

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

SEVENTEENTH CONGRESS
First Regular Session

House Bill No. **4690**



Introduced by **Rep. MARIO VITTORIO "MARVEY" A. MARIÑO**
5th District, Batangas

EXPLANATORY NOTE

Science and technology are undeniably important in nation building. The 1987 Constitution expressly recognized its significance. Section 10, Article XIV of the Constitution reads:

Science and technology are essential for national development and progress. The State shall give priority to research and development, invention, innovation, and their utilization; and to science and technology education, training, and services. It shall support indigenous, appropriate, and self-reliant scientific and technological capabilities, and their application to the country's productive systems and national life.

DNA technology is one of science and technology's most important discoveries. DNA, or deoxyribonucleic acid, is a molecule that contains the instructions an organism needs to develop, live and reproduce.¹ A person's DNA contains information about his or her heritage and identity. It is also used to diagnose genetic disorders through DNA sequencing and testing. DNA has, indeed, continue to serve its purpose in the fields of science and medicine.

Over the years, however, DNA technology has also shown its importance in forensic science, criminal justice, agriculture, paternity, and other important fields in society.² DNA has been used in criminal investigations to determine the identity not only of victims, but also of suspects. Gene insertions have also been made to cultivate plants. Further, DNA samples have been used for identification and determine parentage.

In the Philippines, as in other countries, DNA analysis has been particularly used to identify victims in mass fatalities brought about by mass tragedies like the *Kentex* fire and the *Maguindanao Massacre* and natural calamities such as typhoons *Ondoy* and *Yolanda*. DNA also plays a significant role in the criminal justice system specifically in criminal investigation, prosecution, exoneration and search for missing persons.

Considering how essential DNA technology is, DNA legislation is fervently needed to improve DNA facilities in the country. The enhancement of DNA

¹ Rettner, R. DNA: Definition, Structure, & Discovery. Live Science. June 6, 2013, retrieved from <http://www.livescience.com/37247-dna.html> on December 13, 2016

² Murnaghan, I. The Importance of DNA. Explore DNA. November 21, 2016, retrieved from <http://www.exploredna.co.uk/the-importance-dna.html> on December 13, 2016

facilities would require improving infrastructure and analytic capabilities of laboratories in processing and storing DNA samples. Moreover, these improvements in DNA facilities would not only lead to more breakthroughs in the field of DNA analysis, but most importantly in the the areas of medicine, forensic science, criminal justice, and the society as a whole.

In view of the foregoing, the early passage of this bill is earnestly requested.

A handwritten signature in black ink, appearing to read 'Mario Vittorio' followed by a stylized flourish.

MARIO VITTORIO "MARVEY" A. MARIÑO

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AN ACT IMPROVING DNA FACILITIES IN THE COUNTRY³

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 “DNA Capacity Enhancement Act”.

SECTION 2. *Declaration of Policy* - The State recognizes the need for improving the DNA facilities in the country to answer the increasing demand for DNA analysis for identity testing in mass fatalities, casework and research.

SECTION 3. *Definition of Terms* - For purposes of this Act, the following terms shall mean:

A. *DNA Analysis* means analysis of the deoxyribonucleic acid (DNA) identification information in a bodily sample.

B. *DNA facility* means any government institution, laboratory or office which conducts DNA analysis in the country.

SECTION 4. *DNA Capacity Enhancement Plan* - The Secretary of Science and Technology, in consultation with the heads of the government-funded DNA facilities including the DNA Analysis Laboratory at the University of the Philippines, Philippine National Police and the National Bureau of Investigation and the DNA Sequencing Facility of the Philippine Genome Center, shall draw up an annual DNA Capacity Enhancement Plan that shall:

³ This bill was originally filed by Senator Miriam Defensor-Santiago in the Senate

A. Assess the prevailing capacities of existing government-funded DNA facilities in the country in terms of equipment and human resources, and identify inadequacies and areas of improvement;

B. Propose the acquisition of necessary DNA analysis equipment, and recruitment and training of scientists, accompanied by the corresponding budget for its accomplishment to be included in the proposed general appropriation items of the head agencies of the facilities involved herein, whenever applicable;

C. Promulgate rules and regulations regarding DNA analyses, methods and facilities, including quality assurance protocols and practices that the international scientific community considers adequate to assure the quality of a DNA laboratory; and

D. Establish guidelines for better coordination and cooperation between government-funded DNA facilities in the country as to provide a more efficient DNA analysis system.

SECTION 5. *Restriction On The Use of Funds Appropriated Under this Act -*

Any part of the funds received from a grant made under this Act shall be used strictly to develop or improve government-funded DNA facilities in the country. Any DNA facility which receives funding under this Act may not use more than ten percent (10%) of such funds for administrative expenses. For the purpose of this Act, administrative expenses do not include research grants and trainings of DNA forensic experts.

SECTION 6. *Report to Congress -* Not later than 90 days after the end of each fiscal year, the Secretary of Science and Technology, in coordination with the heads of government-funded DNA facilities including the DNA Analysis Laboratories at the University of the Philippines, the Philippine National Police and National Bureau of Investigation and the DNA Sequencing Facility of the Philippine Genome Center, shall submit to both Houses of Congress a report that includes--

a.) The aggregate amount of funds made under this part to each government-funded DNA facility; and

b.) The summary of information provided by each government-funded DNA facility regarding the use of such funds under this Act.

SECTION 7. *Separability Clause* - 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 8. *Repealing Clause* - All the laws, orders, issuances, rules and regulations or part thereof inconsistent with the provisions of this Act are hereby repealed, amended, or modified accordingly.

SECTION 9. *Effectivity Clause* - This Act shall take effect within fifteen (15) days after its publication in the Official Gazette or in at least two (2) newspapers of general circulation, whichever comes earlier.

Approved.