

THIRTEENTH CONGRESS OF THE }
REPUBLIC OF THE PHILIPPINES }
First Regular Session

'04 JUN 30 10:19

SENATE

S. No. 702

RECEIVED BY: du

INTRODUCED BY HON. MANUEL B. VILLAR, JR.


EXPLANATORY NOTE

It is very crucial for law enforcers to conscientiously observe a well-defined standard operating procedure in the conduct of an investigation and the subsequent handling, custody and safe-keeping of pieces of evidence. A strand of hair, a fingerprint, or a one-page document can be very vital for solving cases and for the swift delivery of justice to the victims.

It is unfortunate that countless cases have been dismissed due to failing of investigation and mishandling of evidence by authorities.

This proposed measure seeks to rectify the pernicious practices of law enforcers who negligently or deliberately mishandled evidence gathered in the crime scene, by penalizing them.

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


MANUEL B. VILLAR, JR.

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AN ACT
PENALIZING THE IMPROPER HANDLING OR SAFEKEEPING OF EVIDENCE OF A
CRIME UNDER INVESTIGATION

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

SECTION 1. *Declaration of Policy.* - It is hereby declared the policy of the State to regard collected pieces of evidence from a crime scene or any evidence gathered in the conduct of an investigation with the utmost importance and caution. Any deviation from the well-defined standard operating procedure or infidelity in the custody and safekeeping of such evidence shall be considered a criminal offense punishable by law.

SECTION 2. *Definition of Terms.*

- a. Evidence- the means sanctioned by the Rules of Court of ascertaining in a judicial proceeding the truth respecting a matter of fact
- b. Object (Real) evidence- objects as evidence are those addressed to the senses of the court;
- c. Documentary evidence- document as evidence consists of writings or any material containing letters, words, numbers, figures, symbols or other models of written expressions offered as proof of contents
- d. Investigating Authorities- any person authorized by law to conduct a criminal investigation, such as, but not limited to, the National Bureau of Investigation and the Philippine National Police.
- e. Mishandling- any form of deviation from the well-defined standard operating procedures and guidelines in the conduct of an investigation, including but not limited to failure to secure the scene of a crime, failure to preserve the scene and all pieces of evidence therein, Failure to properly secure gathered evidence resulting to its loss or its inadmissibility in court as evidence, failure to turnover gathered evidence to the proper authorities and infidelity in the safekeeping and

custody of gathered evidence resulting to its inadmissibility in court as evidence

SECTION 3. *Penalties.*- The penalty of *prision correctional* in its medium period shall be imposed upon any of the investigative authorities found guilty of mishandling evidence. If the mishandling is proven to be deliberate or maliciously done, the penalty shall be *prision correctional* in its maximum period.

SECTION 4. *Implementing Rules and Regulations* - The Secretaries of the Department of Interior and Local Government (DILG) and the Department of Justice (DOJ) shall jointly prepare the implementing rules and regulations of this Act.

SECTION 5. *Separability Clause*- If any provision of this Act is declared unconstitutional or invalid, other parts or provisions hereof not affected thereby shall continue to be in effect.

SECTION 6. *Repealing Clause*- All law, decrees, orders, and rules and regulations inconsistent with the provisions of this Act are hereby repealed or modified accordingly.

SECTION 7. *Effectivity* - This Act shall take effect fifteen (15) days after its complete publication in the Official Gazette or in at least two (2) newspapers of general circulation.

Approved,