



REPUBLIC OF THE PHILIPPINES  
COMMISSION ON HUMAN RIGHTS

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**POSITION PAPER ON SENATE BILL NO. 694 - “AN ACT ESTABLISHING THE FORENSIC SCIENCE INSTITUTE IN THE UNIVERSITY OF THE PHILIPPINES SYSTEM, DEFINING ITS FUNCTIONS AND APPROPRIATING FUNDS THEREFOR”**

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**I. Background**

1. The Commission on Human Rights of the Philippines (the ‘Commission’), as the country’s national human rights institution and in the exercise of its constitutional mandate to recommend to Congress effective measures to promote and protect human rights, submits its position paper on Senate Bill No. 694 - “An Act Establishing the Forensic Science Institute in the University of the Philippines System, Defining Its Functions And Appropriating Funds Therefor” (filed by Senator Ramon Bong Revilla Jr. in July 2022).<sup>1</sup>
2. Senate Bill 694 proposes establishing an independent Forensic Science Institute at the University of the Philippines, aimed at enhancing science-based investigations for criminal cases, maritime incidents, and natural disasters. The institute, comprised of multidisciplinary experts and operating independently of law enforcement, would boost forensic capabilities, cultivate careers in forensic science, and improve justice by strengthening evidence gathering, analysis, and case presentation.
3. Section 2 of SB 694 presents the following objectives for the creation of a Foreign Science Institute in the University of the Philippines (UP) System:
  - a. *“to promote research and development in the various fields of forensic science and advance the search for truth through application of techniques and methods of natural and physical sciences;*
  - b. *To enhance the competence and capabilities of existing laboratories and forensic science facilities in the country and prepare them for accreditation;*
  - c. *to educate and develop a corps of professionals and scientists and prepare them for a career in forensic science; and*

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<sup>1</sup> An Act Establishing the Forensic Science Institute in the University of the Philippines System, Defining its Functions and Appropriating Funds Therefor (Senate Bill No. 694), 19th Congress, available at <https://legacy.senate.gov.ph/lisdata/3865435107!.pdf> (last accessed 11 October 2024).

- d. *to train and upgrade the technical, scientific, and management skills of personnel presently involved in forensic science, criminal investigation and law enforcement so as to improve the administration of justice.”*

## II. Human Rights Framework

5. The call for forensic reform and the establishment of a forensic institute in the Philippines is supported by key domestic and international human rights frameworks:

### A. Domestic Human Rights Framework

6. **1987 Philippine Constitution:** Article III (Bill of Rights)<sup>2</sup> ensures protection of the right to due process, equal protection, and a fair trial. A forensic institute would play a critical role in upholding these rights by providing impartial, scientifically-backed evidence that supports the principle of due process. Furthermore, Article II, Section 11, emphasizes that the state “values the dignity of every human person and guarantees full respect for human rights.” Forensic science plays a pivotal role here by ensuring investigations are fair, transparent, and free from bias.
7. **Republic Act No. 9745 (Anti-Torture Act)**<sup>3</sup> and **Republic Act No. 9208 (Anti-Trafficking in Persons Act)**<sup>4</sup> both call for evidence-based investigation and documentation in protecting human rights. A forensic institute supports these laws by offering crucial forensic data, such as evidence of abuse, trafficking, or torture, that helps strengthen cases while respecting human rights standards.

### B. International Human Rights Framework

8. **International Covenant on Civil and Political Rights (ICCPR):** The ICCPR reinforces the right to a fair trial (Article 14), protection against arbitrary detention, and the right to life (Article 6). Forensic investigations aligned with the ICCPR promote accountability by providing reliable evidence in criminal cases, thereby preventing arbitrary charges, wrongful detention, and miscarriages of justice.
9. **Convention Against Torture (CAT):** The CAT mandates that no person be subjected to torture or cruel, inhuman, or degrading treatment or

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<sup>2</sup> Philippine Constitution (1987), Art. III

<sup>3</sup> An Act Penalizing Torture and Other Cruel, Inhuman and Degrading Treatment or Punishment and Prescribing Penalties Therefor [Anti-Torture Act of 2009], Republic Act No. 9745 (2009), *available at* <https://elibrary.judiciary.gov.ph/thebookshelf/showdocs/2/17566> (last accessed 10 October 2024).

<sup>4</sup> An Act to Institute Policies to Eliminate Trafficking in Persons Especially Women and Children, Establishing the Necessary Institutional Mechanisms for the Protection and Support of Trafficked Persons, Providing Penalties for its Violations, and for Other (Anti-Trafficking in Persons Act of 2003), Republic Act No. 9208, *available at* [https://lawphil.net/statutes/repacts/ra2003/ra\\_9208\\_2003.html](https://lawphil.net/statutes/repacts/ra2003/ra_9208_2003.html) (last accessed 10 October 2024)

punishment. A well-regulated forensic institute can document physical evidence of mistreatment or torture, helping to substantiate claims of abuse or defend the accused.

10. **Universal Declaration of Human Rights (UDHR):** Articles 3, 5, and 10<sup>5</sup> of the UDHR uphold the right to life, liberty, and security; freedom from torture; and the right to a fair trial. By supporting impartial investigation and evidence collection, a forensic institute directly contributes to the protection of rights through scientific truth in legal proceedings.
11. During the historic UN High-Level Event on 11 December 2023, marking the 75th Anniversary of the UDHR in Geneva, Switzerland,<sup>6</sup> Executive Secretary Lucas P. Bersamin reaffirmed the Philippines' commitment to the principles and ideals embodied in the UDHR. The Executive Secretary then presented the government's three pledges aimed at further strengthening human rights and accountability mechanisms and, ultimately, the rule of law in the country.<sup>7</sup>

Pledge number 1 states:

***"The rule of law is vital to the protection of human rights and democracy. In keeping with its commitment in the last cycle of the UPR in November last year, the Philippines shall further reinforce its domestic accountability mechanisms. Part of justice reform is a training institute for forensic science and investigation that shall be established to scale up forensics capability and competence of law enforcement and justice authorities based on the Minnesota Protocol."***

12. This pledge underscores the plan to establish a forensic institute that adheres to the Minnesota Protocol<sup>8</sup>—the international standard for investigating potentially unlawful deaths. The protocol mandates investigations that are: Prompt, Effective and Thorough, Independent and

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<sup>5</sup> **Article 3:** "Everyone has the right to life, liberty and security of person."; **Article 5:** "No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment."; **Article 10:** "Everyone is entitled in full equality to a fair and public hearing by an independent and impartial tribunal, in the determination of his rights and obligations and of any criminal charge against him."

<sup>6</sup>OHCHR, Pledge submitted by The Philippines to the Human Rights 75 Secretariat, December 2023, available at [https://www.ohchr.org/sites/default/files/udhr/publishingimages/75udhr/The%20Philippines\\_EN.pdf](https://www.ohchr.org/sites/default/files/udhr/publishingimages/75udhr/The%20Philippines_EN.pdf)

<sup>7</sup> Department of Foreign Affairs (DFA), *Philippines Pledges to Further Strengthen Human Rights and Accountability Mechanisms at Historic UN High-Level Event Marking 75th Anniversary of the Universal Declaration on Human Rights*, December 15, 2023, available at <https://dfa.gov.ph/dfa-news/news-from-our-foreign-service-postsupdate/33837-philippines-pledges-to-further-strengthen-human-rights-and-accountability-mechanisms-at-historic-un-high-level-event-marking-75th-anniversary-of-the-universal-declaration-on-human-rights>

<sup>8</sup>Office of the High Commissioner for Human Rights (OHCHR), *The Minnesota Protocol on the Investigation of Potentially Unlawful Death (2016)* available at <https://www.ohchr.org/sites/default/files/Documents/Publications/MinnesotaProtocol.pdf> (last accessed 10 October 2024)

Impartial, and Transparent.<sup>9</sup> The goal is for this pledge to be fully realized by December 31, 2029.

### III. **Comments and Recommendations:**

13. The Commission fully supports the enactment of a law establishing a national forensic institute, recognizing its alignment with both domestic and international human rights frameworks. This initiative reflects the government's strong commitment to enhancing accountability mechanisms in the country. To further ensure compliance with international standards, the Commission respectfully submits the following recommendations:

#### a. **Independence and Accountability:**

The bill must clearly and unequivocally ensure that the forensic institute operates with full operational independence. This is crucial for safeguarding the objectivity and impartiality of investigations, particularly those involving state crimes, human rights violations, torture, or ill-treatment. To maintain the integrity of such investigations, the institute must function separately from law enforcement, prosecution, and military authorities. Any direct or indirect influence from these bodies could compromise the credibility of findings and the pursuit of justice.

In addition, the bill should clearly define the institute's powers, responsibilities, and functions. This includes outlining its authority to conduct investigations, access relevant materials, and collaborate with judicial bodies when necessary. Reportorial and accountability mechanisms must also be established, ensuring that the institute operates transparently and is held to high standards of integrity. Regular audits, public reporting on activities, and oversight by an independent body would be essential to ensure that the institute remains accountable to the public and the justice system.

This dual focus on operational independence and clear accountability frameworks will ensure that the forensic institute remains a trusted entity, capable of providing unbiased, reliable evidence to support the rule of law.

b. **Capacity Building:** The bill should mandate training programs that align with international standards, particularly the Minnesota

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<sup>9</sup> The Minnesota Protocol: The principles guiding investigations under the Minnesota Protocol must be embedded in the law, ensuring that all forensic investigations are: (a) Prompt -Investigations should begin immediately, with no unreasonable delays. Streamlined reporting processes are essential to ensure timely action, even in cases where significant time has passed; (b) Effective and Thorough: Investigations must be thorough and capable of holding individuals accountable for unlawful deaths or enforced disappearances; (c) Independent and Impartial: Investigations should be free from bias, with evidence analyzed objectively, considering both exculpatory and inculpatory factors; (d) Transparent: The investigation process and its outcomes must be transparent and open to public scrutiny, ensuring the participation of victims. Any limitations on transparency should only serve legitimate purposes, such as protecting the privacy and security of those involved.

Protocol which provides guidelines for investigating potentially unlawful deaths, and the Istanbul Protocol<sup>10</sup> which outlines specific standards for how forensic investigators should document both physical and psychological evidence of torture and ill-treatment. The institute's structure must support investigations that fully meet these standards.

- c. **Specialization in Forensic Medicine:** The bill should also aim to establish forensic medicine as a recognized medical specialty in the Philippines. Establishing a forensic medical death investigation system in line with the Minnesota Protocol and the Istanbul Protocol is crucial, requiring a well-organized framework of highly trained forensic professionals. The Istanbul Protocol underscores the importance of forensic expertise in documenting human rights violations. Incorporating this international standard into the forensic field will ensure that professionals are equipped not only to handle cases of suspicious deaths but also to thoroughly document and investigate cases of torture and other forms of inhumane treatment.

Currently, forensic medicine is not recognized as a medical specialty in the Philippines, highlighting the urgent need to make the field more attractive to medical professionals. Even before the formal establishment of the forensic institute, education and training programs must be launched to develop forensic medicine as a specialized field. This will help build a robust system of forensic investigation, ensuring that death investigations, as well as investigations of torture and human rights violations, are both effective and thorough, as required by the Minnesota and Istanbul Protocols.

- d. **Legislative Prioritization:** The Commission recommends prioritizing this bill in the legislative agenda and incorporating it into the country's National Human Rights Action Plan. A key component of this plan should be the establishment of a working group to guide the operationalization of the forensic institute. This group should define the institute's organizational structure, aims, purposes, and services while ensuring that these align with relevant international standards. The working group should include local and internationally recognized forensic experts, members of academia, civil society organizations, and relevant government agencies such as

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<sup>10</sup> The Istanbul Protocol is a set of international guidelines for documenting and investigating torture and other forms of cruel, inhuman, or degrading treatment or punishment. Officially titled the "Manual on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment," it was adopted by the United Nations in 1999. (see: <https://www.ohchr.org/en/publications/policy-and-methodological-publications/istanbul-protocol-manual-effective-0>)

the Department of Justice, the Department of Health, the security sector, and the Commission on Human Rights, among others.

e. Such a working group must also carry out a comprehensive data-driven assessment of the current standard of forensic investigation in the country even before the establishment of an institute, to gain a clear measure of current capacities and gaps that require urgent attention.

14. By integrating these recommendations, the proposed forensic institute will be better equipped to meet international standards, while also reinforcing domestic human rights and accountability mechanisms.

Issued this 4<sup>th</sup> day of November 2024, Quezon City, Philippines.



**RICHARD R. PALPALALATO**  
Chairperson



**BEDA A. EPRES**  
Commissioner

*(on leave)*  
**FAYDAH M. DUMARPA**  
Commissioner



**Justice MONINA A. ZENAROSA (ret.)**  
Commissioner

19th Congress  
 First Regular Session  
 Author: Sen. Ramon Bong Revilla Jr.  
 Senate Bill No. 694

**AN ACT ESTABLISHING THE FORENSIC SCIENCE INSTITUTE IN THE UNIVERSITY OF THE PHILIPPINES SYSTEM, DEFINING ITS FUNCTIONS AND APPROPRIATING FUNDS THEREFOR**

Provisions	Comments	General Recommendations
<p>Section 1. Short Title. - This Act shall be known as the "Forensic Science Institute Act."</p> <p>Sec. 2. Creation and Objective of the Institute. There is hereby created a Forensic Science Institute in the University of the Philippines System with the following objectives:</p> <p>a) To promote research and development in the various fields of forensic science and advance the search for truth through application of techniques and methods of natural and physical sciences;</p> <p>b) To enhance the competence and capabilities of existing laboratories and forensic science facilities in the country and prepare them for accreditation;</p> <p>c) To educate and develop a corps of professionals and scientists and prepare them for a career in forensic science; and</p> <p>d) To train and upgrade the technical, scientific and management skills of personnel presently involved in forensic science, criminal investigation and law enforcement so as to improve the administration of</p>	<p style="text-align: center;">Recommended to be adopted</p> <p style="text-align: center;">Recommended to be adopted</p>	<ul style="list-style-type: none"> <li>● <b>Independence and Accountability:</b></li> <li>● The bill must clearly and unequivocally ensure that the forensic institute operates with full operational independence. This is crucial for safeguarding the objectivity and impartiality of investigations, particularly those involving state crimes, human rights violations, torture, or ill-treatment. To maintain the integrity of such investigations, the institute must function separately from law enforcement, prosecution, and military authorities. Any direct or indirect influence from these bodies could compromise the credibility of findings and the pursuit of justice.</li> <li>● In addition, the bill should clearly define the institute's powers, responsibilities, and functions. This includes outlining its authority to conduct investigations, access relevant materials, and collaborate with judicial bodies when necessary. Reportorial</li> </ul>

<p>justice.</p>		
<p>Sec. 3. Delegation of Authority to the Board of Regents. - The Board of Regents of the University of the Philippines System is hereby authorized to establish the Forensic Science Institute under the direct supervision of the Office of the President of the University, which shall have a faculty and staff with expertise in the disciplines of biology, chemistry, law, molecular biology, social sciences, statistics, medicine, computer science, engineering, and other pertinent disciplines, who may be drawn within the system or outside.</p>	<p>Recommended to be adopted</p>	<p>and accountability mechanisms must also be established, ensuring that the institute operates transparently and is held to high standards of integrity. Regular audits, public reporting on activities, and oversight by an independent body would be essential to ensure that the institute remains accountable to the public and the justice system.</p> <ul style="list-style-type: none"> <li>• This dual focus on operational independence and clear accountability frameworks will ensure that the forensic institute remains a trusted entity, capable of providing unbiased, reliable evidence to support the rule of law.</li> </ul>
<p>Sec. 4. Functions of the Institute. - The Forensic Science Institute will have the following functions:</p> <p>a) To provide competent, scientific and advanced medical and technical service for the detection and investigation of crimes;</p> <p>b) To maintain a network of modern laboratories and facilities for the development and adoption of analytical methods and procedures related to forensic evidence;</p> <p>c) To offer degree and non-degree programs to students inclined towards the various areas of forensic science;</p> <p>d) To undertake research in all fields of forensic science; and</p> <p>e) To provide continuing education on modern scientific methods and instrumentation and on validation of forensic evidence to technicians and personnel laboratories, medical centers and</p>	<p>Recommended to be adopted</p>	<ul style="list-style-type: none"> <li>• <b>Capacity Building:</b> The bill should mandate training programs that align with international standards, particularly the Minnesota Protocol which provides guidelines for investigating potentially unlawful deaths, and the Istanbul Protocol which outlines specific standards for how forensic investigators should document both physical and psychological evidence of torture and ill-treatment. The institute's structure must support investigations that fully meet these standards.</li> <li>• <b>Specialization in Forensic Medicine:</b> The bill should also aim to establish forensic medicine as a recognized medical specialty in the Philippines. Establishing a forensic medical death investigation system in line with the Minnesota Protocol and the</li> </ul>

educational institutions.		
<p>Sec. 5. Implementing Authority. The Board of Regents of the University of the Philippines System is hereby mandated to formulate implementing guidelines to carry out the provisions of this Act and to take appropriate steps to ensure that the establishment of the Forensic Science Institute shall aim at the speedy realization of the objectives and at the execution of the powers and functions stated above. Towards this end, the Board shall determine the structure, composition, size of the Institute's faculty and staff.</p>	Recommended to be adopted	<p>Istanbul Protocol is crucial, requiring a well-organized framework of highly trained forensic professionals. The Istanbul Protocol, which outlines guidelines for the effective investigation of torture and ill-treatment, underscores the importance of forensic expertise in documenting human rights violations. Incorporating this international standard into the forensic field will ensure that professionals are equipped not only to handle cases of suspicious deaths but also to thoroughly document and investigate cases of torture and other forms of inhumane treatment.</p> <ul style="list-style-type: none"> <li>• Currently, forensic medicine is not recognized as a medical specialty in the Philippines, highlighting the urgent need to make the field more attractive to medical professionals. Even before the formal establishment of the forensic institute, education and training programs must be launched to develop forensic medicine as a specialized field. This will help build a robust system of forensic investigation, ensuring that death investigations, as well as investigations of torture and human rights violations, are both effective and thorough, as required by the Minnesota and Istanbul Protocols.</li> </ul> <ul style="list-style-type: none"> <li>• <b>Legislative Prioritization:</b> The Commission recommends prioritizing this bill in the legislative agenda and incorporating it into the country's National</li> </ul>
<p>Sec. 6. Appropriations. - The amount of Three Hundred Million Pesos (P300,000,000.00) is hereby appropriated out of any funds in the National Treasury not otherwise appropriated to carry out the objectives and provisions of this Act from its effectivity until the next fiscal year. Thereafter, such sums as may be necessary to carry out the provisions of this Act shall be included in the subsequent annual General Appropriations Act under the University of the Philippines System.</p>	Recommended to be adopted	
<p>Sec. 7. Separability Clause. - If any provision or part hereof is held invalid or unconstitutional, the remainder of the law or the provision or part not otherwise affected shall remain valid and subsisting.</p>	Recommended to be adopted	
<p>Sec. 8. Repealing Clause. - Any law, presidential decree or issuance, executive order, letter of instruction, administrative order, rule, or regulation contrary to or inconsistent with the provisions of</p>	Recommended to be adopted	

<p>this Act are hereby repealed, modified, or amended accordingly.</p>		<p>Human Rights Action Plan. A key component of this plan should be the establishment of a working group to guide the operationalization of the forensic institute. This group should define the institute's organizational structure, aims, purposes, and services while ensuring that these align with relevant international standards. The working group should include local and internationally recognized forensic experts, members of academia, civil society organizations, and relevant government agencies such as the Department of Justice, the Department of Health, the security sector, and the Commission on Human Rights, among others.</p> <ul style="list-style-type: none"> <li>• Such a working group must also carry out a comprehensive data-driven assessment of the current standard of forensic investigation in the country even before the establishment of an institute, to gain a clear measure of current capacities and gaps that require urgent attention.</li> </ul>
<p>Sec. 9. Effectivity. - This Act shall take effect fifteen (15) days after its publication in the Official Gazette or in a newspaper of general circulation.</p>	<p>Recommended to be adopted</p>	