

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

SEVENTEENTH CONGRESS
First Regular Session

HOUSE BILL No. 5582



Introduced by Representatives HORACIO P. SUANSING, JR.
and ESTRELLITA B. SUANSING

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

EXPLANATORY NOTE

The criminal justice system aims to convict the guilty and acquit the innocent. However, there are cases when the justice system “fails” – when an innocent person is wrongfully convicted and the real perpetrator remains at large. A research conducted by the Innocence Project, a US-based organization dedicated to exonerating the innocent and reforming the criminal justice system, shows that the primary causes of wrongful convictions include the following: eyewitness misidentification; negligence, misconduct and poor training in forensic laboratories; false confessions; use of jailhouse informants; incompetent or inadequate defense lawyering; and prosecutorial/police mistakes or misconduct.

At present, there is no government entity in our country charged with conducting the independent, expert reviews of wrongful convictions necessary to identify the primary and potential causes of wrongful convictions. The Philippines would benefit from the creation of a Criminal Justice Reform Commission, through the following:

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.

Victims look to the system to deliver justice – and when the system fails, not only do the victims lose, but the lives of the wrongfully convicted innocent persons are destroyed and public safety is threatened since the real perpetrators remain at large. Given the high judicial error rate in capital cases released by the Philippine Supreme Court – 71.77% in the year 2004 – measures clearly need to be taken to reform the criminal justice system to prevent future wrongful convictions. Pursuant to this, our country's Supreme Court promulgated the Rule on DNA Evidence in

October 2007, which allows post-conviction DNA testing. Through the passage of this Bill, it is now Congress' turn to do its part.

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

This bill was originally filed by Senator Miriam Defensor Santiago during the Fourteenth Congress and refiled during the Sixteenth Congress.



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



ESTRELLITA B. SUANSING
1st District of Nueva Ecija

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

SEVENTEENTH CONGRESS
First Regular Session

HOUSE BILL No. 5582

Introduced by Representatives HORACIO P. SUANSING, JR.
and ESTRELLITA B. SUANSING

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. 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 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) 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 the implementation plan and cost, and its impact on the criminal justice system;
- (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 that would 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 of it 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 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,