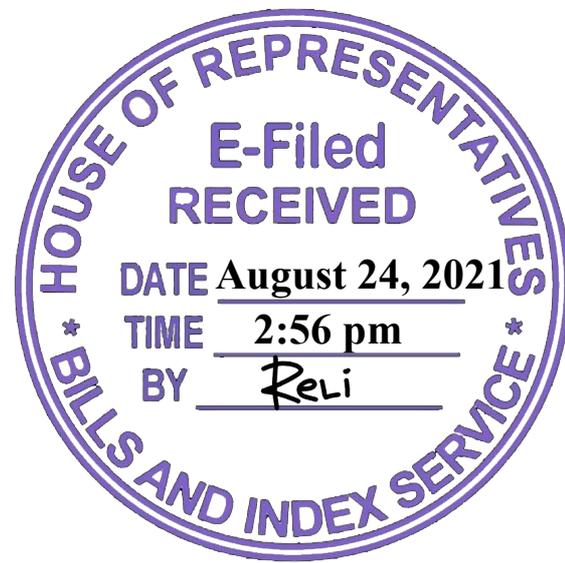




Republic of the Philippines  
**House of Representatives**  
Quezon City



**EIGHTEENTH CONGRESS**  
*Third Regular Session*

House Bill No. 10056

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**Introduced by REPRESENTATIVE ERIC L. OLIVAREZ**

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### **EXPLANATORY NOTE**

This Bill seeks to establish a DNA Database System in the country which shall be known as the *Philippine DNA Database System*. This Bill shall include, among others, the indices that shall form the composition, storage, and management of the DNA database and prohibited acts with regard to its handling.

A DNA database is a government database of DNA profiles which can be used by law enforcement agencies in criminal investigations. Creating a DNA database system in the country will give much contribution in improving and developing the criminal justice system in our country.

The information that can be derived from each DNA profile can be a powerful tool of law enforcement agencies in the fight against crime. Science proves that no two people, with the exception of twins, can have similar DNA. Thus, identification through DNA analysis is very much highly probable. It will help provide important intelligence leads and help eliminate innocent suspects at a very early stage of an investigation. It will also help in identifying repeat offenders more rapidly which thereby protects potential future victims. When used to its full potential, DNA evidence will help solve and may even prevent some of the nation's most serious crimes.

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

*Eric C. Olivarez*  
**ERIC OLIVAREZ**



Republic of the Philippines  
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**EIGHTEENTH CONGRESS**  
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1  
2 **“AN ACT PROVIDING FOR THE ESTABLISHMENT OF THE**  
3 **PHILIPPINE DNA DATABASE SYSTEM”**

4 *Be it enacted in the Senate and the House of Representatives of the Republic of the*  
5 *Philippines in Congress assembled:*

6 **SECTION 1. *Short Title.*** – This Act shall be known as the “DNA  
7 Database Act of 2021.

8 **SECTION 2. *Declaration of Policy.*** – It is hereby declared the  
9 policy of the State to endeavor to promote and establish the effective  
10 administration of justice in the country. Towards this end, the State shall  
11 create measures in order to provide a comprehensive, adequate and  
12 timely information on crimes, criminals and the operations of the criminal  
13 justice system.

14 **SECTION 3. *Definition of Terms*** –

15 a. *DNA* shall refer to deoxyribonucleic acid, which is the chain of  
16 molecules found in every nucleated cell of the body. The  
17 totality of an individual’s DNA is unique for the individual,  
18 except identical twins;

19

1 b. *Biological Sample* shall refer to any organic material  
2 originating from a person's body, even if found in inanimate  
3 objects, that is susceptible to DNA testing. This includes  
4 blood, saliva and other body fluids, tissues, hairs, and bones;

5 c. *Intimate Sample* shall refer to any of the following:

6 i. a sample of blood, semen or any other tissue fluid, urine  
7 or pubic hair

8 ii. a dental impression, or

9 iii. a swab taken from any part of the genitals (including  
10 pubic hair) or from a person's body orifice other than the  
11 mouth

12 d. *Non-Intimate Sample* shall refer to any of the following:

13 i. a sample of hair (other than pubic hair) taken from a nail  
14 or under a nail;

15 ii. a swab taken from any part of the body including the  
16 mouth but no other bodily orifice;

17 iii. saliva;

18 iv. a footprint or similar impression of any part of the body  
19 except the hand

20  
21 e. *DNA Evidence* constitutes the totality of the DNA profiles,  
22 results, and other genetic information directly generated from  
23 DNA testing of biological samples;

24 f. *DNA Profile* shall refer to the genetic information derived from  
25 DNA testing of a biological sample obtained from a person  
26 which biological sample is clearly identifiable as originating  
27 from that person;

28 **SECTION 4. Establishment of Philippine National Forensic DNA**  
29 **Database.** - A forensic DNA database under the Philippine National Police  
30 is hereby established. The Philippine National Forensic DNA Database  
31 shall be composed of several indices which shall be the following:

32 a. *Crime Scene Index* shall contain the DNA profile derived from an  
33 intimate sample or a non-intimate sample that is found:

- 1           i.    on anything or at any place where an offense was committed
- 2           ii.   on or within the body of a victim of an offense; or
- 3           iii.   on anything worn or carried by the victim or suspect at the time
- 4                 when the offense was committed;
- 5       b. *Arrested Person Index* shall contain forensic DNA profiles derived
- 6         from an intimate or a non-intimate sample taken from arrested
- 7         persons;
- 8       c. *Convicted Offenders Index* shall contain DNA profiles derived from
- 9         an intimate or a non-intimate sample taken from persons convicted
- 10        of any offense under any written law;
- 11       d. *Detainee Index* which contains DNA profiles derived from an
- 12         intimate or a nonintimate sample taken from a detainee;
- 13       e. *Elimination Person Index* shall contain DNA profiles derived from an
- 14         intimate or non-intimate sample taken from persons who had lawful
- 15         access to the crime scene to be used for comparison with evidence
- 16         for elimination purposes;
- 17       f. *Law Enforcement Personnel Index* shall contain DNA profiles of all
- 18         employees of the government's law enforcement agencies derived
- 19         by means of forensic DNA analysis from a buccal or blood swab;
- 20       g. *Military Personnel Index* shall contain DNA profiles of all members
- 21         of the Armed Forces of the Philippines (AFP) derived by means of
- 22         forensic DNA analysis from a buccal or blood swab;
- 23       h. *Missing Person Index* shall contain DNA profiles and any
- 24         information in relation thereto derived from an intimate or a non-
- 25         intimate sample taken from:
- 26            i.    anything worn or carried by a missing person
- 27            ii.   the next of kin of a missing person if so required
- 28       i. *Unidentified Human Remains Index* shall contain DNA profiles and
- 29         any information in relation thereto derived from an intimate or a non-
- 30         intimate sample taken from the body or parts of the body of an
- 31         unidentified deceased person;
- 32       j. *Voluntary Person Index* shall contain DNA profiles and any
- 33         information in relation thereto derived from an intimate or a non-

1 intimate sample taken from a person who volunteers to submit the  
2 same for the purpose of storage of the DNA information in the DNA  
3 Databank.

4 **SECTION 5. Objectives and Purposes of the DNA Database. -**

5 The objective of the DNA Database is to establish, keep, and maintain a  
6 comprehensive national DNA database in order to perform comparative  
7 searches for the following purposes:

- 8 a. assist the State in its fight for crime prevention and crime  
9 solution;
- 10 b. provide an easier method of identifying persons who might have  
11 been involved in the commission of an offense;
- 12 c. assist in the administration of justice in proving the innocence or  
13 guilt of person allegedly involved in the commission of an offense  
14 and exonerate a person wrongly convicted of an offense; and
- 15 d. assist in the identification of missing persons or unidentified  
16 human remains.

17 **SECTION 6. Management of DNA Database. -**

18 The PNP Crime Laboratory - DNA Laboratory Division shall be the division which shall be  
19 responsible for the management of the DNA databases.

20 In connection with the management of the DNA databases, the Division  
21 shall also have the following functions for the effective performance of its  
22 duties:

- 23 a. Be primarily responsible for the general conduct, administration, and  
24 management of the DNA database;
- 25 b. Establish mechanisms to facilitate the connection, storage, and  
26 dissemination of data in connection with DNA profiles and any  
27 information in relation thereto stored in the DNA database;
- 28 c. Ensure that DNA profiles and any information in relation thereto are  
29 securely stored and remain confidential at all times;
- 30 d. Store and dispose samples taken for the purpose of forensic DNA  
31 analysis in accordance with the provisions of this Act;

- 1 e. Cooperate with both local and foreign law enforcement agencies in  
2 accordance with the provisions of this Act;
- 3 f. Carry out any other functions conferred by or under this Act and to  
4 perform any other functions that are incidental or consequential to  
5 any of the functions specified in this section or in furtherance of the  
6 objectives of the Philippine National Forensic DNA Database.

7 **SECTION. 7. Access and Confidentiality of DNA Profiles and**  
8 **Information.** - The DNA database and any information contained therein  
9 shall only be accessed by authorized personnel of the PNP Crime  
10 Laboratory on the following purposes:

- 11 a. administering the database;
- 12 b. comparing DNA profiles or information in the course of an  
13 investigation conducted by any law-enforcement agency or during  
14 judicial and quasi-judicial proceedings; and
- 15 c. making the information available to a person to whom the  
16 information relates.

17 DNA profiles and all results or other information obtained from DNA  
18 testing shall be confidential subject to the provisions of Republic Act No.  
19 10173 otherwise known as the "Data Privacy Act of 2012".

20 **SECTION 8. Biological Sample or Genetic Markers Derived**  
21 **from DNA as Evidence.** - Expert testimony or evidence relating to the  
22 use of these biological samples or genetic markers contained in or derived  
23 from DNA for identification may be used as evidence in any courts or  
24 proceedings in the country subject to the judicial rules on DNA evidence.

25 **SECTION 9. Collection of DNA Sample.** - Only a certified PNP  
26 DNA collector shall collect a biological sample from any person who on or  
27 after the effective date of this Act is:

- 28 a. Convicted of a crime for any offense;
- 29 b. Arrested for and formally charged of the crime before the court for  
30 an offense;
- 31 c. Legally detained under law;

- 1 d. Required to submit a DNA sample due to a judicial or quasi-judicial  
2 order because they are a suspect in a crime;
- 3 e. Needed to submit a DNA sample for elimination purposes;
- 4 f. An active member of law enforcement agency;
- 5 g. An active member of the Armed Forces of the Philippines; and
- 6 h. A person who is voluntarily providing a sample to be placed into the  
7 DNA database.

8 **SECTION 10. *Handling of Collected Biological Sample.*** - The  
9 integrity of the collected biological sample shall be maintained at all times  
10 through a clear, well-documented chain of custody from the time a  
11 biological sample is collected until its disposal. Such chain of custody  
12 document shall be retained in the laboratory record to reflect the integrity  
13 of the sample during its receipt, handling, storage, preparation, retention  
14 and/or disposal to protect the interest of all parties.

15 **SECTION 11. *Storage and Disposal of Biological Samples.*** –  
16 The PNP DNA Laboratory Division shall preserve all biological samples,  
17 DNA profiles and results or other genetic information obtained from the  
18 DNA testing. All biological samples collected under Section 9 of this Act  
19 must be destroyed not later than six (6) months after the DNA profile has  
20 been generated.

21 **SECTION 12. *Deletion of DNA Profile from the DNA Database***  
22 ***Indices.*** – A person whose DNA profile is contained in the voluntary or  
23 missing person's indices may request that their DNA profile and any  
24 related information be deleted from the DNA databank at any time.

25 Members of law enforcement agencies and the Armed Forces of the  
26 Philippines may request the same upon retirement or resignation from the  
27 service.

28 The DNA Laboratory official in charge of the database shall, within six  
29 (6) months from the time of notification of such request, delete the DNA  
30 profile and any information in relation to the profile.

31 **SECTION 13. *Sample Given Voluntarily.*** - Any person may  
32 voluntarily give written consent to a certified DNA collector for the taking

1 of his or her intimate or non-intimate sample subject. Before taking of  
2 intimate or non-intimate sample, the certified DNA collector shall inform  
3 the person from whom the sample is to be taken:

4 a. That the DNA profile and any information in relation thereto derived  
5 from the intimate sample or non-intimate sample may be stored in  
6 the National Forensic DNA Database and may be used for the  
7 purposes of forensic DNA analysis, police inquiry, and for such  
8 purposes referred to in this act;

9 b. That he/she may make a request for an access to his or her  
10 information; and that he/she may at any time demand the deletion  
11 of his/her DNA profile in the database.

12 **SECTION 14. *Support from Voluntary Citizens.*** - To support the  
13 nationwide national DNA Database, employees of both government and  
14 private institutions and private citizens are hereby encouraged to submit  
15 DNA samples. The forensic DNA profiles and any information in relation  
16 thereto shall be included in the voluntary person index.

17 **SECTION 15. National DNA Database Scientific Advisory**  
18 **Committee.** - A National DNA Database Scientific Advisory Committee  
19 shall be established for purposes of developing DNA testing database  
20 quality assurance standards for DNA testing and data basing including  
21 standards for testing the proficiency of forensic laboratories and forensic  
22 analysts conducting forensic DNA analysis.

23 **SECTION 16. *Committee Members.*** - The Committee shall be  
24 composed of nine (9) members with recognized expertise and  
25 competence to understand, develop, and adopt DNA quality assurance  
26 standards necessary for the maintenance of the DNA database.

27 Committee representatives shall be composed of three (3)  
28 representatives from the PNP, two (2) representatives from the National  
29 Bureau of Investigation (NBI), one (1) representative from the Department  
30 of Science and Technology (DOST), one (1) representative from the  
31 Department of Health (DOH), and two (2) representatives from other  
32 government agencies or institutions actively engaged in forensic DNA  
33 testing.

1 The Committee shall be chaired by an official from the PNP being  
2 the repository of the database.

3 **SECTION 17. *Tampering of DNA Records.*** - Any person who shall  
4 knowingly make any false entry or alter any DNA record or profile indexed  
5 or otherwise contained in the DNA database system, or who shall  
6 intentionally destroy, mutilate, conceal, remove or otherwise impair the  
7 verity or availability of DNA records or profile without authority, shall suffer  
8 the penalty of twelve (12) years and one (1) day imprisonment with  
9 perpetual absolute disqualification from public office and a fine not less  
10 than SIX HUNDRED THOUSAND PESOS (Php600,000.00) at the  
11 discretion of the court.

12 **SECTION 18. *Tampering, Abetting, or Attempting to Tamper***  
13 ***DNA Samples.*** - Any person who shall knowingly tamper or cause to be  
14 tampered any intimate sample or non-intimate sample taken for the  
15 purposes of this Act or aid the commission of or attempt to tamper any  
16 intimate or non-intimate sample taken for the purposes of this Act, shall  
17 suffer the penalty of twelve (12) years and one (1) day imprisonment with  
18 perpetual absolute disqualification for public office or a fine not less than  
19 SIX HUNDRED THOUSAND PESOS (Php600,000.00) or both, at the  
20 discretion of the court.

21 **SECTION 19. *Improper Disclosure of DNA Samples and***  
22 ***Records.*** - Any person who, by virtue of employment or official position,  
23 has possession of, or access to, individually identifiable DNA information  
24 indexed or otherwise contained in the DNA database system and who  
25 knowingly and willfully discloses such information in any manner to any  
26 person or agency not legally entitled to receive it to the prejudice and  
27 detriment of the public or person from whom the said DNA sample or  
28 information was taken shall suffer the penalty of eight (8) years and one  
29 (1) day imprisonment or a fine not lower than FIVE HUNDRED FIFTY  
30 THOUSAND PESOS (Php500,000.00) or both, at the discretion of the  
31 court.

32 **SECTION 20. *Refusal to Give Sample.*** - Any person who  
33 unjustifiably refuses to give a non-intimate sample or obstructs the taking  
34 of such sample from when legally ordered by competent authority to do  
35 so, shall be liable to a fine not exceeding THREE HUNDRED THOUSAND  
36 PESOS (Php300,000.00) or imprisonment for a term not exceeding six (6)  
37 years, or both.

1           **SECTION 21. Cooperation with Other Law Enforcement**  
2 **Agency.** - The PNP, NBI and other law enforcement agencies shall  
3 establish a system to ensure coordination and integration of the DNA  
4 database in their respective agencies.

5           **SECTION 22. Cooperation with Foreign Law Enforcement**  
6 **Agency.** -The PNP may, upon request by a foreign law enforcement  
7 agency, compare a DNA profile received from the foreign law enforcement  
8 agency with the DNA profiles in the DNA Database in order to determine  
9 whether such DNA profile is already contained in the DNA database and  
10 communicate any relevant information to the foreign law agency.

11           **SECTION 23. Previously Maintained DNA Profiles.** -Any existing  
12 DNA profile and any information in relation thereto kept and maintained  
13 by the Philippine National Police (PNP) immediately before the effectivity  
14 of this Act shall form part of the Philippine Forensic DNA Database in  
15 accordance with this Act.

16           **SECTION 24. Appropriations.** - The amount necessary for the  
17 effective implementation of the provisions of this Act shall be taken from  
18 the current year's appropriation of the PNP. Thereafter, such sum as may  
19 be needed for the continued implementation of this Act shall be included  
20 in the annual General Appropriations Act.

21           **SECTION 25. Implementing Rules and Regulations.** - Within  
22 ONE HUNDRED AND TWENTY (120) days, the PNP in consultation with  
23 government agencies and other law enforcement offices shall formulate  
24 the necessary rules and regulations for the effective implementation of  
25 this Act.

26           **SECTION 26. Separability Clause.** – If any provision of this Act is  
27 declared invalid or unconstitutional, the other provisions not affected  
28 thereby shall remain valid and subsisting.

29           **SECTION 27. Repealing Clause.** – All acts, executive orders,  
30 memorandum circulars/guidelines and other issuances or parts thereof,  
31 which are inconsistent with this Act, are hereby repealed or modified  
32 accordingly.

1           **SECTION 28. *Effectivity.*** – This Act shall take effect fifteen (15)  
2 days after its publication in the Official Gazette or in two (2) newspapers  
3 of general circulation

4           **APPROVED.**