EXPLANATORY NOTE

The Philippine National Police is instrumental in enforcing the law, preventing crime, and maintaining public safety and order in the country. For our police force to continue staying true to their mandate with the highest efficiency and competency, it is also important to ensure that its many processes and operations keep up with the fast-paced global modernization, particularly in the use of information and communication technology.

Among its many processes, the issuance of police clearances remains to be one of the PNP's most important responsibilities. The police clearance not only serves as a crucial requirement for employment in the country, but is also vital in crime prevention through systematic criminal records check. Despite the ability of the public to now apply for police clearance online, the PNP still lacks the enforcement of an amalgamated database that would bring into line all the records from local police stations.

This bill seeks to establish a National Police Clearance System that would streamline all records of reported crime incidents, warrants of arrest, and details of arrested and wanted persons among other pertinent information into a unified national database. The maintenance of a national database would greatly improve the coordination and efficiency in checking criminal records of the different police stations around the country.

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

Gabriel H. Bordado, Jr.
3rd District, CAMARINES SUR
AN ACT ESTABLISHING THE NATIONAL POLICE CLEARANCE SYSTEM, PROVIDING 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 "National Police Clearance System Act".

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

SECTION 3. National Police Clearance System. - The National Police Clearance System (NPCS) is hereby established. The Philippine National Police (PNP) shall be the government agency responsible for the implementation of the NPCS. Pursuant to this mandate, the PNP shall formulate and adopt policies for the effective operationalization of the NPCS including, but not limited to, maintenance of a national record of all reported crime incidents, warrants of arrest, pictures and personal details of arrested and wanted persons, fingerprints and ballistic examination records and other relevant information.

SECTION 4. National Police Clearance. - The National Police Clearance shall be the primary government certificate or document indicating the presence or absence of any criminal and/or derogatory records in the Philippines of any individual.

The National Police Clearance shall also be the sole government certificate or document that will be required in all PNP transactions for verifying the presence or absence of any criminal and/or derogatory records in the Philippines of the individual transacting with the PNP;

SECTION 5. Processing of Information. - The processing of information under the NPCS shall be subject to Section 11, 12 and 13 of Republic Act No. 10173, otherwise known as the "Data Privacy Act of 2012".
SECTION 6. Issuance of National Police Clearance. - Any person may request for
the issuance of their National Police Clearance from the PNP. In line with this, the PNP
may determine, fix and collect reasonable amounts to be charged as fees for the
issuance of the police clearance: Provided, That no fees and other charges shall be
collected from first time jobseekers when obtaining such police clearance as mandated
by Republic Act No. 11261, otherwise known as the "First Time Jobseekers Assistance
Act."

SECTION 7. Confidentiality. - The Philippine National Police shall ensure at all times
the confidentiality of any personal information that comes to Its possession or obtained
as a requirement for the issuance of a Police Clearance under the preceding
section.

SECTION 8. Penal Provision. - (a) Any person, who breach the confidentiality of
information contained in the NPCS, whether by carelessness, improper behavior,
behavior with malicious Intent, and use of confidential information for profit, shall be
penalized by imprisonment of three (3) months but not to exceed one (1) year and a
fine of not less than Fifty Thousand Pesos (P50,000.00) but not more than One
Hundred Thousand Pesos (P100,000.00), subject to the degree of breach of
information;

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

SECTION 9. Capability Enhancement Programs of the PNP. - Collections from the
issuance of national police clearance shall be utilized to support the Capability
Enhancement Programs of the PNP.

SECTION 10. Appropriation. - The amount necessary for the effective
implementation of the provisions of this Act shall be taken from the current year's
appropriation of the PNP. Thereafter, such sum as may be needed for the continued
implementation of this Act shall be included in the annual General Appropriations Act.

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

SECTION 12. Separability Cause. - If any provision or part hereof, is held invalid or
unconstitutional, the remainder of the law or the provision not otherwise affected shall
remain valid and subsisting.

SECTION 13. Repealing Cause. - All laws, decrees, executive orders, proclamations,
and administrative regulations or parts thereof inconsistent herewith are hereby
repealed or modified accordingly.

SECTION 14. Effectivity Clause. - This Act shall take effect fifteen (15) days after its
publication in the Official Gazette or in a newspaper of general circulation.
Approved,