies, plans and programs of the Bureau;
- e. Establish as many regional branches/district offices and divisions as the exigencies of the services may require;
- f. 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;
- g. To deploy bureau official/ 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;
- h. To hire consultants for such length of time as may be deemed required by the exigencies of the services;
- i. To appoint NBI confidential agents and issue permit to carry firearms outside residence and mission orders.
- j. Perform such other related functions as may be provided by law or authorized higher authority.

*SECTION 9. Deputy Director and assistant Directors; Qualifications and functions*

The Director shall appoint a Deputy Director and eight (8) Assistant Directors whose basic qualifications and functions are herein below stated:

- a. THE DEPUTY DIRECTOR. 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 satisfactory service in the Bureau, one (1) year of which as Assistant Director of three years (3) as NBI Regional Director.
- b. ASSISTANT DIRECTOR FOR SPECIAL INVESTIGATION SERVICES. He must be a citizen of the Philippines and a member of the IBP or CPA in good standing, and must have rendered a minimum of ten (10) years continuous and satisfactory service in the Bureau, three (3) years of which must have been NBI Regional Director or Five (5) years Assistant Regional Director.

- c. ASSISTANT DIRECTOR FOR REGIONAL OPERATIONS SERVICES. He must be a citizen of the Philippines and a member of the IBP or CPA in good standing, and must have rendered a minimum of ten (10) years continuous and satisfactory service in the Bureau, three (3) years of which must have been NBI Regional Director or Five (5) years Assistant Regional Director.
- d. ASSISTANT DIRECTOR FOR INTELLIGENCE SERVICES. He must be a citizen of the Philippines and a member of the IBP or CPA in good standing, and must have rendered a minimum of ten (10) years continuous and satisfactory service in the Bureau, three (3) years of which must have been NBI Regional Director or Five (5) years Assistant Regional Director.
- e. ASSISTANT DIRECTOR FOR ADMINISTRATIVE SERVICES. He must be a citizen of the Philippines and a member of the IBP or CPA in good standing, and must have rendered a minimum of ten (10) years continuous and satisfactory service in the Bureau, three (3) years of which must have been NBI Regional Director or Five (5) years Assistant Regional Director.
- f. ASSISTANT DIRECTOR FOR COMPTROLLERSHIP SERVICES. He must be a citizen of the Philippines and a member of the IBP or CPA in good standing, and must have rendered a minimum of ten (10) years continuous and satisfactory service in the Bureau, three (3) years of which must have been NBI Regional Director or Five (5) years 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 or CPA in good standing, and must have rendered a minimum of ten (10) years continuous and satisfactory service in the Bureau, three (3) years of which must have been NBI Regional Director or Five (5) years Assistant Regional Director.
- h. ASSISTANT DIRECTOR FOR TECHNICAL SERVICES. He must be a citizen of the Philippines and a member of the IBP or CPA in good standing, and must have rendered a minimum of ten (10) years continuous and satisfactory service in the Bureau, three (3) years of which must have been NBI Regional Director or Five (5) years Assistant Regional Director.
- i. ASSISTANT DIRECTOR FOR LEGAL SERVICE. He must be a citizen of the Philippines, a member of the IBP of good standing, who must have rendered either actual continuous service as Legal Officer for at least ten (10) years, five years of which must have been an NBI 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.

SECTION 10. *Basic Qualification of the Regional Directors.* There shall be a Regional Director in every NBI Regional Office who shall be appointed by the President

of the Philippines. The Regional Director (RD) must be an NBI Agent; at least 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 investigative or intelligence service.

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

SECTION 11. *Basic Qualifications of the Assistant Regional Director.*- Assistant Regional Director shall be appointed by the President of the Philippines. The Assistant Regional Director (ARD) must be an NBI Agent; at least 35 years of age; and must have rendered a continuous and uninterrupted 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.

SECTION 12. *Qualifications of NBI Agents* - NBI Agents must be citizens of the Philippines, of good moral character, members of the IBP or CPA of good standing. Only NBI Agents shall be appointed to the position of Chiefs and Assistant Chiefs of Division of Investigative, Intelligence and Regional Operations Services.

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

- a. To make arrests, searches, seizures in accordance with existing laws, rules and regulations;
- b. To issue subpoena or subpoena *duces tecum*. PROVIDED, furthermore, that failure to obey a subpoena/or subpoena *duces tecum* issued under this Section without justification shall be punished as Contempt under the Rules of Court;
- c. To take statements of any person or person so summoned in relation to cases under investigation, subject to constitutional restrictions;
- d. To administer oaths pertaining upon cases under investigation
- e. To 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 person in custody: PROVIDED, that no previous special permit for such possession shall be required; and PROVIDED, further that the Director, 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.
- f. 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; existing laws to contrary notwithstanding.

SECTION 14. *Qualifications of Special Investigators* - NBI Agents in the investigation of cases shall be supported, assisted and complemented by Special Investigators. Special Investigators are the Non-lawyers and Non-CPAs, who shall be under the supervision of an NBI Agent whose minimum qualifications are as follows:

- a. Must be a citizen of the Philippines;
- b. Must be a holder of a four-year degree;
- c. Must have at least two years Bachelor of Laws;
- 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.

SECTION 15. *Duties and Functions of NBI Special Investigator*

- a. To make, arrests, searches, seizures in accordance with existing, laws, rules and regulations;
- b. To take sworn statements of any person or persons so summoned in relation to cases under investigation, subject to constitutional restrictions;
- c. To 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 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.

SECTION 16. *Non-Agent Lawyers and Other Specialized Technical Support Personnel* - Non-Agent lawyers and highly specialized technical personnel such as physicians, chemists, and the like shall enjoy the same salary, benefit and privileges of an NBI Special Investigator, provided that they have passed the appropriate government licensure examination administered by the Professional Regulations Commission for the particular field.

SECTION 17. *Exemption from Salary Standardization Law*. - All position in the reorganized NBI shall be exempted from coverage of R.A. No. 6758 otherwise known as the SALARY STANDARDIZATION LAW.

SECTION 18. *Longevity Pay* - All NBI officials and regular employees shall be entitled to a monthly 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 15 years of continuous and faithful service.

SECTION 19. *Death and Disability Benefit* - The compulsory heirs or the designated beneficiaries of NBI 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 P1 million pesos as death benefit; PROVIDED that if permanent disability results from the performance of official function, the NBI Agent/Special Investigator, or member of the investigating team shall likewise receive said death benefit.

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

SECTION 20. *Health Insurance Program*- All regular NBI employees shall be covered by a comprehensive health insurance policy; 75% of the total premiums shall be paid by the Bureau and the 25% shall be deducted from employees salary

SECTION 21. *Legal Assistance* - A special fund for NBI personnel shall be established to assist NBI personnel who are charged either before the Ombudsman, Prosecutor's Office or any Judicial body in connection with the performance of their function. An amount of 3 million pesos is hereby appropriated as initial trust fund for this purpose. Two (2%) of the NBI's yearly collection from clearance fees shall be appropriated from the implementation and maintenance of the special trust fund. Any interest accruing to the trust fund shall form part of the fund. To carry out the purpose and provision of the special trust fund, the Director is hereby authorized to administer, execute and issue implementing guidelines as may be necessary thereof.

SECTION 22. *Housing and Vehicle Loan Program* - The NBI shall undertake a housing and vehicle loan program fro all NBI personnel who have rendered a minimum service in the Bureau for at least five (5) years. For this purpose, the Director may enter into a Memorandum of Agreement and Loan Agreement with private entities and/or other government entities'.

SECTION 23. *Educational Program* - The NBI shall adopt and maintain educational and scholarship programs for deserving NBI officials, regular employees and their dependents. Towards this end, five (5%) percent of the total annual collection from NBI clearance fees shall be allocated as special fund for this purpose.

The NBI Director is hereby empowered to issue and implement rules and regulations to carry out the objectives and programs introduced in the preceding provisions.

SECTION 24. *Transitory Provisions* - All unexpended appropriations, real and personal property, contracts, record and documents relating to the existing NBI shall be transferred to the newly reorganized NBI.

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

Officials and employees of the NBI shall be absorbed into the reorganized NBI, on the basis of continued satisfactory performance: Provided that officers and employees who shall be, retrenched as a result of the reorganization 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

SECTION 25. *Appropriation* - For the implementation of this Act, there is hereby appropriated an initial amount of eight (8) Billion Pesos intended for salaries and wages, traveling and other expenses of personnel, for purchase of supplies, materials and equipment and for such other expenditures as may be needed for the operation and maintenance of this Bureau. Henceforth, the appropriation provided for this Act shall be in addition to such funds which may be provided in the current General Appropriations Act and other Special Laws for the full 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 the organizational framework and staffing pattern of the newly reorganized NBI shall be prescribed and approved by the Director within sixty (60) days after the approval of this Act and the authorized positions created therein shall be filled by regular appointments by the Director.

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

SECTION 26. *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.

SECTION 27. *Implementing Rules and Regulation* - The NBI shall promulgate rules and regulations for the effective implementation of this Act.

SECTION 28. *Repealing Clause* - The provision of Republic Acts No. 157, 2389 and 1678 and all other acts or executive issuances inconsistent herewith are hereby repealed or amended accordingly.

SECTION 29. *Separability Clause* - If any provisions of the Act is declared unconstitutional, the same shall not affect the validity and effectivity of the other provisions hereof.

SECTION 30. *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,*