

S. No. 2950

H. No. 5855

Republic of the Philippines
Congress of the Philippines

Metro Manila

Sixteenth Congress

Third Regular Session

Begun and held in Metro Manila, on Monday, the twenty-seventh day of July, two thousand fifteen.



[REPUBLIC ACT NO. **10867**]

AN ACT REORGANIZING AND MODERNIZING THE NATIONAL BUREAU OF INVESTIGATION (NBI), AND PROVIDING FUNDS THEREFOR

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

SECTION 1. *Short Title.* – This Act shall be known as the “National Bureau of Investigation Reorganization and Modernization Act”.

SEC. 2. *Declaration of Policy.* – It is the policy of the State to promote and maintain an effective, modern, gender-responsive, competent and highly trained investigative body, functionally integrated and national in scope.

Toward 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.

SEC. 3. *Reorganization, Modernization, and Expansion.*

—The NBI is hereby reorganized and modernized to adequately meet the increasing demands of an expanded investigative and detective work.

It 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. The program shall include provisions for the training of its personnel in this regard.

The present organizational structure of the NBI shall be reorganized into the Office of the Director, Office of the Deputy Director for Administration, Office of the Deputy Director for Operations, Offices of the Assistant Directors for Investigation Service, Intelligence Service, Comptroller Service, Human Resource and Management 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 to be headed by a Regional Director and District Offices in every province to be headed by a Head Agent. Field Offices may also be established and maintained by the Director as the need arises.

The NBI personnel complement shall be increased and their positions upgraded, as follows:

Old Position	From Salary Grade	New Position	To Salary Grade
Director VI	SG 30	Director	SG 30
Director V (Assistant Director)	SG 29	Deputy Director	SG 29
Director III (Deputy Director)	SG 27	Assistant Director	SG 28
Director II (Regional Director)	SG 26	Regional Director	SG 27
Director I (Assistant Regional Director)	SG 25	Assistant Regional Director	SG 26

Investigation Agent VI (Head Agent)	SG 25	Head Agent	SG 25
Investigation Agent V (Supervising Agent)	SG 24	Supervising Agent	SG 24
Investigation Agent IV (Senior Agent)	SG 23	Senior Agent	SG 23
Investigation Agent III	SG 22	Investigation Agent III (Agent)	SG 22
Investigation Agent II	SG 20		
Investigation Agent I	SG 18		
Special Investigator V	SG 24		
Special Investigator IV	SG 22		
Special Investigator III	SG 18		

The number of administrative support personnel shall also be increased to effectively carry out their functions.

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

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

(a) Undertake investigation and detection of crimes and offenses enumerated under Section 5 hereof;

(b) Issue *subpoena* for the appearance of any person for investigation or production of documents, through its officers from the ranks of Regional Director to Director;

(c) Act as a national clearing house of criminal records and other related information for the benefit of the government;

(d) Render technical assistance to government agencies and instrumentalities, when so requested;

(e) Extend assistance in cases involving extradition and mutual legal assistance, when requested by the Department of Justice;

(f) Establish an NBI Academy which shall be responsible for the recruitment, training, and development of all NBI agents and personnel, among others;

(g) 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, evidence collection and preservation, and provide the necessary training therefor;

(h) Establish and maintain a Cyber Investigation and Assessment Center which shall serve as the nerve center for computer information technologies, data on cybercrime cases, computer intrusion, threats, and other related crimes or activities;

(i) Establish and maintain an integrated, comprehensive, and state-of-the-art network of 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;

(j) Request the assistance of the Philippine National Police (PNP), 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 the agency's personnel and facilities upon prior approval by the head of the agency concerned;

(k) Conduct intelligence operations in furtherance of the foregoing powers and functions;

(l) Enter into any contract or transaction for the acquisition, ownership, possession, administration, lease, disposition or acceptance of real or personal property in its name, subject to the approval of the Secretary of Justice;

(m) Establish a modern NBI Clearance and Identification Center containing all derogatory and criminal records and civilian identification records, including their identifying marks and characteristics and fingerprint database, as well as dental records pursuant to Presidential Decree No. 1575, entitled "Requiring Practitioners of Dentistry to Keep Records of Their Patients";

(n) Maintain, for purposes of investigative and forensic requirements of the NBI, relevant database such as ballistic records of firearms including, but not limited to, data ownership, possession, and other related identifying circumstances; and Deoxyribonucleic Acid (DNA) databank; and

(o) Perform such other functions as the President or the Secretary of Justice may assign.

SEC. 5. *Jurisdiction.* – The NBI shall have primary jurisdiction to undertake investigations in the following cases:

(a) Human Trafficking cases in all airports in the Philippines;

(b) Extrajudicial/Extra-legal killings committed by the state's security forces against media practitioners and activists;

(c) Killings of justices and judges;

(d) Violation of Republic Act No. 10175, otherwise known as the "Cybercrime Prevention Act";

(e) Cases referred by the Inter-Agency Anti-Graft Coordinating Council (IAGCC);

(f) Violations of the Anti-Dummy Law;

(g) Cases involving threats to security or assaults against the persons of the President, Vice President, Senate President, Speaker of the House of Representatives, and Chief Justice of the Supreme Court;

(h) Transnational crimes pursuant to existing international agreements;

(i) Identification of the dead/victims in case of mass fatality incidents caused by natural disasters; and

(j) Violations of commercial, economic, and financial or white-collar crimes such as, but not limited to, those punishable under Republic Act No. 8792, otherwise known as "E-Commerce Act of 2000"; Republic Act No. 8484, otherwise known as "Access Devices Regulations Act of 1998"; Republic Act No. 8293, otherwise known as "Intellectual Property Code of the Philippines"; Republic Act No. 8799, otherwise known as "Securities Regulation Code"; Presidential Decree No. 1689, otherwise known as "Decree

Increasing the Penalty for Certain Forms of Estafa", and other similar penal statutes that may be enacted by Congress.

Provided, however, That the President or the Secretary of Justice may direct the NBI to undertake the investigation of any crime when public interest so requires.

Once the NBI takes cognizance of any of the aforementioned cases, the PNP and other law enforcement agencies/investigative entities shall collaborate with and render assistance to the NBI. In cases where jurisdiction is vested exclusively and/or primarily with the PNP or other law enforcement agency/investigating agency, the NBI shall collaborate with and render assistance to the same.

SEC. 6. The NBI Director and Other Officials. – The NBI shall be headed by a Director and assisted by two (2) Deputy Directors, one for Administration and another for Operations, and an Assistant Director for each of the following seven (7) Services: Investigation Service, Intelligence Service, Human Resource and Management Service, Comptroller Service, Forensic and Scientific Research Service, Legal Service, and Information and Communications Technology Service.

The NBI Director shall be appointed by the President and shall have the rank, salary, and benefits equivalent to that of an Undersecretary. No person shall be appointed Director unless he or she is a natural-born citizen of the Philippines and a member of the Philippine Bar who has been engaged in the practice of law for at least fifteen (15) years, preferably from within the ranks of Directors.

The Assistant Regional Directors to Deputy Directors shall likewise be appointed by the President of the Philippines, coming from the ranks of the NBI, upon the recommendation of the Secretary of Justice.

No person shall be appointed Deputy Director or Regional Director unless he or she is a citizen of the Philippines and a member of the Philippine Bar who has been engaged in the practice of law for at least ten (10) years for the Deputy Director and for at least five (5) years for the Regional Director.

SEC. 7. Powers and Functions of the Director. – The Director shall have the following powers and functions:

(a) Formulate policies, guidelines, and programs to effectively carry out the purposes of this Act;

(b) Direct, control, and supervise the administration and operations of the NBI;

(c) Promulgate rules and regulations as may be necessary or proper for the effective exercise of the powers and functions of the NBI, as well as the discharge of the duties and responsibilities of its officials and personnel;

(d) Determine, from time to time, subject to availability of funds and the approval of the Secretary of the Department of Budget and Management (DBM), the limit of reasonable allowances, incentives, bonuses, privileges, and other benefits which may be given to the NBI personnel;

(e) Create or abolish any division/unit and positions therein as may be required by the exigencies of the service, subject to the endorsement of the Secretary of Justice and approval of the DBM;

(f) Deploy any of its officials or personnel for missions abroad 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 (DFA): *Provided*, That any expense incurred by the NBI representative in the establishment of his or her office, including operation and maintenance, is shouldered by the NBI;

(g) Hire consultants, subject to pertinent laws and rules, as may be deemed required by the exigencies of the service;

(h) Issue mission orders and permits to carry duly licensed firearms outside residence to its agents, organic personnel assisting in the investigation, and other duly deputized personnel of the Department of Justice assisting the NBI in their investigative work;

(i) Designate NBI informants for investigative purposes;

(j) Remove, suspend, or otherwise discipline NBI agents and personnel for cause in accordance with Civil Service Rules and Regulations and other pertinent laws;

(k) Determine and impose administrative fees;

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

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

SEC. 8. *Qualifications of NBI Agents.* – The minimum qualifications of NBI agents are the following:

- (a) Citizen of the Philippines;
- (b) Of good moral character;
- (c) A member of the Philippine Bar or a holder of a Baccalaureate Degree who passed the necessary government licensure examination relevant to the investigative functions of the NBI; and
- (d) Successfully passed the competitive mental and physical examinations required by the NBI.

SEC. 9. *Powers and Functions of Agents.* – The agents of the NBI shall have the following powers and functions:

- (a) Undertake investigations pursuant to the mandate of the NBI;
- (b) Conduct searches, arrests, and seizures in accordance with existing laws, rules and regulations;
- (c) Take and require sworn statements of any person or persons so summoned in relation to cases under investigation;
- (d) Administer oaths in cases under investigation; and
- (e) Such other functions as may be assigned by the NBI Director.

SEC. 10. *Benefits and Privileges.* – The NBI shall provide its personnel with the following benefits:

- (a) Health care services through a Health Maintenance Organization (HMO) for its regular employees;
- (b) Accident insurance policies for all employees;
- (c) Trainings, scholarships, and seminars to deserving employees to upgrade their knowledge and skills, on official time and at the expense of the NBI;
- (d) Longevity pay, subject to guidelines that shall hereafter be issued by the NBI Director in accordance with existing laws and regulations and subject further to the approval of the DBM Secretary;

(e) Hazard pay, subject to pertinent laws and rules; and

(f) 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.

SEC. 11. *Seminars and Other Professional Fees.* – 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 NBI. Likewise, professional membership fees, registration fees, including the mandatory continuing professional education (CPE), 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.

SEC. 12. *Retention and Use of NBI Clearance Fees and Other Fees.* – The NBI shall be authorized to retain and use every year thirty percent (30%) of its collections from clearance fees for its modernization and to augment its operational expenses such as, but not limited to, capital outlay, expenses for health care services, career advancement and professionalization, legal assistance, seminars and other professional fees, among others: *Provided*, That in no case shall said annual appropriation exceed one hundred fifty million pesos (P150,000,000.00).

SEC. 13. *Funding Source.* – The funds required for the implementation of this Act, including employee benefits, shall be taken from:

(a) Collections from NBI clearance and certification fees;

(b) Incidental income from trainings, tests, and the like;

(c) Proceeds from the sale of confiscated/forfeited articles after public auction from the cases investigated by the NBI upon order of the court;

(d) Other fees which may be determined and imposed by the Director; and

(e) The General Appropriations Act.

SEC. 14. *Implementing Rules and Regulations.* – Within sixty (60) days from the effectivity of this Act, the NBI Director, in coordination with the Secretary of Justice and the Secretary

of Budget and Management, shall promulgate such rules and regulations as may be necessary to carry out the provisions of this Act.

Within sixty (60) days from the effectivity of this Act, the DFA and the NBI shall promulgate the implementing rules and regulations on the assignment and deployment of NBI personnel to select consular posts abroad who, subject to the pertinent provisions of Republic Act No. 7157, otherwise known as the "Philippine Foreign Service Act of 1991", shall perform designated duties except diplomatic and consular functions.

SEC. 15. *Transitory Provisions.* – All unexpended 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 officials and personnel of the NBI shall continue in office and perform their duties as such without need of reappointment: *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.

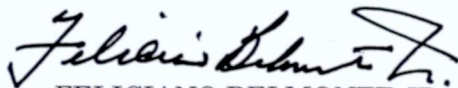
Incumbent Special Investigators who have undergone the basic training course in the NBI Academy at the time of the passage of this Act but do not meet the qualifications of an agent under this Act shall remain as Special Investigators whose position status shall be converted from regular to co-terminous with the incumbent, to be abolished once vacated.

SEC. 16. *Separability Clause.* – Should any provision of this Act be declared invalid, the remaining provisions shall continue to be valid and subsisting.

SEC. 17. *Repealing Clause.* – Provisions of Republic Act No. 157 dated 19 June 1947, Republic Act No. 2678 dated 18 June 1960, and Section 12, Chapter 4, Title III, Book IV of Executive Order No. 292 or the Administrative Code of 1987, as amended, 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.

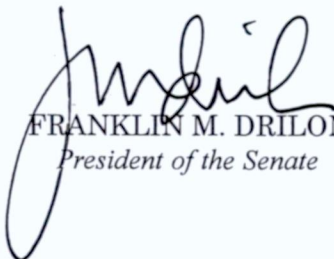
SEC. 18. *Effectivity.* – This Act shall take effect fifteen (15) days after its publication in the *Official Gazette* or in two (2) newspapers of general circulation.

Approved,



FELICIANO BELMONTE JR.

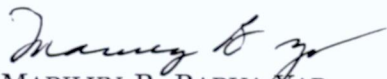
*Speaker of the House
of Representatives*



FRANKLIN M. DRILON

President of the Senate

This Act which is a consolidation of Senate Bill No. 2950 and House Bill No. 5855 was finally passed by the Senate and the House of Representatives on February 3, 2016 and May 23, 2016, respectively.



MARILYN B. BARUA YAP

*Secretary General
House of Representatives*



OSCAR G. YABES

Secretary of the Senate

Approved: JUN 23 2016



BENIGNO S. AQUINO III

President of the Philippines



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Office of the President of the Philippines



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