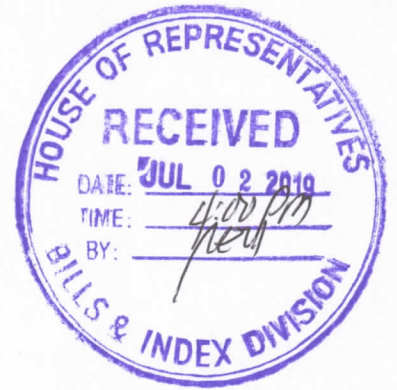


Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

EIGHTEENTH CONGRESS
First Regular Session

HOUSE BILL NO. 1094



Introduced by Representative HORACIO P. SUANSING, JR.

AN ACT
CREATING A CRIMINAL JUSTICE REFORM COMMISSION CHARGED WITH
THE INVESTIGATION AND PREVENTION OF WRONGFUL CONVICTIONS

EXPLANATORY NOTE

It is the duty of the State to protect the life, liberty, and property of its citizens. Section 1, Article III (Bill of Rights) of the 1987 Constitution provides:

No person shall be deprived of life, liberty, or property without due process of law, nor shall any person be denied the equal protection of the laws.

In the Philippines, the criminal justice system is expected to solve the ills of society, settle controversies involving legally demandable and enforceable rights, and determine whether there has been a grave abuse of discretion on the part of any branch or instrumentality of the Government. More importantly, it is supposed to protect the constitutional rights of the innocent and prevent wrongful convictions. However, just like any other judicial system, ours is not perfect. In *People v. Mateo*, the Philippine Supreme Court acknowledged a high judicial error rate of 71.77% in capital punishment cases.¹

In the United States, a research conducted by Innocence Project, an organization dedicated to exonerating the innocent, shows that the primary causes of wrongful convictions include eyewitness misidentification; negligence, misconduct and poor training in forensic laboratories; false confessions; the use of jailhouse informants; incompetent or inadequate defense lawyering; and prosecutorial/police mistakes or misconduct.² Several states in the United States have assembled commissions to understand the causes of wrongful convictions, which have enabled them to identify potential weaknesses in the criminal justice system and the remedies that can strengthen the accuracy and quality of convictions.

In recognition of the country's high judicial error rate, the Supreme Court of the Philippines promulgated the Rule on DNA Evidence, which allows post-conviction DNA testing.³ However, acting upon the consequences of wrongful convictions after the fact is insufficient; action must also be taken in order to prevent them from being made in the first place. As it stands today, there is no government entity in the country charged with conducting the

¹ *People v. Mateo*, GR No. 147678-87, 07 July 2004.

² Innocence Project, online: <http://www.innocenceproject.org/>

³ A.M. No. 06-11-5-SC, 2 October 2007

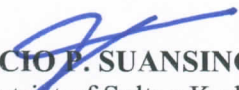
independent, expert reviews of wrongful convictions necessary to identify the primary and potential causes of wrongful convictions.

As it is critical in ensuring a fairer and more effective justice system, and subsequently, in improving public safety and protecting the innocent, this measure proposes the creation of a Criminal Justice Reform Commission whose primary purpose is to stand as an independent body that aims to identify potential causes of wrongful convictions and to propose possible reforms in order to prevent such convictions from being made.

Specifically, the Philippines would benefit from the creation of a Criminal Justice Reform Commission through the:

1. Identification of the systemic causes of wrongful convictions;
2. Identification of policies and procedures demonstrated to minimize the likelihood of wrongful convictions;
3. Proposal of reforms to minimize the likelihood of wrongful convictions, bolster public confidence in the criminal justice system, and ensure that the administration of criminal justice is fair, accurate and reliable; and
4. Conduct of its work in a manner that is transparent, with the goal of keeping the public informed.

In view of the foregoing, the immediate approval of this bill is earnestly sought.⁴


HORACIO P. SUANSING, JR.
2nd District of Sultan Kudarat

⁴ This bill was originally filed by Senator Miriam Defensor Santiago during the 14th Congress and the 16th Congress, and was refiled by Rep. Horacio P. Suansing, Jr. during the 17th Congress.

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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 “Preventing Wrongful Conviction Act.”

SECTION 2. *Establishment of Justice Reform Commission.* – The Justice Reform Commission is hereby established.

(A) *Composition.* – The Commission shall be composed of nine members as follows:

- (1) a dean of a duly accredited law school;
- (2) a law enforcement office;
- (3) an attorney from the Public Attorney’s Office;
- (4) a member of the Senate of the Philippines;
- (5) a member of the House of Representatives;
- (6) a member of the judiciary, with rank of judge or higher;
- (7) a law professor;
- (8) a professor in the field of forensic science; and
- (9) a private attorney specializing in criminal law.

(B) *Term.* – Each member shall serve a two-year term.

(C) *Presiding Officer.* – The President shall designate a member to serve as presiding officer.

SECTION 3. *Duties of the Commission.* – The Commission shall:

- (A) Review all cases in which an innocent person was convicted and exonerated;
- (B) Identify the causes of wrongful convictions;
- (C) Identify current laws, rules and procedures implicated by each identified cause of wrongful convictions;
- (D) By referencing peer-reviewed research and conducting consultations with experts, identify potential solutions in the form of legislation, rule, regulation or procedural changes, or educational or training programs demonstrated to eliminate or minimize the occurrence of each cause of wrongful convictions;
- (E) For each identified potential solution, consider possible implementation plans, associated costs and its impact on the criminal justice system; and
- (F) Issue interim reports and/or a detailed annual report recommending solutions for each identified cause of wrongful convictions, and containing any recommended legislation and/or other rule or policy changes necessary to implement procedures and programs to prevent future wrongful convictions. Provided that:
 - (1) The report shall be made available to the public upon request;
 - (2) The findings and recommendations contained in the report may not be used as binding evidence in any subsequent civil or criminal proceeding.

SECTION 4. *Submission of Report.* – The Commission shall submit each report described in Section 3(F) to the President, the Senate President and the Speaker of the House of Representatives, and post a copy on the website of the Department of Justice not later than 30 days after the submission of each report.

SECTION 5. *Response to Report.* – Not later than the 60th day after the date of receipt of each report issued under this Act, the President, the Senate President and the Speaker of the House of Representatives shall, singly or jointly, issue a formal written response to the findings and recommendations of the Commission.

SECTION 6. *Assistance.* – The Department of Justice and the Department of Interior and Local Government shall assist the Commission in performing its duties. Other government and private entities may also provide such assistance, with the consent of a majority of the Commission members and provided that their participation is consistent with the law.

SECTION 7. *Appropriations.* – To carry out the provisions of this Act, such amount as may be necessary is hereby authorized to be appropriated from the National Treasury.

SECTION 8. *Separability Clause.* – If any provision of this Act is subsequently declared invalid or unconstitutional, the same shall not affect the validity and effectivity of the other provisions hereof.

SECTION 9. *Repealing Clause.* – All other laws, presidential decrees, executive orders and issuances, or portions thereof, which are inconsistent with the provisions of this Act, are hereby repealed, amended or modified accordingly.

SECTION 10. *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,