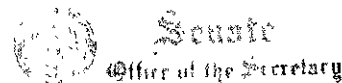


SIXTEENTH CONGRESS OF THE REPUBLIC)
OF THE PHILIPPINES)
Second Regular Session)



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SENATE
S. No. **2802**

RECEIVED BY: *J.*

Introduced by Senator Miriam Defensor Santiago

AN ACT
IMPROVING DNA FACILITIES IN THE COUNTRY

EXPLANATORY NOTE

The Constitution, Article 14, Section 10 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.

Owing to the efficacy of forensic DNA analysis, the application of modern DNA technology has played a crucial role in identity testing.¹ This technology has been utilized by many countries around the world and has been the subject of numerous legislations² promoting the use of forensic DNA analysis both in criminal justice cases and mass fatalities.

In the Philippines, there is an increasing demand for DNA analysis both from the government and private sector. This is why DNA laboratories were set up within the Philippine National Police (PNP) and National Bureau of Investigation (NBI) while the DNA Analysis Laboratory under the UP Natural Sciences Research Institute (UP NSRI) and the DNA Sequencing Facility at the newly-established Philippine Genome Center of the UP National Institute for Molecular Biology and Biotechnology (UP NIMBB) cater mostly to private requests

¹ Dr. María Corazon A. De Ungria, *Forensic DNA Analysis in Criminal Investigations*, Philippine Journal of Science, 132 (1): 13-19 June 2003 (ISSN 0031-7683).

² Some countries which already have DNA legislations are the members of the European Union, the United States of America (both at the federal and state level), Australia, Canada, Russia, Kenya and Malaysia.

for the resolution of parentage issues. Noticeably, despite our growing reliance on DNA analysis, there is a dearth of DNA legislation in the country.

This is particularly troubling since DNA Analysis is a most powerful tool for identity testing especially in: (1) casework and (2) victim identification in mass fatalities. The value of DNA analysis in casework has been proven particularly in disputed parentage cases, post-conviction DNA testing and crime scene investigations including the search for missing persons. This value is magnified in mass fatalities where it is often the case that the usual modes of victim identification like dental comparisons and fingerprinting are not possible, so DNA testing becomes the most conclusive mode of identification for fragmented, burnt or decomposed remains. This was tested in the case of the 9/11 disaster (World Trade Center attacks) where thousands of remains had to be identified using DNA analysis. At the local level, it has been argued that an efficient DNA analysis system would have helped immensely in victim identification in mass tragedies like in the Ondoy and Yolanda floods. A more current example is the painstakingly long and arduous identification of the Kentex fire victims which authorities have already declared would take many months before completion.

For this reason, it is important that the State supports the capacity enhancement of DNA facilities in the country. Capacity enhancement includes improving the infrastructure and analytical capabilities of DNA laboratories in order to process DNA samples more efficiently and cost effectively. Hopefully, better DNA facilities can also pave the way for advanced research to fast-track scientific breakthroughs in the field of DNA analysis.


MIRIAM DEFENSOR SANTIAGO
JP

15 JUN -4 P2 52

SENATE
S. No. 2802

Introduced by Senator Miriam Defensor Santiago

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

1 AN ACT
2 IMPROVING DNA FACILITIES IN THE COUNTRY

3 SECTION 1. *Short Title.* - This Act shall be known as the "DNA Capacity Enhancement
4 Act of 2015".

5 SECTION 2. *Declaration of Policy.* - The State recognizes the need for improving DNA
6 facilities in the country to answer the increasing demand for DNA analysis for identity testing in
7 mass fatalities, casework and research.

8 SECTION 3. *Definition of Terms.* - For purposes of this Act, the following terms shall
9 mean:

10 (a) The term "DNA analysis" means analysis of the deoxyribonucleic acid (DNA)
11 identification information in a bodily sample.

12 (b) The term "DNA facility" means any government institution, laboratory or office
13 which conducts DNA analysis in the country.

14 SECTION 4. *DNA Capacity Enhancement Plan.* - The Secretary of Science and
15 Technology, in consultation with the heads of the government-funded DNA facilities including
16 the DNA Analysis Laboratories at the University of the Philippines, Philippine National Police
17 and the National Bureau of Investigation and the DNA Sequencing Facility of the Philippine
18 Genome Center, shall draw up an annual DNA Capacity Enhancement Plan that shall:

- 1 (a) Assess the prevailing capacities of existing government-funded DNA facilities in the
2 country in terms of equipment and human resources, and identify inadequacies and
3 areas of improvement;
- 4 (b) Propose the acquisition of necessary DNA analysis equipment, and recruitment and
5 training of scientists, accompanied by the corresponding budget for its
6 accomplishment to be included in the proposed general appropriation items of the
7 head agencies of the facilities involved herein, wherever applicable;
- 8 (c) Promulgate rules and regulations regarding DNA analyses, methods and facilities,
9 including quality assurance protocols and practices that the international scientific
10 community considers adequate to assure the quality of a DNA laboratory; and
- 11 (d) Establish guidelines for better coordination and cooperation between government-
12 funded DNA facilities in the country so as to provide a more efficient DNA analysis
13 system.

14 SECTION 5. *Restriction On The Use of Funds Appropriated Under This Act.* – Any part
15 of funds received from a grant made under this Act shall be used strictly to develop or improve
16 government-funded DNA facilities in the country. Any DNA facility which receives funding
17 under this Act may not use more than ten percent (10%) of such funds for administrative
18 expenses. For the purposes of this Act, administrative expenses do not include research grants
19 and trainings of DNA forensic experts.

20 SECTION 6. *Report to Congress.* – Not later than 90 days after the end of each fiscal
21 year, the Secretary of Science and Technology, in coordination with the heads of the
22 government-funded DNA facilities including the DNA Analysis Laboratories at the University of
23 the Philippines, Philippine National Police and the National Bureau of Investigation and the
24 DNA Sequencing Facility of the Philippine Genome Center, shall submit to both Houses of
25 Congress a report that includes –

- 26 (a) The aggregate amount of funds made under this part to each government-funded
27 DNA facility; and

1 (b) The summary of information provided by each government-funded DNA facility
2 regarding the use of such funds under this Act.

3 SECTION 7. *Separability Clause.* – If any provision or part hereof, is held invalid or
4 unconstitutional, the remainder of the law or the provision not otherwise affected shall remain
5 valid and subsisting.

6 SECTION 8. *Repealing Clause.* - All laws, orders, issuances, rules and regulations or part
7 thereof inconsistent with the provisions of this Act are hereby repealed, amended or modified
8 accordingly.

9 SECTION 9. *Effectivity Clause.* - This Act shall take effect within fifteen (15) days after
10 its publication in the *Official Gazette* or in at least two (2) newspapers of general circulation,
11 whichever comes earlier.

Approved,

/sapt22May2015