

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

SEVENTEENTH CONGRESS
First Regular Session

House Bill No. **4791**



Introduced by **Rep. MARIO VITTORIO “MARVEY” A. MARIÑO**
5th District, Batangas City

EXPLANATORY NOTE

It has been said time and again that it is better to set a guilty man free than let an innocent man suffer. This principle, however, has been repeatedly ignored. Innocent people are still being sent to jail either to rot or to die, but it seems like nobody is taking notice--not even the government who is bound to protect them. It is high time we change this.

The Philippine Criminal Justice System is not perfect. No criminal justice system is. Indeed, it has its failings. Nonetheless, this should not be an excuse to do nothing.

A review of the cases of wrongful convictions would help the state identify the factors that contribute to these convictions and identify the weaknesses of our criminal justice system. For instance, several states in the United States have adopted the creation of Innocence Commissions to investigate and understand the circumstances that lead to wrongful convictions.¹ These states include North Carolina, Virginia, California, and Illinois, among others. Although their Innocence Commissions vary, the purpose is the same--that is, to prevent wrongful convictions.

Considering that studies on wrongful convictions are insufficient in the country, the creation of a government entity or a commission would be of great help to identify the lapses in criminal investigations and prosecutions and the common causes of wrongful conviction in the Philippines. This way, the government would be able to formulate better reforms in addressing this problem.

In view of the foregoing, the early passage of this bill² is earnestly requested.

MARIO VITTORIO “MARVEY” A. MARIÑO

¹ The Innocence Project

² This bill was originally filed by Senator Miriam Defensor-Santiago in the Senate.

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

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

SECTION 1. 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 officer;
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. Identify through peer-reviewed research, experts, and discussion potential solutions in the form of legislation, rule, regulation or procedural changes; and educational or training opportunities demonstrated to eliminate or minimize the occurrence of each cause of wrongful convictions;

E. Consider potential implementation plans, costs, cost savings, and the impact on criminal justice system for each potential solution; and

F. Issue interim reports and/or detailed annual report recommending solutions for each cause identified, and recommended proposed 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 on 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 the report(s) described by Section 3(F) to the President, the Senate President and the Speaker of the House of Representatives and post a copy of it on the website of the Department of Justice not later than 30 days after the submission of the 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, Department of Interior and Local Government, and the University of the Philippines College of Law, 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 consistent with 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 held invalid or unconstitutional, the same shall not affect the validity and effectivity of the other provisions hereof.

SECTION 9. *Repealing clause* - All laws, decrees, 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 two (2) newspapers of general circulation.

Approved.