

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



Senate
Office of the Secretary

'16 FEB -1 P3:16

SENATE
S. No. 3191

RECEIVED BY: 

Introduced by Senator Miriam Defensor Santiago

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

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, 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.¹


MIRIAM DEFENSOR SANTIAGO
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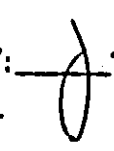
¹ This bill was originally filed during the Fourteenth Congress, Third Regular Session.



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

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

3 SECTION 2. *Establishment of Justice Reform Commission.* – The Justice Reform
4 Commission is hereby established.

5 (A) *Composition.* – The Commission shall be composed of nine members as
6 follows:

- 7 (1) a dean of a duly accredited law school;
- 8 (2) a law enforcement officer;
- 9 (3) an attorney from the Public Assistance Office;
- 10 (4) a member of the Senate of the Philippines;
- 11 (5) a member of the House of Representatives;
- 12 (6) a member of the judiciary, with rank of judge or higher;
- 13 (7) a law professor;
- 14 (8) a professor in the field of forensic science; and
- 15 (9) a private attorney specializing in criminal law.

16 (B) *Term.* – Each member shall serve a two-year term.

1 (C) *Presiding Officer.* – The President shall designate a member to serve as
2 presiding officer.

3 SECTION 3. *Duties of the Commission.* – The Commission shall:

4 (A) Review all cases in which an innocent person was convicted and exonerated;

5 (B) Identify the causes of wrongful convictions;

6 (C) Identify current laws, rules and procedures implicated by each identified cause
7 of wrongful convictions;

8 (D) Identify through peer-reviewed research, experts, and discussion potential
9 solutions in the form of legislation, rule, regulation or procedural changes; and
10 educational or training opportunities demonstrated to eliminate or minimize the
11 occurrence of each cause of wrongful convictions;

12 (E) Consider potential implementation plans, costs, cost savings, and the impact
13 on the criminal justice system for each potential solution; and

14 (F) Issue interim reports and/or a detailed annual report recommending solutions
15 for each cause identified, and any recommended proposed legislation and/or other rule or
16 policy changes necessary to implement procedures and programs to prevent future
17 wrongful convictions. Provided that:

18 (1) The report shall be made available to the public on request.

19 (2) The findings and recommendations contained in the report may not be used
20 as binding evidence in any subsequent civil or criminal proceeding.

21 SECTION 4. *Submission of Report.* – The Commission shall submit the report(s)
22 described by Section 3(F) to the President, the Senate President and the Speaker of the
23 House of Representatives and post a copy of it on the website of the Department of
24 Justice not later than 30 days after the submission of the report.

1 SECTION 5. *Response to Report.* – Not later than the 60th day after the date of
2 receipt of each report issued under this Act, the President, the Senate President and the
3 Speaker of the House of Representatives shall, singly or jointly, issue a formal written
4 response to the findings and recommendations of the Commission.

5 SECTION 6. *Assistance.* – The Department of Justice, Department of Interior and
6 Local Government, and the University of the Philippines College of Law, shall assist the
7 Commission in performing its duties. Other government and private entities may also
8 provide such assistance, with the consent of a majority of the commission members and
9 consistent with law.

10 SECTION 7. *Appropriations.* – To carry out the provisions of this Act, such
11 amount as may be necessary is hereby authorized to be appropriated from the National
12 Treasury.

13 SECTION 8. *Separability Clause.* – If any provision of this Act is held invalid or
14 unconstitutional, the same shall not affect the validity and effectivity of the other
15 provisions hereof.

16 SECTION 9. *Repealing Clause.* – All laws, decrees, orders, and issuances, or
17 portions thereof, which are inconsistent with the provisions of this Act, are hereby
18 repealed, amended or modified accordingly.

19 SECTION 10. *Effectivity Clause.* – This Act shall take effect fifteen (15) days
20 after its publication in the *Official Gazette* or in two (2) newspapers of general
21 circulation.

Approved,