

SENATE
S. No. 515

'19 JUL 16 A9:05

Introduced by Senator Ronald "Bato" Dela Rosa

RECEIVED

AN ACT
MODERNIZING THE CRIME INVESTIGATION TECHNIQUES OF LAW ENFORCEMENT AGENCIES AND FOR OTHER PURPOSES

EXPLANATORY NOTE

During the course of history, law enforcement agencies have implemented and resorted to different approach and strategies to determine the authors of the crime committed. These strategies are significant in the maintenance of peace order in our society and administration of justice.

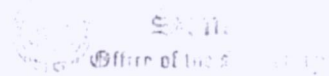
Criminal investigation procedures has evolved since the mere use of interview of possible witnesses to the use of forensic science such as DNA matching. In the Philippines, when a person is suspected of discharging a firearm, our go to procedure is to conduct paraffin testing. However, as declared by the Supreme Court in its numerous decisions, scientific experts concur in the view that the paraffin test has proved extremely unreliable in use.

Those obsolete crime investigation techniques such as paraffin test should not be used as it puts our crime investigators in a bad light. As such, the proposed measure seeks to ensure that our law enforcements agents will have access to modern crime investigation techniques.

Similar proposal was filed by Senator Miriam Defensor Santiago during the Sixteenth Congress.

In light of the foregoing, approval of this bill is earnestly sought.

RONALD "BATO" DELA ROSA



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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 "Crime Investigation
2 Modernization Act."

3

4 Sec. 2. *Declaration of Policy.* – It is hereby declared the policy of the State to
5 actively promote, induce and accelerate a sound and modern procedure in crime
6 investigation.

7

8 Sec. 3. *Principles and Standards in Crime Investigation.* – All law enforcement
9 agencies shall be guided by the following principles and standards in conducting their
10 investigations:

11 (1) The Constitutional rights of all persons shall be respected at all times.

12 Toward this end, obsolete and unreliable crime investigation methods, such
13 as paraffin testing, shall be phased out;

14 (2) One of the most important aspects of securing the crime scene is to
15 preserve the scene with minimal contamination and disturbance or physical
16 evidence. The initial response to an incident shall be expeditious and
17 methodical. Upon arrival, the officer shall assess the scene and treat the
18 incident as a crime scene;

19 (a) The initial responding officers shall ensure that medical attention is

- 1 provided with minimal contamination of the scene;
- 2 (b) The initial responding officers at the scene shall provide a detailed
3 crime scene briefing to the investigators in charge of the scene;
- 4 (c) Controlling, identifying, and removing persons at the crime scene and
5 limiting the number of persons who enter the crime scene and the
6 movement of such persons is an important function of the initial
7 responding officers in protecting the crime scene;
- 8 (d) The investigators in charge shall identify specific responsibilities,
9 share preliminary information, and develop investigative plans in
10 accordance with departmental policy, focal, and national laws.
- 11 (e) The investigators in charge shall ensure documentation of the scene
12 using photos, videos, sketches, measurements and notes, among
13 others;
- 14 (f) The investigators must prioritize the collection of evidence to prevent
15 loss, destruction, or contamination; and
- 16 (g) The investigators in charge shall direct another walk-through at the
17 conclusion of the scene investigation and ensure that the scene
18 investigation is complete;
- 19 (3) The safety and physical well-being of officers and other individuals, in and
20 around the crime scene, are the initial responding officers' priority;
- 21 (4) Defining and controlling the boundaries provide a means for protecting and
22 securing the crime scene;
- 23 (5) All activities conducted and observations made at the crime scene must be
24 documented as soon as possible after the event to preserve information;
- 25 (6) Contamination control and prevention of cross-contamination at single or
26 multiple scenes is essential to maintain the safety of personnel and the
27 integrity of evidence;
- 28 (7) Evidence at crime scene that is in the process of documentation, collection,
29 preservation, or packaging should be handled with attention to scene
30 integrity and protection from contamination or deleterious change. During
31 the processing of the scene, and following documentation, evidence should
32 be appropriately packaged, labeled, and maintained in a secure, temporary

1 manner until final packaging and submission to a secured evidence storage
2 facility or the crime laboratory;

3 (8) Law enforcement personnel and other responders shall participate in or
4 initiate a crime scene debriefing to ensure the crime scene investigation is
5 complete and to verify post-scene responsibilities; and

6 (9) Reports and other documentation pertaining to the crime scene
7 investigation shall be compiled into a case file by the investigators in charge
8 of the crime scene. This file shall be a record of the actions taken and
9 evidence collected at the scene. This documentation shall allow for
10 independent review of the work conducted.

11 *Sec. 4. Creation of the Crime Investigation Modernization Committee (CIMC).*

12 – The Crime Investigation Modernization Committee (CIMC) is hereby established and
13 shall be composed of the following:

- 14 (1) Secretary of the Department of Interior and Local Government as
15 Chairperson;
- 16 (2) Chief of the Philippine National Police;
- 17 (3) Director of the National Bureau of Investigation;
- 18 (4) Two (2) experts in forensic science to be appointed by the President.

19
20 *Sec. 5. Duties of the CIMC.* – The CIMC shall have the following duties and
21 responsibilities:

- 22 (1) Conduct a study on the modern methods of criminal investigation and their
23 applicability to the Philippines;
- 24 (2) Create a manual for law enforcement officers according to the standards
25 enumerated under Section 3 of this Act. This Manual shall serve as the basic
26 requirement in all subsequent criminal investigations. It shall be the
27 responsibility of the CIMC to train the members of all law enforcement
28 agencies according to the procedures outlined by the manual;
- 29 (3) Engage in dialogues with foreign police agencies on possible sharing and
30 transfer of technology in forensic investigation;
- 31 (4) Within three (3) years after the creation of CIMC, it shall submit a report to
32 Congress on the costs and ways of implementing a comprehensive program

- 1 on modernization of crime investigation;
- 2 (5) Complete a study on the feasibility of creating a course on Forensic Science
3 in State Universities and Colleges to be submitted to Congress within two
4 (2) years after the creation of CIMC; and
- 5 (6) Send scholars abroad for training in forensic science and related fields; Any
6 person who shall be granted educational scholarship or training shall shall be
7 required to render government service for at least three (3) years after
8 completion of their study or training subject to existing laws;

9

10 *Sec. 7. Separability Clause.* – If any portion or provision of this Act is declared
11 unconstitutional, the remainder of this Act or any provisions not affected thereby shall
12 remain in force and effect.

13

14 *Sec. 8. Repealing Clause.* - All other laws, decrees, executive orders and rules
15 and regulations contrary to or inconsistent with the provisions of this Act are hereby
16 repealed or modified accordingly.

17

18 *Sec. 9. Effectivity* - This Act shall take effect fifteen (15) days after its
19 publication in the Official Gazette or in one (1) newspaper of general circulation.

Approved,