



Republic of the Philippines
HOUSE OF REPRESENTATIVES
Batasan Hills, Quezon City

TWENTIETH CONGRESS
First Regular Session

HOUSE BILL NO. 105



Introduced by 4Ps Partylist Representative
JC M. ABALOS

EXPLANATORY NOTE

The Philippines bears the responsibility of upholding the constitutional rights of its citizens, including those who have undergone incarceration and served their sentences. Nevertheless, reintegrating these individuals back into society presents various significant challenges, such as the societal stigma attached to having a criminal record, the inadequate support structures to facilitate the transition, and the restricted access to equal opportunities. The impact of such challenges creates a vicious cycle of marginalization and disadvantage that undermines the principles of social justice and human rights enshrined in the Philippine Constitution. Specifically, individuals who have undergone imprisonment often face significant discrimination and disillusionment when seeking essential services such as employment, housing, and education.

Data from the Philippine Statistics Authority's Labor Force Survey conducted in January 2021 highlights this challenge: out of 43.7 million persons in the labor force, 4.6% had a criminal record, with their unemployment rate standing at 13.8%, considerably higher than the national average of 7.1%.¹ Compounding this issue, Second Chance Philippines, a non-governmental organization dedicated to the reintegration of Persons Deprived of Liberty (PDLs) into society, reported an overall recidivism rate of approximately 47.9% in the country, suggesting that nearly half of previously incarcerated individuals are rearrested and return to prison within a certain period.²

¹ Andrea Jeanette B. Amurao et al., "Business Employer's Perspectives on Hiring Former Persons Deprived of Liberty in the City of Angeles, Philippines," *International Journal of Innovative Science and Research Technology* 10, no. 1 (2025): 78-83, <https://www.ijisrt.com/assets/upload/files/IJISRT25JAN125.pdf>.

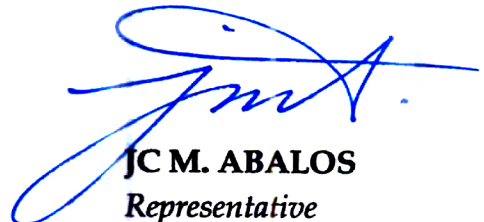
² Second Chance Philippines, "Overall recidivism rate," Facebook, February 19, 2023, <https://www.facebook.com/SecondChancePhilippines/posts/pfbid02m7J7M8dcJNS8RUvu5iVj8GfGiwkQXUCsCXzQCf3fGDNZVSQL3dvcBoe8chPkwLxI>.

Providing a second chance to individuals with criminal records offers them the opportunity to contribute positively to society and rebuild their lives. It does not only benefit the individual but also promotes public safety by reducing recidivism rates.

This proposed bill aims to address the stigma and discrimination faced by deserving and qualified individuals who have completed their sentence and are not guilty of heinous crimes. With this proposed measure, the crucial role of the State in promoting social justice and upholding the dignity of every human person will allow these individuals to have a clean slate and start anew, thus, providing them the opportunity to break from the cycles of crime.

Moreover, this bill seeks to ensure that individuals who have undergone incarceration are granted equal access to opportunities and support structures to aid in their reintegration into society.

In view of the foregoing, support for this bill is earnestly sought.



JC M. ABALOS
Representative
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AN ACT
ALLOWING THE EXPUNGEMENT OF CRIMINAL RECORDS OF QUALIFIED
INDIVIDUALS IN GOVERNMENT DATABASES

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

SECTION 1. *Short Title.* - This Act shall be otherwise known as the "*Clean Slate Act*"

SEC. 2. *Declaration of Policy.* - The State recognizes the vital role of social justice in national development. To this end, the State shall continue to uphold the dignity of every human person and guarantee full respect for human rights. It shall prioritize the protection and enhancement of human dignity, promote the reduction of social, economic, and political inequalities, and remove cultural inequities.

The State recognizes the importance of equal access to opportunities to enable its citizens to optimize their full potential as contributors to the development of the nation. The State shall then continuously promote social structures that aid in the reintegration of incarcerated individuals, under the principle of restorative justice.

SEC. 3. *Definition of Terms.* - As used in this Act, the following terms shall mean:

- (a) *Expungement* refers to the sealing of a criminal record which renders it inaccessible to the general public. Though generally inaccessible to the public, the criminal record still remains extant in one's records and may still be accessed by authorized entities and individuals, such as: courts, government and law enforcement agencies, and certain public officials, insurance companies, employment which necessarily and reasonably entails the use of weapons and/or firearms such as but not limited to security agencies, and employment in the Philippine National Police, the Armed Forces of the Philippines, the National Bureau of Investigation, and the attached agencies of the foregoing, employment, and positions which reasonably and necessarily entail the custody, disbursement, and/or management of property and finances, including but not limited to, cashier, treasurer, accountant, and manager. In case the individual whose criminal record was expunged fails to abide by the provisions of this Act, it may be reopened and made accessible to the general public once again.
- (b) *Eligible Individual* refers to a person who is qualified to avail of the provisions of this Act, subject to meeting the specific criteria outlined in Section 4 hereof. Eligibility does not *ipso facto* expunge one's criminal records. The expungement of one's criminal records is not a matter of right, but a mere privilege. The privilege of having an individual's criminal records expunged depends on the severity of one's criminal case; and the potential of the such individual to be reintegrated as a peaceful and productive member of society. This matter shall ultimately be decided by the court as prescribed under section 5 hereof.
- (c) *Waiting period* refers to the prescribed duration of time an eligible individual who has successfully afforded the expungement of his criminal record has to wait before his/her criminal record shall be sealed from the general public. During, and after this waiting period, such individuals must not be convicted again of any criminal offense to avail of the benefits of this Act. The waiting period shall be for one (1) year, and shall commence the day after the court rules for the expungement of the eligible individual's criminal record.

SEC. 4. *Eligibility Requirements.* - An individual is qualified to have his or her criminal records expunged if the following criteria are met:

- (a) Must not be a sex offender;
- (b) Must not have been convicted of an offense related to treason, terrorism, or other national security related offenses;

- (c) Must not have been convicted of any physically violent offense;
- (d) Must not have been convicted of piracy and mutiny on the high seas or in the Philippine waters;
- (e) Must not have been convicted of bribery;
- (f) Must not have been convicted of graft and corruption;
- (g) Must not have been convicted of kidnapping and illegal detention;
- (h) Must not have been convicted of importation, distribution, manufacturing, and sale of illegal drugs;
- (i) Must not be a recidivist, quasi-recidivist, and habitual delinquent, or otherwise must not have any prior criminal conviction; and
- (j) Can be either of the following:
 - (i) Has been charged but not convicted of any criminal offense; and
 - (ii) Has been convicted of a criminal offense and has fulfilled all requirements specified by the imposed penalty. The individual must also have maintained a clean record for a period of one year after completing their sentence or probationary period to be considered eligible under this provision.

SEC. 5. *Filing for the Expungement of Criminal Records.* - An eligible individual convicted of a crime must apply for the expungement of his or her criminal record within a reasonable time after notice of judgment as may be determined by the court. Such filing must be done by the eligible individual in the court where his or her criminal case was initially filed.

In case the court finds that the eligible individual can already be reintegrated as a peaceful and productive member of society, and rules in favor to expunge the criminal record, such individual must wait for one (1) year before it becomes inaccessible to the general public. This waiting period shall commence the day after the court rules to expunge the criminal record of the eligible individual. During, and after this waiting period, such individual must not be convicted again of any criminal offense, otherwise his or her motion shall be automatically withdrawn. Also, such individual shall be perpetually disqualified from availing the remedy of expungement under this Act, and his or her criminal records shall permanently be reopened to the general public.

For those individuals who have been acquitted or have received a judgment that did not result in a conviction, the criminal record, specifically any portion thereof that is related to the crime, shall be automatically expunged within a period of (60) days.

SEC. 6. *Expungement of Criminal Records.* – Upon the expungement of a criminal record, an individual is lawfully entitled to declare that he or she possesses no criminal record. Unless:

- (a) Inquired into during court proceedings;
- (b) Inquired into by government and law enforcement agencies, and public officials in the performance of their official functions;
- (c) Disclosure to insurance companies;
- (d) Disclosure to employment which reasonably and necessarily entails the use of weapons and/or firearms; and
- (e) Employment, and positions that reasonably and necessarily entails the custody, disbursement, and/or management of property and finances.

The expunged record of an individual under this Act shall be permanently unsealed and once again be made accessible to the general public in case he or she subsequently becomes convicted of any crime. He or she also loses all the benefits availed of under this Act.

SEC. 7. *Access to Expunged Criminal Records.* – This Act authorizes access to expunged criminal records of eligible individuals only under the following circumstances:

- (a) The individual is testifying in court;
- (b) The individual is being questioned by a law enforcement officer, and/or public officer in the performance of his/her official functions and duties;
- (c) The individual is running for an elected government position or is an appointed officer;
- (d) The individual is seeking employment that primarily entails the custody, management, or disbursement of finances;
- (e) The individual is seeking to obtain a firearms license; and
- (f) The individual is seeking to avail insurance.

SEC. 8. *Creation of National Database for Criminal Records.* – The Philippine National Police (PNP) and the National Bureau of Investigation (NBI) shall integrate their respective criminal records for efficient expungement of criminal records of eligible individuals. This integration shall facilitate the prompt and accurate identification of individuals who meet the eligibility requirements for expunging of their criminal records, as well as provide a comprehensive database of criminal records for law enforcement and other authorized entities.

SEC. 9. *Retroactivity.* – Qualified individuals with already existing criminal records prior to the effectivity of this Act, may still avail of expungement, by

applying to the court where the criminal case was initially filed, within 2 years after effectivity of this Act.

SEC. 10. *Implementing Rules and Regulations.* - The National Privacy Commission, The Department of Justice, and The Department of Interior and Local Government shall formulate and issue the implementing rules and regulations within sixty (60) days from the effectivity of this Act.

SEC. 11. *Separability Clause.* - If, for any reason, any provision of these Act is declared unconstitutional or contrary to law, the other parts or provisions hereof which are not affected thereby shall continue to be in full force and effect.

SEC. 12. *Effectivity.* - This Act shall take effect fifteen (15) days after its publication in the Official Gazette or in any newspaper of general circulation.

Approved,