

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

SEVENTEENTH CONGRESS
SECOND REGULAR SESSION



COMMITTEE REPORT NO. 432

Submitted by the Committee on Justice on 10 OCT 2017

Re: House Bill No. 6574

Recommending its approval in substitution of House Bills Numbered 8, 775 and 3296

Sponsors: Representatives Reynaldo V. Umali, Rodolfo C. Fariñas, Pantaleon D. Alvarez, Rolando G. Andaya, Jr., Michael John R. Duavit, Carlos O. Cojuangco, Elisa Kho, Raneo E. Abu, Benhur L. Salimbangon, Karlo Alexei B. Nograles, Danilo E. Suarez, Rodel M. Batocabe, Emmeline Aglipay-Villar, Evelina G. Escudero, Henry S. Oaminal, Strike B. Revilla, Doy C. Leachon, Winston Castelo, Ann K. Hofer & Victoria Isabel G. Noel

Mr. Speaker:

The Committee on Justice, to which were referred House Bill No. 8, introduced by Reps. Rodolfo C. Fariñas, Pantaleon D. Alvarez, Rolando G. Andaya, Jr., Michael John R. Duavit, Carlos O. Cojuangco, Elisa Kho, Raneo E. Abu, Benhur L. Salimbangon, Karlo Alexei B. Nograles, Danilo E. Suarez, Rodel M. Batocabe, Harry L. Roque, John Marvin "Yul Servo" Nieto, Leopoldo N. Bataoil, Angelina Tan, Noel L. Villanueva, Gus S. Tambunting, Amado T. Espino, Jr., Roger G. Mercado, Manuel Jose "Mannix" M. Dalipe and Rozzano Rufino B. Biazon, entitled:

"AN ACT

INSTITUTIONALIZING A CRIMINAL INVESTIGATION SYSTEM, REPEALING FOR THE PURPOSE REPUBLIC ACT NO. 5180, ENTITLED "AN ACT PRESCRIBING A UNIFORM SYSTEM OF PRELIMINARY INVESTIGATION BY PROVINCIAL AND CITY FISCALS AND THEIR ASSISTANTS AND BY STATE ATTORNEYS OR THEIR ASSISTANTS", AS AMENDED";

House Bill No. 775, introduced by Rep. Emmeline Aglipay-Villar, Manuel Jose "Mannix" M. Dalipe, Joaquin M. Chipeco, Jr. and Estrelitta B. Suansing, entitled:

"AN ACT

INSTITUTIONALIZING A CRIMINAL INVESTIGATION, REPEALING FOR THE PURPOSE REPUBLIC ACT NO. 5180, OTHERWISE KNOWN AS "AN ACT PRESCRIBING A UNIFORM SYSTEM OF PRELIMINARY INVESTIGATION BY PROVINCIAL AND CITY FISCALS AND THEIR ASSISTANTS, AND BY STATE ATTORNEYS OR THEIR ASSISTANTS", AND OTHER RELATED LAWS AND ISSUANCES";

and House Bill No. 3296, introduced by Rep. Evelina G. Escudero, Christopher V.P. De Venecia and Maria Vida E. Bravo, entitled:

"AN ACT

REPEALING REPUBLIC ACT NO. 5180, AS AMENDED, "AN ACT PRESCRIBING A UNIFORM SYSTEM OF PRELIMINARY INVESTIGATION BY PROVINCIAL AND CITY FISCALS AND THEIR ASSISTANTS, AND BY STATE ATTORNEYS OR THEIR ASSISTANTS";

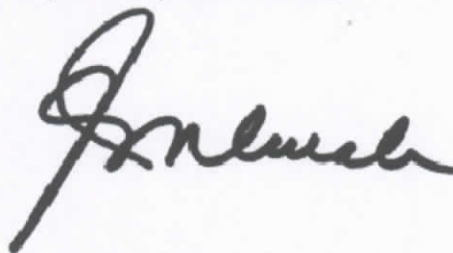
has considered the same and recommends that the attached House Bill No. 6574 entitled:

AN ACT

INSTITUTIONALIZING A CRIMINAL INVESTIGATION SYSTEM, REPEALING FOR THE PURPOSE REPUBLIC ACT NO. 5180, AS AMENDED, ENTITLED "AN ACT PRESCRIBING A UNIFORM SYSTEM OF PRELIMINARY INVESTIGATION BY PROVINCIAL AND CITY FISCALS AND THEIR ASSISTANTS, AND BY STATE ATTORNEYS OR THEIR ASSISTANTS"

be approved in substitution of House Bills Numbered 8, 775 and 3296, with Representatives Rodolfo C. Fariñas, Pantaleon D. Alvarez, Rolando G. Andaya, Jr., Michael John R. Duavit, Carlos O. Cojuangco, Elisa Kho, Raneo E. Abu, Benhur L. Salimbangon, Karlo Alexei B. Nograles, Danilo E. Suarez, Rodel M. Batocabe, Emmeline Aglipay-Villar, Evelina G. Escudero, Reynaldo V. Umali, Henry S. Oaminal, Strike B. Revilla, Doy C. Leachon, Winston Castelo, Ann K. Hofer, Victoria Isabel G. Noel, Rose Marie "Baby" J. Arenas, Harry L. Roque, Jr., John Marvin "Yul Servo" C. Nieto, Leopoldo N. Bataoil, Angelina Tan, Noel L. Villanueva, Gus S. Tambunting, Amado T. Espino, Jr., Roger G. Mercado, Manuel Jose "Mannix" M. Dalipe, Rozzano Rufino B. Biazon, Joaquin M. Chipeco, Jr., Estrellita B. Suansing, Christopher V. P. De Venecia, and Maria Vida Espinosa Bravo as authors thereof.

Respectfully submitted,



REYNALDO V. UMALI

Chairman
Committee on Justice

THE HONORABLE SPEAKER
HOUSE OF REPRESENTATIVES
QUEZON CITY

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City, Metro Manila

SEVENTEENTH CONGRESS
Second Regular Session

House Bill No. 6574

Introduced by Representatives Rodolfo C. Fariñas, Pantaleon D. Alvarez, Rolando G. Andaya, Jr., Michael John R. Duavit, Carlos O. Cojuangco, Elisa Kho, Raneo E. Abu, Benhur L. Salimbangon, Karlo Alexei B. Nograles, Danilo E. Suarez, Rodel M. Batocabe, Emmeline Aglipay-Villar, Evelina G. Escudero, Reynaldo V. Umali, Henry S. Oaminal, Strike B. Revilla, Doy C. Leachon, Winston Castelo, Ann K. Hofer, Victoria Isabel G. Noel, Rose Marie "Baby" J. Arenas, Harry L. Roque, Jr., John Marvin "Yul Servo" C. Nieto, Leopoldo N. Bataoil, Angelina Tan, Noel L. Villanueva, Gus S. Tambunting, Amado T. Espino, Jr., Roger G. Mercado, Manuel Jose "Mannix" M. Dalipe, Rozzano Rufino B. Biazon, Joaquin M. Chipeco, Jr., Estrellita B. Suansing, Christopher V. P. De Venecia, and Maria Vida Espinosa Bravo

1 **AN ACT**
2 **INSTITUTIONALIZING A CRIMINAL INVESTIGATION SYSTEM,**
3 **REPEALING FOR THE PURPOSE REPUBLIC ACT NO. 5180, AS AMENDED,**
4 **ENTITLED "AN ACT PRESCRIBING A UNIFORM SYSTEM OF PRELIMINARY**
5 **INVESTIGATION BY PROVINCIAL AND CITY FISCALS AND THEIR**
6 **ASSISTANTS, AND BY STATE ATTORNEYS OR THEIR ASSISTANTS"**
7

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

10
11 **SECTION 1. Short Title.** This Act shall be known as the "Criminal
12 Investigation Act".
13

14 **SEC. 2. Declaration of Policy** - It is hereby declared the policy of the
15 State to ensure the speedy, effective, efficient and economical conduct of
16 criminal investigations by enhancing the cooperation and coordination of law
17 enforcement and prosecution agencies, streamlining the process of investigation
18 and eliminating bureaucratic layers that cause undue delays in the criminal
19 justice process.
20

21 **SEC. 3. Definition of Terms.** - As used in this Act:
22

23 (a) *Criminal Investigation* refers to the entire process of investigating the
24 commission of a crime and determining whether there is sufficient cause to file a
25 criminal information in court and hold a respondent for trial. It primarily involves
26 a fact-finding inquiry conducted by law enforcement officers under the direction
27 and supervision of the investigating prosecutor, where evidence is gathered,
28 with a view to determining whether a crime has been committed and whether a
29 criminal information should be filed in court.
30

1 (b) *Investigating prosecutor* refers to the Prosecutor General, Regional
2 Prosecutors, State Prosecutors, Provincial Prosecutors, City Prosecutors and their
3 respective deputies and assistants, and prosecution attorneys who have the
4 authority to prosecute crimes within their respective jurisdictions. It also refers
5 to the Ombudsman, the Special Prosecutor, their deputies and assistants, Graft
6 Investigation and Prosecution Officers and Special Prosecutors, in cases falling
7 under the jurisdiction of the Office of the Ombudsman.
8

9 (c) *Law enforcement officer* refers to officers and agents of the Philippine
10 National Police, National Bureau of Investigation, Office of the Ombudsman,
11 Philippine Drug Enforcement Agency, Bureau of Immigration, Bureau of
12 Customs, Anti-Money Laundering Council, Department of Environment and
13 Natural Resources, Securities and Exchange Commission, Bureau of Internal
14 Revenue, Philippine Coast Guard and other agencies which have the legal
15 authority to enforce laws or investigate the commission of crimes.
16

17 (d) *Trial judge* refers to the judge in whose court a criminal information is
18 filed after the conclusion of the criminal investigation.
19

20 (e) *Clear and convincing evidence* refers to credible evidence which will
21 produce in the mind of the trier of facts a firm belief or conviction as to the
22 allegations sought to be established.
23

24 (f) *Proof beyond reasonable doubt* refers to the standard of proof which
25 produces moral certainty on the guilt of the accused to an unprejudiced mind.
26

27 **SEC. 4. Criminal Investigation System; Principles.** The criminal
28 investigation system shall be governed by the following principles:
29

30 (a) All criminal investigations shall be conducted in a speedy, effective,
31 efficient and economical manner, with a view to facilitating the resolution of
32 criminal cases, should they eventually reach the courts, through the systematic
33 and proper gathering of evidence and forensic data, and accurate determination
34 of perpetrators and their respective liabilities.
35

36 (b) During criminal investigation, the primary aim of the investigating
37 prosecutor is to determine whether there is clear and convincing evidence
38 establishing the commission of a crime and linking the respondent to its
39 commission, enough to justify the conduct of a full-blown criminal trial.
40

41 (c) All criminal investigations shall be under the direct control and
42 supervision of an investigating prosecutor. Law enforcement officers shall take
43 guidance from and coordinate closely with the investigating prosecutor in the
44 process of conducting criminal investigations, especially in matters concerning
45 compliance with laws and rules of procedure, evidence-gathering and case-build
46 up and preparation.
47

48 (d) Upon the conclusion of a criminal investigation, the investigating
49 prosecutor shall determine whether there is clear and convincing evidence that a
50 crime has been committed, of which the subject of the investigation is highly
51 probable to be guilty and should consequently stand trial. The investigating

1 prosecutor, in making such a determination, shall rely on the substance of the
2 complaint or report, and the evidence gathered during the criminal investigation
3 stage.
4

5 (e) The conduct of a criminal investigation is an executive function; it is
6 neither judicial nor quasi-judicial and is not adversarial in nature.
7

8 (f) Except when there is a clear showing of grave abuse of discretion
9 amounting to lack or excess of jurisdiction, the criminal investigation shall not be
10 restrained or enjoined by any court at any stage.
11

12 **SEC. 5. Criminal Investigation; Initiation.** — A criminal investigation
13 may be initiated through the following modes:
14

15 (a) *Upon a report received by a law enforcement agency* - A law
16 enforcement agency may receive reports of a crime from private individuals and
17 intelligence assets, or referrals or recommendations from other government
18 agencies. After validating such reports, referrals or recommendations, the law
19 enforcement agency shall immediately coordinate with an investigating
20 prosecutor to determine the course of the criminal investigation.
21

22 (b) *Upon the instance of an investigating prosecutor* - An investigating
23 prosecutor may initiate a criminal investigation when a report or
24 recommendation from other government agencies has been received regarding
25 the commission of a crime. In such cases, the conduct and direction of the
26 criminal investigation shall be determined by the investigating prosecutor, with
27 the assistance of law enforcement officers.
28

29 (c) *Upon the instance of an aggrieved party who files a criminal complaint*
30 - An aggrieved party may formally file a criminal complaint in the prosecution
31 office, accusing another person of committing a crime. In such cases, the
32 conduct and direction of the criminal investigation shall be determined by the
33 investigating prosecutor, with the assistance of law enforcement officers.
34

35 **SEC. 6. Criminal Investigation; Procedure.** —
36

37 (a) In cases where no criminal complaint is filed and the criminal
38 investigation commences upon the instance of the law enforcement officer or the
39 investigating prosecutor, as provided in Section 5(a) and (b) of this Act, the
40 following rules shall apply:
41

- 42 1. All reports of a crime received and validated by a law enforcement
43 officer shall immediately be communicated to an investigating
44 prosecutor, who shall lead the criminal investigation and direct its
45 course, with the full cooperation and assistance of law enforcement
46 officers concerned.
47
- 48 2. If a report is received by an investigating prosecutor from any other
49 office or agency, or if the investigating prosecutor initiates the
50 investigation to gather evidence on high incident crimes and other
51 identified priority crimes, coordination with the appropriate law

1 enforcement agencies shall be immediately established in order to
2 commence the criminal investigation.

3
4 (b) In cases where a criminal complaint is filed and the criminal
5 investigation commences upon the instance of a private offended party as
6 provided in Section 5 (c) of this Act, the following rules shall apply:

- 7
8 1. The investigating prosecutor taking cognizance of a criminal
9 complaint shall ensure that the same contains:
- 10 a. A statement of facts constituting the crime;
 - 11 b. An allegation of the commission of a crime, with reference to
 - 12 the laws allegedly violated;
 - 13 c. The names of persons being accused, and their respective
 - 14 addresses;
 - 15 d. The affidavits of witnesses;
 - 16 e. Supporting documents and other evidence relevant to the
 - 17 crime;
 - 18 f. The signature of the complainant; and,
 - 19 g. The complainant's certification of non-forum shopping.
- 20
21 2. The complaint shall be sworn to by the complainant before the
22 investigating prosecutor, who shall certify that the same represents
23 the complainant's voluntary act and that the criminal complaint was
24 fully understood by the complainant.
- 25
26 3. The investigating prosecutor shall immediately coordinate with the
27 appropriate law enforcement agency to enlist law enforcement
28 officers who shall participate in the criminal investigation. The
29 investigating prosecutor shall lead the criminal investigation and
30 direct its course, with the full cooperation and assistance of law
31 enforcement officers concerned.

32
33 (c) The investigating prosecutor, as far as practicable, shall
34 immediately proceed to the scene of the crime in order to supervise the
35 investigation and ensure the compliance of all evidence-gathering techniques with
36 applicable laws and rules, including rules on chain of custody over evidence.

37
38 (d) During the criminal investigation, the investigating prosecutor shall
39 exercise the following powers, in addition to the powers already granted to such
40 investigating prosecutor under existing laws:

- 41
42 1. Initiate, manage and supervise all incidents of the criminal
43 investigation, in coordination with concerned law enforcement
44 officers;

- 1 2. Perform all acts necessary to ensure the integrity of the criminal
2 investigation process and its compliance with relevant laws and rules
3 of procedure;
- 4
- 5 3. Take custody of and preserve all relevant evidence and ensure the
6 integrity of the chain of custody over evidence at all stages of the
7 criminal investigation;
- 8
- 9 4. Supervise intelligence-gathering, surveillance and other methods of
10 investigation in relation to the crime;
- 11
- 12 5. Apply for warrants of arrest, warrants for search and seizure,
13 provisional remedies, and such other writs and processes as may be
14 necessary in the course of the criminal investigation;
- 15
- 16 6. Issue subpoenas *ad testificandum* and *duces tecum* to witnesses
17 whose testimonies may be relevant to the investigation and to
18 persons in custody of object evidence, including footages from
19 closed-circuit television cameras (CCTVs) and other video recording
20 devices;
- 21
- 22 7. Direct the appropriate law enforcement agencies to locate missing
23 witnesses or persons of interest, in relation to the criminal
24 investigation;
- 25
- 26 8. Recommend the admission into the witness protection program,
27 pursuant to existing laws, of any person who has witnessed or has
28 knowledge or information on the commission of a crime in relation to
29 the criminal investigation; and,
- 30
- 31 9. Direct law enforcement officers to submit inventories, reports,
32 findings and other documents in connection with the criminal
33 investigation.
- 34

35 (e) During the criminal investigation, law enforcement officers shall
36 exercise the following powers:

- 37
- 38 1. Conduct investigations, surveillance, intelligence-gathering, forensic
39 examinations and other criminal investigative techniques under the
40 authority and supervision of the investigating prosecutor and
41 pursuant to the criminal investigation plan;
- 42
- 43 2. Recommend to the investigating prosecutor the application for
44 warrants of arrest, warrants for search and seizure, provisional
45 remedies and other writs and legal processes in the course of the
46 criminal investigation;
- 47
- 48 3. Request for guidance and counsel from the investigating prosecutor,
49 especially on points of law and legal procedure;
- 50
- 51 4. Serve warrants of arrest, warrants for search and seizure issued by
52 the proper courts;

- 1
2 5. Locate and secure all witnesses and procure their sworn statements
3 in connection with the crime being investigated;
4
5 6. Locate and secure all object evidence related to the criminal
6 investigation, and turn over the same to the investigating prosecutor
7 consistent with the relevant rules on chain of custody. As much as
8 possible, the law enforcement officers shall take photographic or
9 video recordings of object evidence, and shall store the digital files
10 that contain such information in at least two (2) separate computers
11 or data storage devices; and,
12
13 7. Prepare and sign reports, inventories and other papers necessary for
14 the documentation of the criminal investigation. The same shall not
15 be released to any third party except with the written clearance of
16 the investigating prosecutor.
17

18 (f) The investigating prosecutor shall determine when the criminal
19 investigation shall be terminated. Upon its termination, the law enforcement
20 officers concerned shall submit a case file containing all relevant statements of
21 fact, inventory of evidence, affidavits, background information of persons
22 connected with the criminal investigation, and other relevant facts and evidence
23 to aid in the investigating prosecutor's determination of filing a case for criminal
24 prosecution.
25

26 (g) Within thirty (30) days after the termination of the criminal
27 investigation, the investigating prosecutor shall determine, based on the case
28 file, whether there is clear and convincing evidence that a crime has been
29 committed, warranting the filing of a criminal information against the person or
30 persons criminally responsible.
31

32 (h) The findings of the investigating prosecutor shall be contained in a
33 Criminal Investigation Report. A Criminal Investigation Report finding the
34 existence of clear and convincing evidence of a crime shall include a criminal
35 information naming the person or persons to be accused and their respective
36 crimes.
37

38 (i) The Criminal Investigation Report of an investigating prosecutor
39 shall be approved or disapproved by the head of the prosecution office
40 concerned. In case the Criminal Investigation Report is disapproved, the head of
41 the prosecution office may reverse the findings of the investigating prosecutor
42 and (1) proceed to dismiss the case, or (2) direct the filing of the criminal
43 information in court, without need of further reinvestigation. The final decision of
44 approval or disapproval by the head of the prosecution office shall be embodied
45 in a Resolution; provided, that a disapproval of the report must contain an
46 explanation of such disapproval by the head of the prosecution office.
47

48 (j) If a criminal investigation results in the dismissal of the case, the
49 aggrieved party may seek reconsideration within five (5) days from notice of the
50 Resolution. No further reconsideration or appeal shall be available.
51

1 (k) If the Criminal Investigation Report finding clear and convincing
2 evidence is approved, the criminal information shall be filed in the appropriate
3 court not later than five (5) days from the promulgation of the Resolution.
4

5 **SEC. 7. Implementing Rules and Regulations** – Within sixty (60) days
6 from the promulgation of this Act, an inter-agency committee composed of the
7 Department of Justice, the Department of the Interior and Local Government,
8 the Office of the Ombudsman, and law enforcement agencies that have the legal
9 authority to enforce laws or investigate the commission of crimes, shall issue
10 implementing rules and regulations to govern the implementation of this Act.
11

12 **SEC. 8. Separability Clause.** - If any provision of this Act shall be
13 declared unconstitutional, any other provision not affected thereby shall remain
14 in full force and effect.
15

16 **SEC. 9. Repealing Clause** – Republic Act No. 5180, Presidential Decree
17 No. 77 and Presidential Decree No. 911 are hereby repealed. All other laws,
18 decrees, orders, rules and regulations or parts thereof inconsistent with this Act
19 are hereby repealed or modified accordingly.
20

21 **SEC. 10. Effectivity** – This Act shall take effect fifteen (15) days after its
22 publication in the Official Gazette or in at least two (2) newspapers of general
23 circulation.
24

25 Approved,

House of Representatives
Committee Affairs Department

FACT SHEET
House Bill No. 6574

(in substitution of House Bills Nos. 8, 775 and 3296)

(Approved by the Committee on 27 September 2017)

AN ACT INSTITUTIONALIZING A CRIMINAL INVESTIGATION SYSTEM, REPEALING FOR THE PURPOSE REPUBLIC ACT NO. 5180, AS AMENDED, ENTITLED "AN ACT PRESCRIBING A UNIFORM SYSTEM OF PRELIMINARY INVESTIGATION BY PROVINCIAL AND CITY FISCALS AND THEIR ASSISTANTS AND BY STATE ATTORNEYS OR THEIR ASSISTANTS"

Introduced by: REPS. RODOLFO C. FARINAS, PANTALEON D. ALVAREZ, ROLANDO G. ANDAYA, JR., MICHAEL JOHN R. DUAVIT, CARLOS O. COJUANGCO, ELISA T. KHO, RANEO E. ABU, BENHUR L. SALIMBANGON, KARLO ALEXEI B. NOGRALES, DANILO E. SUAREZ, RODEL M. BATOCABE, EMMELINE Y. AGLIPAY-VILLAR and EVELINA G. ESCUDERO

Committee Referral: COMMITTEE ON JUSTICE

Committee Chairperson: REP. REYNALDO V. UMALI

OBJECTIVES:

- To rationalize the criminal investigation process by:
 - a) harmonizing and integrating the functions of the law enforcers and prosecutors in criminal investigation;
 - b) eliminating unnecessary bureaucratic layers between law enforcers and prosecutors;
 - c) providing the standards of proof needed to file a criminal case in order to effectively distinguish meritorious and frivolous suits; and
- To expedite the criminal justice process from investigation to trial by providing more active and dynamic truth and fact finding mechanisms seeking procedures that empower prosecutors to pursue leads, gather evidence and investigate suspects and allows trial judges to adopt inquisitorial mechanisms to clarify contentious matters

KEY PROVISIONS:

- Provides for criminal investigation system principles:
 - speedy, effective, efficient and economical criminal investigation system which shall be under the direct control and supervision of an investigation prosecutor
 - the criminal investigation system shall not be restrained or enjoined by any court

- Proposes the modes in which a criminal investigation is initiated:
 - upon a report received by an investigating law enforcer
 - upon the instance of an investigating prosecutor based on a report from an investigating law enforcer
 - upon the instance of an aggrieved party
- Provides for a clearer delineation of powers and functions between prosecutors and law enforcers
- Provides for specific and clear cut criminal investigation procedures from the filing of criminal complaint to the criminal investigation proper

RELATED LEGISLATION:

- Republic Act No. 5180, as amended by Presidential Decrees Numbered 77 and 911 (An Act Prescribing a Uniform System of Preliminary Investigation by Provincial and City Fiscals and their Assistants, and by State Attorneys or their Assistants)