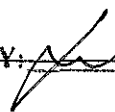




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SENATE
S.B. No. **2687**

RECEIVED BY: 

Introduced by Senator Miriam Defensor Santiago

EXPLANATORY NOTE

Whenever a person convicted of a crime is found, through post-conviction DNA testing or the discovery of other new evidence, to have been innocent of that crime, a failure has occurred in the criminal justice system which wrongly convicted an innocent person and allowed the real perpetrator to remain undetected.

The review of the causes of wrongful convictions enables the state to identify potential weaknesses in the criminal justice system, and the remedies that can strengthen the quality of criminal justice.

This bill seeks to create an entity envisioned to conduct independent and expert reviews of wrongful convictions necessary to identify the primary and potential causes of wrongful convictions. This commission would be charged with:

- (a) Identifying the systemic causes of wrongful convictions;
- (b) Identifying policies and procedures demonstrated to minimize the likelihood of wrongful convictions;
- (c) Proposing reforms to minimize the likelihood of wrongful convictions in, bolster public confidence in criminal justice system, and ensure that the administration of criminal justice is fair, accurate and reliable; and
- (d) Conducting its work in a manner that is transparent, with the goal of keeping the public informed.

This bill, which seeks to create a commission on criminal justice reform, is based on proposed legislation of the Innocence Project. The Project, established in 1992 at the Benjamin

N. Cardozo School of Law of the Yeshiva University in New York City, is dedicated to exonerating the innocent through post-conviction DNA testing.

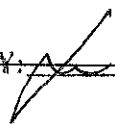
In the United States, several states, including California, North Carolina, and Wisconsin, have convened commissions to understand the causes of wrongful convictions, which have resulted in the adoption of positive reforms to enhance the accuracy of criminal investigations, strengthen criminal prosecutions, and protect the innocent.

Miriam Defensor Santiago
MIRIAM DEFENSOR SANTIAGO
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SENATE
S. B. No. **2687**

RECEIVED BY: 

Introduced by Senator Miriam Defensor Santiago

1 AN ACT
2 CREATING A COMMISSION ON CRIMINAL JUSTICE REFORM

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

3 SECTION 1. *Short Title.* – This Act shall be known as the “Criminal Justice Reform
4 Commission Act.”

5 SECTION 2. *Creation of the Commission on Criminal Justice Reform.* – There is hereby
6 created the Commission on Criminal Justice Reform, hereinafter referred to as the Commission,
7 which shall be responsible for formulating and recommending policies and programs to review,
8 strengthen, and promote the development of the criminal justice system.

9 SECTION 3. *The Functions of the Commission.* –

10 (a) The Commission shall review all cases in which an innocent person was
11 convicted and exonerated.

12 (b) The Commission shall identify the causes of wrongful convictions.

13 (c) The Commission shall identify current laws, rules and procedures implicated by
14 each identified cause of wrongful convictions.

15 (d) The Commission shall identify through peer-reviewed research, experts, and
16 discussion potential solutions in the form of legislation, rule, regulation or procedural changes;
17 and educational or training opportunities demonstrated to eliminate or minimize the occurrence
18 of each cause of wrongful convictions.

19 (e) The Commission shall consider potential implementation plans, costs, cost
20 savings, and the impact on the criminal justice system for each potential solution.

(f) The Commission shall issue interim reports and/or a detailed annual report recommending solutions for each cause identified, and any recommended proposed legislation and/or other rule or policy changes necessary to implement procedures and programs to prevent future wrongful convictions. The report shall be made available to the public on request. 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 of the Republic of the Philippines, the Senate President, and the Speaker of the House of Representatives immediately upon completion of the report. The report shall also be posted on the Department of Justice website within one (1) week from the submission of the report.

SECTION 5. *Composition of the Commission.* – (a) The Commission shall be composed of thirteen (13) members to be appointed by the President:

- (1) The Secretary of Justice;
 - (2) A member of Philippine Judicial Academy;
 - (3) A dean of a law school;
 - (4) A representative of the Philippine National Police;
 - (5) A representative of Office of the National Prosecution Service;
 - (6) A representative of the Public Attorney's Office;
 - (7) A member of the Committee on Justice and Human Rights of the Senate;
 - (8) A member of the Committee on Justice of the House of Representatives;
 - (9) A member of the National Bureau of Investigation;
 - (10) A member of the Integrated Bar of the Philippines;
 - (11) An expert in forensic science;
 - (12) A representative of a victims' rights organization; and
 - (13) An individual who was wrongfully convicted and incarcerated for a serious felony.
- (b) Each member shall serve a two-year term.
- (c) The Secretary of Justice shall serve as chair of the Commission.

1 SECTION 6. *Assistance from Government Offices.* – The Commission may call upon any
2 department, bureau, office, agency, or instrumentality of the Government, including government-
3 owned or controlled corporations, for such assistance as may be needed to achieve its purposes
4 and objectives.

5 SECTION 7. *Appropriation.* – To carry out the provisions of this Act, the sum of five
6 million pesos (P5,000,000.00) is hereby authorized to be appropriated as the initial funding of
7 the Commission for the first year. Thereafter, the President shall include in the annual General
8 Appropriations Act such amounts as may be necessary to support the operations and finance the
9 projects of the Commission.

10 SECTION 8. *Separability Clause.* – If any provision or part hereof is held invalid or
11 unconstitutional, the remainder of the law or the provision not otherwise affected shall remain
12 valid and subsisting.

13 SECTION 9. *Repealing Clause.* – Any law, presidential decree or issuance, executive
14 order, letter of instruction, administrative order, rule or regulation contrary to or is inconsistent
15 with the provision of this Act is hereby repealed, modified, or amended accordingly.

16 SECTION 10. *Effectivity Clause.* – This Act shall take effect fifteen (15) days after its
17 publication in at least two (2) newspapers of general circulation.

Approved,

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