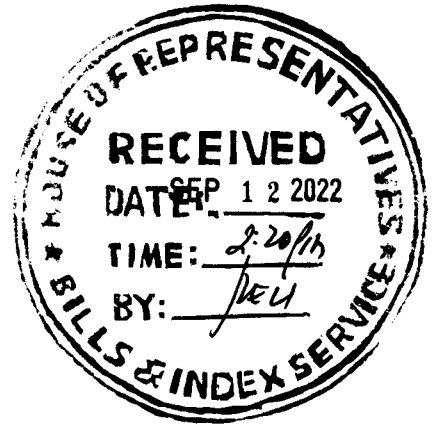




Republic of the Philippines
House of Representatives
Quezon City, Metro Manila

NINETEENTH CONGRESS
First Regular Session

HOUSE BILL No. 4672



Introduced by HONORABLE ERNESTO "ERNIX" M. DIONISIO, JR.

EXPLANATORY NOTE

One of the protected rights provided for by the Bill of Rights, is one's right to life liberty and property. The Constitution¹ provides that:

Section 1. No person shall be deprived of life, liberty, or property without due process of law, nor shall any person be denied the equal protection of the laws.

As a protected right, it is the duty of the State to protect one's right to life, liberty, or property. The Supreme Court in *People of the Philippines vs. Pacific Sangcojo* stated that:

The presumption of innocence in favor of an accused in a criminal case is a basic constitutional guarantee. It demands that the State must establish his guilt beyond reasonable doubt. To do so, the Prosecution must rely on the strength of its evidence, not on the weakness of his defense. Every reasonable doubt of his guilt entitles him to an acquittal².

In reality, despite these constitutional protected rights and constitutional mandated requirements before a person can be convicted of a crime, wrongful conviction is still prevalent in the Philippines. In *People vs. Mateo*³, the Supreme Court stated that:

In sum, the cases where the judgment of death has either been modified or vacated consist of an astounding

¹ Section 1, Article 3, 1987 Constitution.

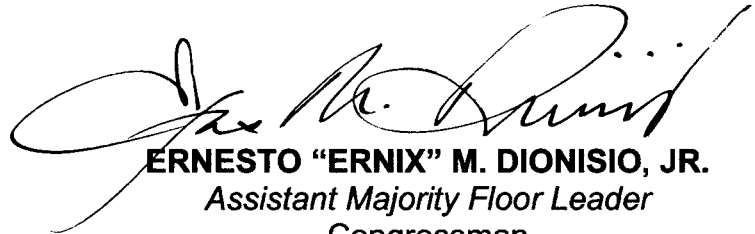
² G.R. No. 229204, September 5, 2012.

³ G.R. No. 147678-87, July 7, 2004.

71.77% of the total of death penalty cases directly elevated before the Court on automatic review that translates to a total of six hundred fifty-one (651) out of nine hundred seven (907) appellants saved from lethal injection.

Based on the foregoing, there is a high rate with regard to the occurrence of wrongful conviction in the Philippines and as a protected right by the Constitution itself, the State has the duty to enact laws that will further protect these rights.

The damage caused to a person wrongfully convicted for the commission of a crime and wrongfully imprisoned for how many years is so grave that no monetary compensation will be enough to bring back the years lost, the stress and prejudice they experienced. With this, it must be said that it is the duty of the State to protect the right to one's life and liberty. At the rate of how high wrongful conviction occurs in the Philippines, the immediate approval of this bill is necessary.

A handwritten signature in black ink, appearing to read 'Ernesto M. Dionisio, Jr.', with a large, stylized flourish at the end.

ERNESTO "ERNIX" M. DIONISIO, JR.

Assistant Majority Floor Leader

Congressman

First Congressional District of Manila



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House of Representatives
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HOUSE BILL No. 4672

Introduced by **HONORABLE ERNESTO “ERNIX” M. DIONISIO, JR.**

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 the Justice Reform Commission. - The Justice Reform Commission is hereby established. The Commission shall be composed of nine members as follows:

- a) A dean of a duly accredited law school;
- b) A law enforcement officer;
- c) An attorney from the Public Attorney’s Office;
- d) A member of the Senate of the Philippines;
- e) A member of the House of Representatives;
- f) A member of the judiciary, with rank of judge or higher;
- g) A law professor;
- h) A professor in the field of forensic science; and
- i) A private attorney specializing in criminal law

Each member shall serve a two-year term. 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 case 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 possible implementation plans, associated costs and its impact on the criminal justice system; and
 - 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 to prevent future wrongful convictions.
- Provided that:
- i. The report shall be made available to the public upon request; and
 - ii. 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 on the website of the Department of Justice not later than thirty (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 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 subsequently declared invalid or unconstitutional, the same shall not affect the validity and effectivity of the other provisions hereof.

SECTION. 9. Repealing Clause. - All other laws, presidential decrees, executive orders and issuances, or portions thereof, which are inconsistent with the provisions of the 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 a newspaper of general circulation.