

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City, Metro Manila

Seventeenth Congress
First Regular Session

HOUSE BILL NO. **5271**



**Introduced by Representative Karlo Alexei B. Nograles
and Representative Jericho Jonas B. Nograles**

EXPLANATORY NOTE

Section 10, Article XIV of the 1987 Constitution provides:

"SEC. 10. 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."

In furtherance of this constitutional mandate, the establishment of a forensic investigation and scientific research agency is sought considering that innovative forensic science applications have been utilized aggressively by the legal system in search for truth. It is also recognized that forensic science yields reliable results.

In the United States, several death row inmates have been exonerated using Deoxyribonucleic Acid or DNA profiling and other forensic examinations like finger printing and ballistic tests. Using forensic science can precisely pinpoint the guilt or innocence of the accused thereby eliminating the possibility of convicting the innocent.

Modern forensic science is relatively new in the Philippines, with forensic laboratory caseloads handled by the National Bureau of Investigation, Philippine National Police and the Philippine Drug Enforcement Agency which are all law enforcement agencies. Court dockets are clogged due to several postponements of hearings either due to the unavailability of the medico legal officer handling

the case, unavailability of a forensic expert to testify on the evidences gathered or the absence of forensic testing because it is costly and difficult to obtain.

This bill seeks to establish the Philippine Forensic Science Agency that is independent, impartial, credible, committed to ferreting the truth, and equipped with the highest standards of professional excellence in the practice of forensic science. The creation of the agency is also aimed at aiding our legal system in the pursuit of justice. With the establishment of an independent forensic agency sufficient to meet the demands of our courts of law, it will accelerate the disposition of numerous criminal cases all over the country and at the same time avoid the conviction of a person wrongfully charged of an offense.

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



JERICO JONAS B. NOGRALES



KARLO ALEXEI B. NOGRALES

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AN ACT
ESTABLISHING THE PHILIPPINE FORENSIC SCIENCE AGENCY,
DEFINING ITS POWERS AND FUNCTIONS, AND APPROPRIATING
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 “*Philippine Forensic Science Agency Act.*”

SEC. 2. **Declaration of Policy.** – It is the policy of the State to create an independent and functionally integrated agency with expanded structure, capability and manpower that is responsive to the demands of the country’s modern forensic needs. Toward this end, the State shall maintain an independent, effective, modern, gender-responsive and competent forensic science agency manned by highly trained personnel and equipped with advanced and sophisticated laboratory equipment.

SEC. 3. **Definition of Terms.** – As used in this Act:

- a) *Forensic* refers to any act relating to, or denoting the application of scientific methods and techniques in the investigation of a crime;
- b) *Forensic laboratory* refers to the facility or facilities of the Philippine Forensic Science Agency devoted exclusively for the examination of

1 forensic evidence and research of scientific knowledge, methods and techniques
2 relative to the investigation, detection, collection and preservation of evidence;
3 and

4 c) *Forensic agent* refers to any qualified personnel with an advanced
5 degree or substantial education, training, or experience in forensic examination
6 or analysis, with specialized skills in the application of scientific method in the
7 investigation of a crime to ensure the efficiency and reliability of the desired
8 outcome.

9 SEC. 4. *Philippine Forensic Science Agency*. – The Philippine Forensic
10 Science Agency, hereinafter referred to as the Agency, is hereby established
11 under the administrative control and supervision of the Secretary of Justice. The
12 Agency shall provide accurate, timely and relevant data to assist the public, law
13 enforcement agencies and the judiciary in the successful investigation, handling
14 and prosecution of crimes.

15 SEC 5. *Powers and Functions*. – The Agency shall exercise the following
16 powers and functions:

17 a) Establish and maintain forensic laboratories preferably in every region
18 to aid the public, law enforcement agencies and the judiciary in the investigation,
19 prosecution and disposition of crimes;

20 b) Provide technical assistance to the public, law enforcement agencies
21 and the judiciary in the collection, handling and preservation of evidence, and
22 render expert opinion on the forensic examinations conducted so as to improve the
23 administration of justice;

24 c) Conduct research studies for the development and advancement of
25 scientific methods and techniques in the various forensic science fields;

26 d) Upgrade the skills of government personnel by providing them
27 sufficient training in forensic science to minimize human error in forensic
28 examinations;

1 e) Maintain a national database on all forensic examinations conducted
2 by the Agency, including Deoxyribonucleic Acid (DNA) records of civilians and
3 offenders;

4 f) Promote general awareness on matters relating to forensics; and

5 g) Perform any other function connected with or ancillary to the above
6 functions.

7 SEC. 6. *Executive Director.* – The Agency shall be headed by an executive
8 director who shall be appointed by the President of the Philippines and shall be
9 responsible for the efficient implementation of this Act. The executive director
10 shall be appointed based on the qualifications herein provided and shall have a term
11 of four (4) years. The executive director may be reappointed to another term but
12 shall in no case serve for more than eight (8) years. The executive director may
13 only be removed for cause in accordance with the rules and regulations prescribed
14 by the Civil Service Commission.

15 The executive director must be a Filipino citizen, at least thirty-five (35)
16 years of age, of good moral character and unquestionable integrity, with recognized
17 competence and a degree holder with at least ten (10) years supervisory or
18 management experience in the field of law or medical science.

19 SEC. 7. *Powers and Functions of the Executive Director.* – The executive
20 director shall be the chief executive officer of the Agency and shall exercise the
21 following powers and functions:

22 a) Ensure that the Agency performs its function in a proper, efficient
23 and effective manner specifically, to carry out the purposes and policies
24 established in this Act, enforce the rules and regulations issued pursuant to this
25 Act, and primarily be vested with authority to take charge of the technical and
26 operational phase of the Agency;

27 b) Decide the objectives, strategies and policies of the Agency in
28 accordance with the provisions of this Act;

29 c) Determine the organizational structure of the Agency, establish a

1 human resource management system based on merit and fitness and adopt a
2 rational compensation and benefits scheme;

3 d) Promulgate policies and guidelines for the following:

4 1) Promotion and development of competent, scientific and
5 advance technical services for the detection and investigation of crimes;

6 2) Protocols and methods of testing including examination
7 methods and guidelines for the presentation of results in court; and

8 3) Imposition and fixing of reasonable charges and fees for
9 forensic examinations and other services rendered by the Agency;

10 e) Create plans for the implementation of new programs, upgrade
11 existing programs by incorporating modern methods and techniques and
12 eliminate programs which are no longer needed;

13 f) Administer the national database on all forensic examinations
14 conducted by the Agency, including DNA records of civilians and offenders;

15 g) Upon its own initiative or the recommendation of the deputy
16 executive director for legal affairs or an application of a private person accused
17 of a crime who cannot afford to pay the schedule of fees for DNA or any other
18 forensic examinations, grant an exemption or substantial discount in the
19 payment thereof;

20 h) Determine, from time to time, subject to availability of funds and
21 the approval of the Secretary of Budget and Management, the limit of reasonable
22 allowances, incentives, bonuses, privileges, and other benefits which may be
23 given to the Agency's personnel;

24 i) Create or abolish any division or unit and positions therein as may
25 be required by the exigencies of the service, subject to the endorsement of the
26 President of the Philippines and approval of the Department of Budget and
27 Management (DBM);

28 j) Hire consultants, subject to pertinent laws, rules and regulations, as
29 may be deemed required by the exigencies of the service;

1 k) Remove, suspend, or otherwise discipline personnel for cause, in
2 accordance with civil service rules and regulations and other pertinent laws;

3 l) Accept donations and grants; and

4 m) Perform such other functions as may be provided by law.

5 SEC. 8. *Offices of the Agency.* – The following permanent offices of
6 the Agency, each headed by a Deputy Executive Director, are hereby established
7 and shall perform the following duties and functions:

8 a) *Administrative Management Service.* – Responsible for the human
9 resources management and development including the initial stage of
10 recruitment, personnel welfare development, procurement and supply
11 management, printing and reproduction of the Agency's documents and medical
12 and dental needs of the Agency's personnel.

13 b) *Financial Management Service.* – Responsible for the management
14 of the finances of the Agency like budgeting, accounting, disbursement,
15 collection, remittances to the Bureau of Internal Revenue (BIR), Government
16 Service Insurance System, Philippine Health Insurance Corporation and Home
17 Development Mutual Fund and preparation of financial reports for submission to
18 the DBM, Commission on Audit, BIR and other government regulatory agencies.

19 c) *Legal Service.* – Provide adequate legal assistance and support to
20 the executive director and to the Agency, as a whole, in the exercise of its
21 powers as provided for under this Act. The imposition of any administrative
22 sanction for erring officials and employees shall be within the exclusive
23 determination and recommendation of the legal service.

24 d) *Information and Communication Technology Service.* –
25 Responsible for the computer programs of the different offices of the Agency
26 including local area network, computerized accounting systems, inventory
27 systems, procurement and supply management systems and inter-office
28 connectivity. It shall also be responsible for the operation, maintenance and
29 control of the national database of all forensic examinations conducted by the

1 Agency including DNA records of civilians and offenders.

2 e) *Forensic Operations and Research Service.* – Responsible for the
3 conduct of all forensic examinations and the operation of forensic laboratory and
4 research facilities including the operation of training schools and advancement
5 of the knowledge and capabilities of forensic agents in all fields of forensic
6 science.

7 f) *Engineering and General Services Office.* – Responsible for the
8 repairs and maintenance of buildings, equipment, furniture and fixtures,
9 transport facilities, regional offices, regional laboratories and all other properties
10 and equipment of the Agency.

11 SEC. 9. *Deputy Executive Directors.* – The deputy executive directors
12 who shall head the permanent offices established in Section 8 of this Act must
13 be Filipino citizens, at least thirty-five (35) years of age, of good moral character,
14 unquestionable integrity, recognized competence and a degree holder with at
15 least five (5) years supervisory or management experience in the field of law or
16 medical science, except for the position of deputy executive director for
17 financial management service, information and communication technology
18 service, and engineering and general services office, whose field of
19 specialization must be accounting or financial management, computer science or
20 computer engineering, and civil engineering or architecture, respectively.

21 SEC. 10. *Regional Offices.* – The Agency shall establish a regional office in
22 every region to be headed by a regional director. Field offices may also be
23 established and maintained by the executive director as the need arises.

24 The regional director shall be responsible for the day to day operation of
25 the regional offices. They shall supervise forensic agents within their
26 jurisdiction and render opinion on gray areas not specifically pinpointed by the
27 accuracy of forensic examination and, if required by the court, attend hearings
28 pertaining to the forensic analysis conducted by their forensic agents.

29 SEC. 11. *Qualification of Regional Directors.* – Regional directors must

1 be Filipino citizens, at least thirty-five (35) years of age, of good moral character,
2 unquestionable integrity, recognized competence and a degree holder with at
3 least five (5) years supervisory experience in the field of law or medical science.

4 SEC. 12. *Regional Laboratories.* – There shall be established at least one
5 (1) forensic laboratory each in every region. The main forensic laboratory in the
6 National Capital Region shall serve as the central office of the Agency and shall
7 assist all regional laboratories in Luzon.

8 The main forensic laboratories in Cebu and Davao shall serve as support
9 unit to regional laboratories in the Visayas and Mindanao. Forensic laboratories
10 may be increased by the executive director upon approval of the President of the
11 Philippines.

12 SEC. 13. *Integration of Existing Forensic Laboratories.* – The crime
13 laboratory of the Philippine National Police (PNP), the forensic laboratory of the
14 National Bureau of Investigation (NBI) and the forensic laboratory of the
15 Philippine Drug Enforcement Agency (PDEA) are hereby integrated into the
16 Agency. They shall continue with the performance of their tasks and their
17 respective personnel shall be considered on special assignment to the Agency
18 until such time that the organizational structure of the Agency is fully
19 operational and the rules and regulations on the absorption of personnel from the
20 PNP, NBI and the PDEA are promulgated by the executive director of the
21 Agency: *Provided,* That such personnel who are affected shall have the option
22 of either being integrated into the Agency or remain with their original mother
23 agencies and shall, thereafter, be immediately reassigned to other units therein
24 by the head of such agencies. Such personnel who are transferred, absorbed and
25 integrated in the Agency shall be extended appointments to positions similar in
26 rank, salary, and other emoluments and privileges granted to their respective
27 positions in their original mother agencies. The transfer, absorption and
28 integration of the different offices and units provided for in this section shall
29 take effect within eighteen (18) months from the effectivity of this Act:

1 *Provided, further,* That personnel from the PNP, NBI and PDEA considered on
2 special assignment with the Agency shall be given two (2) years from the
3 approval of the organizational structure of the Agency to finally decide on
4 whether they are joining the Agency or are returning to their mother units.

5 Nothing in this Act shall mean a diminution of the investigative powers of
6 the PNP, NBI and the PDEA on all crimes as provided for in their respective
7 organic laws: *Provided,* That the PNP, NBI, and the PDEA shall maintain close
8 coordination with the Agency on all matters relating to forensic examinations for
9 crimes being investigated by their respective offices.

10 SEC. 14. ***Organizational Structure.*** – The organizational structure and
11 staffing pattern of the Agency shall be prescribed and approved by the Secretary
12 of Justice within ninety (90) days after the effectivity of this Act and the
13 authorized positions created therein shall be filled by regular appointments by
14 the President or the Secretary as the case may be.

15 SEC. 15. ***Authority to Operate Training Schools.*** – The executive
16 director may operate a school for the purpose of recruitment, training and
17 development of employees of the Agency in those subjects necessary for the
18 proper performance of all authorized functions of the Agency. The executive
19 director may also authorize its employees to attend seminars, trainings and short
20 courses offered by private or government educational institutions or to obtain
21 scholarship grants from foreign governments to harness their skills in the field of
22 forensic science.

23 SEC. 16. ***Offset of Training Costs.*** – The executive director is hereby
24 authorized, where appropriate, to require payment of appropriate consideration
25 to offset the costs of training provided by the school.

26 SEC. 17. ***Fees.*** – The Agency may assess and collect reasonable fees for
27 services rendered in the following areas:

- 28 a) Forensic examination, laboratory fees or certification fees;
- 29 b) Incidental income from trainings, conventions, seminars, journals,

1 publications and the like;

2 c) Proceeds from the sale of confiscated or forfeited articles after
3 public auction from the cases investigated by the Agency upon order of the court;
4 and

5 d) Other fees that may be imposed by the executive director.

6 SEC. 18. *Forensic Analysis Admissible as Evidence.* – a) In any civil or
7 criminal proceedings, an analysis of the forensic sample that states the result of
8 the forensic examination, signed and sworn to by the forensic agent and duly
9 noted by the immediate supervisor of the forensic agent performing the analysis
10 may be admissible in evidence.

11 b) A forensic analysis, to be admissible under this section, shall be
12 performed in accordance with the rules of procedures adopted by the Agency.

13 c) The forensic agent who conducted the forensic examination shall
14 sign the report and complete an affidavit in a form prescribed by the Agency.

15 The affidavit shall state that:

16 1) The forensic agent is qualified by education, training and
17 experience to perform the forensic examination;

18 2) The name and location of the laboratory where the forensic
19 examination was performed;

20 3) The forensic examination conducted was part of the agent's
21 regular duties;

22 4) The test was performed pursuant to the Agency's standards
23 for that discipline; and

24 5) The sample was collected, handled, examined and stored in
25 accordance with established rules of procedure of the Agency.

26 The affidavit shall be sufficient to constitute *prima facie* evidence
27 regarding the qualification of the forensic agent.

28 The forensic agent shall attach the affidavit to the laboratory report that is
29 sworn to and properly executed before an official authorized to administer oaths.

1 It is admissible in evidence without further authentication in any civil or
2 criminal proceedings with respect to the forensic analysis administered and the
3 procedures followed.

4 SEC. 19. *Review Process.* – Questions regarding the mode of taking,
5 handling, preservation, storage, custody and identification of samples of forensic
6 examinations may be brought before the office of the regional director whose
7 decision shall be final, except, when the question relates to the identity of a
8 person accused of a crime and the imposable penalty is death, in which case, the
9 findings of the regional director shall be reviewed automatically by the
10 executive director whose decision shall be final. However, any aggrieved party
11 may request for a parallel forensic analysis, in which case, if the findings of a
12 third party who conducted the parallel forensic examination, is not at par with
13 the findings of the Agency, the aggrieved party may request for a re-examination.

14 The Agency shall ensure that all stakeholders are served with forensic
15 findings imbued with independence and integrity.

16 SEC. 20. *Confidentiality.* – All forensic records that may hereafter be
17 encoded in the database of the Agency remains confidential and shall not be
18 disclosed without the prior written consent of the party affected or a court order
19 where the result of the forensic examination is needed as evidence in any civil or
20 criminal proceedings.

21 SEC. 21. *Disposition of Receipt.* – All money collected by the Agency
22 under the provisions of this Act shall constitute a revolving fund and shall be
23 disbursed for the construction, repair, maintenance and improvement of forensic
24 laboratories and equipment of the Agency. Any surplus may be used for such
25 other expenses as may be necessary, appropriate or incidental in connection
26 therewith.

27 SEC. 22. *Transfer of Unexpended Funds, Properties, Records and*
28 *Documents.* – All unexpended appropriations, real and personal properties,
29 contracts, records and documents of the crime laboratory of the PNP, the

1 forensic laboratory of the NBI and the forensic laboratory of the PDEA shall be
2 transferred to the Agency.

3 SEC. 23. *Appropriations.* – In addition to the unexpended appropriation
4 of the PNP crime laboratory, NBI forensic laboratory and PDEA forensic
5 laboratory herein transferred, the sum of One hundred fifty million pesos
6 (P150,000,000.00) is hereby authorized to be appropriated out of any funds in
7 the National Treasury not otherwise appropriated to carry out the provisions of
8 this Act. The appropriation may be augmented by the income which the agency
9 is authorized to use under this Act. Thereafter, such sums as may be necessary
10 for the continued implementation of this Act shall be included in the annual
11 General Appropriations Act.

12 SEC. 24. *Implementing Rules and Regulations.* – Within one hundred
13 twenty (120) days after the approval of this Act, the Secretary of Justice in
14 coordination with the PNP, NBI and PDEA shall promulgate the necessary rules
15 and regulations for the effective implementation of this Act.

16 SEC. 25. *Separability Clause.* – If any provision or part of this Act is
17 declared invalid or unconstitutional, the remaining parts or provisions not
18 affected shall remain in full force and effect.

19 SEC. 26. *Repealing Clause.* – All laws, executive orders, issuances,
20 circulars or rules and regulations inconsistent with the provisions of this Act are
21 hereby repealed, amended or modified accordingly.

22 SEC. 27. *Effectivity.* – This Act shall take effect fifteen (15) days after its
23 publication in the *Official Gazette* or in a newspaper of general circulation.

24 Approved,