

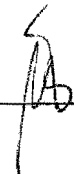
FOURTEENTH CONGRESS OF THE REPUBLIC )  
OF THE PHILIPPINES )  
Third Regular Session )

SENATE  
OFFICE OF THE SECRETARY

9 SEP 14 P2:48

SENATE  
S.B. No. **3436**

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Introduced by Senator Miriam Defensor Santiago

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#### EXPLANATORY NOTE

Whenever a person convicted of a crime is found, through discovery of new evidence such as post-conviction DNA testing, 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.

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.

There is not presently any government entity charged with conducting the independent, expert reviews of wrongful convictions necessary to identify the primary and potential causes of wrongful convictions.

Research conducted by the Innocence Project ("IP") an organization established in 1992 at the Benjamin N. Cardozo School of Law (at Yeshiva University in New York City) and dedicated to exonerating the innocent through post-conviction DNA testing, shows the primary causes of wrongful convictions to include eyewitness misidentification; negligence, misconduct and poor training in forensic laboratories; false confessions; the use of jailhouse informants; incompetent or inadequate defense lawyering; and prosecutorial/police mistakes or misconduct.

Several states in the U.S., 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.

The Philippines would benefit from the creation of a Criminal Justice Reform Commission, charged with:


1. Identifying the systemic causes of wrongful convictions;
2. Identifying policies and procedures demonstrated to minimize the likelihood of wrongful convictions;
3. Proposing 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. Conducting its work in a manner that is transparent, with the goal of keeping the public informed.

  
MIRIAM DEFENSOR SANTIAGO

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

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

6 SECTION 1. *Short Title.* – This Act shall be known as the “Preventing Wrongful  
7 Conviction Act.”

8 SECTION 2. *Commission Established-* This section establishes the Justice Reform  
9 Commission.

10 SECTION. 3. *Composition.*

11 (a) The commission is composed of nine members. The members must be (1) a dean of a  
12 law school, (2) a law enforcement officer (3) an attorney from the Public Assistance Office, (4) a  
13 member of the Senate of the Philippines, (5) a member of the House of Representatives, (6) a  
14 member of the judiciary, (7) a law professor, (8) a professor in the field of forensic science, and  
15 (9) a private attorney specializing in criminal law.

16 (b) Each member serves a two-year term.

17 (c) The President shall designate a member to serve as presiding officer.

18 SECTION 4 - *Duties*

19 A. The Commission shall review all cases in which an innocent person was convicted and  
20 exonerated.

21 B. The Commission shall identify the causes of wrongful convictions.

1 C. The Commission shall identify current laws, rules and procedures implicated by each  
2 identified cause of wrongful convictions.

3 D. The Commission shall identify through peer-reviewed research, experts, and  
4 discussion potential solutions in the form of legislation, rule, regulation or procedural changes;  
5 and educational or training opportunities demonstrated to eliminate or minimize the occurrence  
6 of each cause of wrongful convictions.

7 E. The Commission shall consider potential implementation plans, costs, cost savings,  
8 and the impact on the criminal justice system for each potential solution.

9 F. The Commission shall issue interim reports and/or a detailed annual report  
10 recommending solutions for each cause identified, and any recommended proposed legislation  
11 and/or other rule or policy changes necessary to implement procedures and programs to prevent  
12 future wrongful convictions.

13 1. The report shall be made available to the public on request.

14 2. The findings and recommendations contained in the report may not be used as binding  
15 evidence in any subsequent civil or criminal proceeding.

16 SECTION 5. *Submission of Report.* The Commission shall submit the report(s) described  
17 by Section 4 (F) to the President, the Senate President and the Speaker of the House of  
18 Representatives and post a copy of it on the Department of Justice's website not later than 30  
19 days after the submission of the report.

20 SECTION 6. *Response to Report.* Not later than the 60th day after the date of receipt of  
21 each report issued under this Act, the President, the Senate President and the Speaker of the  
22 House of Representatives shall, singly or jointly, issue a formal written response to the findings  
23 and recommendations of the Commission.

24 SECTION 7. *Assistance.* The Department of Justice, Department of Interior and Local  
25 Government, the University of the Philippines College of Law, shall assist the Commission in  
26 performing the Commission's duties. Other government and private entities may also provide  
27 such assistance, with the consent of a majority of the commission and consistent with law.

28 SECTION 8. *Appropriation.* — To carry out the provisions of this Act, such amount as  
29 may be necessary is hereby authorized to be appropriated from the National Treasury.

30 SECTION 9. *Separability Clause.* — If any provision or part hereof, is held invalid or  
31 unconstitutional, the remainder of the law or the provision not otherwise affected shall remain  
32 valid and subsisting.

1           SECTION 10. *Repealing Clause.* – Any law, presidential decree or issuance, executive  
2 order, letter of instruction, administrative order, rule or regulation contrary to or is inconsistent  
3 with the provision of this Act is hereby repealed, modified, or amended accordingly.

4           SECTION 11. *Effectivity Clause.* – This Act shall take effect fifteen (15) days after its  
5 publication in at least two (2) newspapers of general circulation.

6           Approved,

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