

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

EIGHTEENTH CONGRESS
Second Regular Session

House Bill No. 8640



Introduced by Representative FLORIDA “RIDA” P. ROBES

EXPLANATORY NOTE

Section 10, Article XIV of the 1987 Constitution provides:

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 the field of forensic science, the Philippines has not taken advantage of the recent technologies in conducting criminal investigations. In fact, over 90 percent of court convictions are still based on testimonial evidence. This is detrimental to the justice system because justice will be better served through a mindset of objectivity based on evidence established through forensic science.

Not discounting the importance of a witness' testimony, forensic science is a very important part of the justice system because it provides scientific facts based on hard evidence.

The need to strengthen forensic science is important in a country like the Philippines where natural calamities occur year after year. It is crucial in identifying casualties during typhoons or man-made disasters such as the Mamasapano tragedy and the Marawi siege.

The recent controversy involving the death of a flight attendant in Makati City could have been avoided if the country had a well-defined forensic science protocol in the investigation of death

under suspicious circumstances. As such, this bill seeks to establish a Death Investigation System to establish a protocol in all suspected crime cases.

Another problem in the field of forensic science in the country is the shortage of forensic scientists because very few universities offer bachelor's degree in forensic science. As such, there is a need to encourage more students to study the course by spearheading various activities to bring forensic science to public consciousness. There is likewise a pressing need to open up an academic facility to train and develop Filipino forensic scientists.

In view thereof, the passage of this bill is earnestly sought.


Rep. ~~FLORIDA~~ "RIDA" P. ROBES

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**AN ACT
ESTABLISHING A NATIONAL AGENCY FOR
FORENSIC SCIENCE, APPROPRIATING FUNDS
THEREFOR AND FOR OTHER PURPOSES**

Section 1. This Act shall be known as the “National Agency for Forensic Science Act”.

Section 2. Declaration of Principle. It is the policy of the State to create an independent, competent, reliable and world-class forensic sciences system to meet the increasing demands by the criminal and civil justice system at all levels of governance, including, but not limited to, establishing a Death Investigation System. Toward this end, the State shall maintain an independent, competent and modern forensic science laboratories and equipment and guided by effective protocols for evidence seizure, testing, analysis, storage and reporting.

Section 3. Definition of terms. As used in this Act:

- a) Forensic Science refers to any act relating to, or use of scientific methods and techniques or any expertise thereon in the investigation of a crime;
- b) Forensic laboratory refers to the facility or facilities of the National Agency for Forensic Science used in the examination of forensic evidence and research of scientific knowledge, methods and techniques relative to the investigation, detection, collection and preservation of evidence and;
- c) Forensic agent refers to any qualified personnel with an advanced degree or specialized skills in the application of scientific method in the investigation of a crime to ensure the efficiency and reliability of the desired outcome.

Section 4. National Agency for Forensic Science. The National Agency for Forensic Science, hereinafter referred to as the Agency, is hereby established under the administrative control

and supervision of the Department of Justice. The Agency shall provide quality, accurate and timely analytical and forensic examinations, assist the public, law enforcement agencies and the judiciary in the successful investigation, handling and prosecution of crimes and other cases requiring forensic science.

Section 5. Powers and Functions. – The Agency shall exercise the following powers and functions:

- a) Provide technical assistance to the public, law enforcement agencies and the judiciary in the collection, handling and preservation of evidence, and render expert opinion on the forensic examinations conducted so as to improve the administration of justice;
- b) Exercise exclusive and primary authority in the investigation involving cases of suspicious deaths;
- c) Conduct research studies for the development and advancement of scientific methods and techniques in the various forensic science fields;
- d) Upgrade the skills of government personnel by providing them sufficient training in forensic science to minimize human error in forensic examinations;
- e) Establish and maintain forensic laboratories preferably in every region to aid the public, law enforcement agencies and the judiciary in the investigation, prosecution and disposition of crimes;
- f) Maintain a national database on all forensic examinations conducted by the Agency, including Deoxyribonucleic Acid (DNA) records of civilians and offenders;
- g) Promote general awareness on matters relating to forensic science; and
- h) Perform any other function connected with or ancillary to the above functions.

Section 6. Executive Director. The Agency shall be headed by an executive director who shall be appointed by the President of the Philippines and shall be responsible for the efficient implementation of this Act. The executive director shall be appointed based on the qualifications herein provided and may only be removed for cause in accordance with the rules and regulations prescribed by the Civil Service Commission.

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

Section 7. Powers and Functions of the Executive Director. The executive director shall be the chief executive officer of the Agency and shall exercise the following powers and functions:

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

- b) Decide the objectives, strategies and policies of the Agency in accordance with the provisions of this Act;
- c) Determine the organizational structure of the Agency, establish a human resource management system based in merit and fitness and adopt a rational compensation and benefits scheme;
- d) Promulgate, in accordance with applicable laws, policies and guidelines for the following:
 - 1) Promotion and development of competent, scientific and advance technical services for the detection and investigation of crimes;
 - 2) Protocols and methods of testing including examination methods and guidelines for the presentation of results in court; and
 - 3) Imposition and fixing of reasonable charges and fees for forensic examinations and other services rendered by the Agency;
- e) Create plans for the implementation of new programs, upgrade existing programs by incorporating modern methods and techniques and eliminate programs which are no longer needed;
- f) Administer the national database on all forensic examinations conducted by the Agency including DNA of civilians and offenders;
- g) Upon its own initiative or the recommendation of the deputy executive director for legal affairs to pay the schedule of fees for DNA or any other forensic examinations, grant an exemption or substantial discount in the payment thereof;
- h) Create or abolish any division or unit and positions therein as may be required by the exigencies of the service, subject to the endorsement of the President of the Philippines and approval of the Department of Budget and Management (DBM);
- i) Hire consultants, subject to pertinent laws, rules and regulations, as may be deemed required by the exigencies of service;
- j) Remove, suspend or otherwise discipline personnel for cause, in accordance with civil service rules and regulations and other pertinent laws;
- k) Accept donations and grants; and
- l) Perform such other functions as may be provided for by law.

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

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

- b) Financial Management Service. – Responsible for the management of the finances of the Agency like budgeting, disbursement, collection, remittances to the Bureau of Internal Revenue (BIR), Government Service Insurance System (GSIS), Philippine Health Insurance Corporation (PHIC) and Home Development Mutual Fund (HDMF) and preparation of financial reports for submission to the DBM, Commission on Audit, BIR and other government regulatory agencies.
- c) Legal Service. – Provide adequate legal assistance and support to the executive director and to the Agency, as a whole, in the exercise of its powers as provided for under this Act. The imposition of any administrative sanction for erring officials and employees shall be within the exclusive determination and recommendation of the legal service.
- d) Information and Communication Technology Service. – Responsible for the computer programs of the different offices of the Agency including local area network, computerized accounting systems, inventory systems, procurement and supply management systems and inter-office connectivity. It shall also be responsible for all forensic examinations conducted by the Agency, including DNA records of civilians and offenders.
- e) Forensic Operations and Research Service. – Responsible for the conduct of all forensic examinations and the operation of forensic laboratory and research facilities including the operation of training schools and advancement of the knowledge and capabilities of forensic agents in all fields of forensic science.
- f) Engineering and General Services Office. – Responsible for the repairs and maintenance of the building, equipment, furniture and fixtures, transport facilities, regional offices, regional laboratories, and all other properties and equipment of the Agency.

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

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

The regional director shall be responsible for the day to day operation of the regional offices. They shall supervise forensic agents within their jurisdiction and render operation on

gray areas specifically pinpointed by the accuracy of forensic examination, and if required by the court, attend hearings on forensic analysis conducted by their forensic agents.

Section 11. Qualification of a Regional Director. – Regional directors must be Filipino citizens, at least thirty (30) years of age, of good moral character, unquestionable integrity, recognized competence and a degree holder with at least five (5) years of supervisory or management experience in the field of law or medical science.

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

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

Section 13. Integration of Existing Forensic Laboratories. - The crime laboratory of the Philippine National Police (PNP), the forensic laboratory of the National Bureau of Investigation (NBI) and the forensic laboratory of the Philippine Drug Enforcement Agency (PDEA) are hereby integrated into the Agency. They shall continue with the performance of their tasks and their respective personnel shall be considered on special assignment to the Agency until such time that the organizational structure of the Agency is fully operational and the rules and regulations on the absorption of personnel from the PNP, NBI, and the PDEA are promulgated by the executive director of the Agency: Provided, That such personnel who are affected shall have the option of either being integrated into the Agency or remain with their original mother agencies and shall, thereafter, be immediately reassigned to other units therein by the head of such agencies. Such personnel who are transferred, absorbed and integrated in the Agency shall be extended appointments to positions similar in rank, salary, and other emoluments and privileges granted to their respective positions in their original mother agencies. The transfer, absorption, and integration of the different offices and units provided for in this section shall take effect within eighteen (18) months from the effectivity of this Act; Provided, further: That personnel from the PNP, NBI, and PDEA considered on special assignment with the Agency shall be given two (2) years from the approval from the organizational structure of the Agency to finally decide on whether they are joining the Agency or returning to their mother units.

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

Section 14. Organizational Structure. – The organizational structure and staffing pattern of the Agency shall be prescribed and approved by the Secretary of Justice within ninety (90) days

after the effectivity of this Act and the authorized positions created therein shall be filled by regular appointments by the President or the Secretary of Justice as the case may be.

Section 15. Death Investigation System. A Death Investigation System shall herein be established in the conduct of examination of deaths under suspicious circumstances, the guidelines of which shall be spelled out in the Implementing Rules and Regulations of this Act.

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

Section 17. Offset of Training Costs. – The executive director is hereby authorized where appropriate, to require payment of appropriate consideration to offset the costs of training provided by the school.

Section 18. Fees. – The Agency may assess and collect reasonable fees for services rendered in the following areas:

- a) Forensic examination, laboratory fees or certification fees;
- b) Incidental income from trainings, conventions, seminars, journals, publications and the like;
- c) Proceeds from the sale of confiscated or forfeited articles after public auction from the cases investigated by the Agency upon order of the court; and
- d) Other fees that may be imposed by the executive director.

Section 19. Forensic Analysis Admissible as Evidence. –

- a) In any civil or criminal proceedings, an analysis of the forensic sample that states the results of the forensic examination, signed and sworn to by the forensic agent and duly acted by the immediate supervisor of the forensic agent performing the analysis may be admissible in evidence;
- b) A forensic analysis, to be admissible under this section, shall be performed in accordance with the rules of procedures adopted by the Agency;
- c) The forensic agent who conducted the forensic examination shall sign the report and complete an affidavit in a form presented by the Agency.

The affidavit shall state that:

- 1) The forensic agent is qualified by education, training and experience to perform the forensic examination;
- 2) The name and location of the laboratory where the forensic examination was performed;

- 3) The forensic examination conducted was part of the agency's regular duties;
- 4) The test was performed pursuant to the Agency's standards for that discipline; and
- 5) The sample was collected, handled and examined and stored in accordance with established rules of procedure of the Agency.

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

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

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

Section 20. Review Process. – Questions regarding the mode of taking, handling, preservation, storage, custody and identification of samples of forensic examinations may be brought to the office of the regional director whose findings of the regional director shall be reviewed automatically by the executive director whose decision shall be final. However, any aggrieved party may request for a parallel forensic analysis, in which case, if the findings of a third party who conducted the parallel forensic examination, is not at par with the findings of the Agency, the aggrieved party may request for a re-examination.

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

Section 21. Confidentiality. – All forensic records that may hereafter be encoded in the database of the Agency remains confidential and shall not be disclosed without the prior written consent of the party affected or a court order where the result of the forensic examination is needed as evidence in any civil or criminal proceedings.

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

Section 23. Transfer of Unexpected Funds, Properties, Records and Documents. – All unexpected appropriations, real and personal properties, contracts, records and documents of the crime laboratory of the PNP, the forensic laboratory of the NBI and the forensic laboratory of the PDEA shall be transferred to the Agency.

Section 24. Appropriations. – In addition to the unexpended appropriation of the PNP crime laboratory, NBI forensic laboratory and PDEA forensic laboratory herein transferred, the sum

of One hundred fifty million pesos (P150,000,000.00) is hereby authorized to be appropriated out of any funds in the National Treasury not otherwise appropriated to carry out the provisions of this Act. The appropriation may be augmented by the income which the agency is authorized to use under this Act. Thereafter, such sums may be necessary for the continued implementation of this Act shall be included in the annual Appropriations Act.

Section 25. Implementing Rules and Regulations. – Within one hundred twenty (120) days after the approval of this Act, the Secretary of Justice and Secretary of Science and Technology in coordination with the PNP, NBI and PDEA shall promulgate the necessary rules and regulations for the effective implementation of this Act.

SECTION 26. Separability Clause. – If any part or provision of the Act shall be held unconstitutional or invalid, other Provisions hereof which are not affected hereby shall continue to be in full force and effect.

SECTION 27. Repealing Clause. – All laws, decrees, rules and regulation inconsistent with the provision of this Act hereby repealed or modified accordingly.

SECTION 28. Effectivity. – This shall take effect after fifteen (15) days from its publication in two (2) national newspaper of general circulation.

Approved,