



E86 Challenges in Establishing an Innocence Project in the Philippines: The Innocence Project Philippines Network (IPPN) Experience

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Learning Overview: After attending this presentation, attendees will better understand the background and history of the IPPN and the challenges it faced in organizing an Innocence Project in the Philippines.

Impact on the Forensic Science Community: The current Philippine administration has placed the re-imposition of the death penalty as punishment for drug trafficking and other drug-related offenses as one of its priority bills. This presentation will impact the forensic science community by exploring why an organization like the IPPN is needed now more than ever to ensure that no wrongfully convicted person is executed.

Inspired by the success of the first Innocence Project started by Peter Neufeld and Barry Scheck in 1992 at the Benjamin J. Cardozo School of Law, and the adoption by the Philippine Supreme Court in 2007 of the Rule on DNA Evidence, which provided for the first time a provision on post-conviction DNA testing, the IPPN was established in 2012 as a network of law school legal aid clinics, scientific and academic laboratories, and Non-Governmental Organizations (NGOs) that sought to make justice accessible to wrongfully convicted persons using DNA evidence.

IPPN has attracted volunteer lawyers and law and biology students from the following: (1) College of Law, Ateneo de Davao University; (2) College of Law, De La Salle University; (3) College of Law, University of Lipa; 4) College of Law, San Sebastian de Recoletos; 5) College of Law, College of Science and the DNA Analysis Laboratory, Natural Sciences Research Institute, University of the Philippines, and (4) Free Legal Assistance Group (FLAG).

The specific objectives of IPPN are: (1) to provide coordinated free legal assistance to persons wrongfully convicted; (2) to advocate reforms in policies, law, judicial procedures, criminal investigation procedures, and evidence handling; (3) to enhance capacities of justice stakeholders; and (3) to establish an independent and accurate databank on wrongful convictions in the Philippines.

After its launch in December 2012, IPPN conducted prison visits to the National Bilibid Prison and the Correctional Institute for Women where volunteer lawyers and law students interviewed prisoners who claimed to have been wrongfully convicted in order to find possible cases for post-conviction DNA testing. IPPN then conducted a Summer Internship Program in 2013 to train law student volunteers and is presently engaged in information awareness campaigns through social media and screenings of *Give Up Tomorrow*, a documentary involving a wrongful conviction case. In 2018 and 2019, IPPN conducted summer workshops with a prison visit to the minimum security compound of the National Penitentiary for volunteer interns to generate interest in the Innocence Project and to encourage the next generation of lawyers and health researchers to develop a passion for this type of advocacy.

One major challenge that IPPN discovered was the absence of properly collected and stored biological evidence in the cases where post-conviction DNA testing was being sought. Unlike other jurisdictions, there simply was no adequate and reliable system in place for the long-term preservation and collection of crime scene evidence. Thus, identifying and retrieving physical evidence for possible DNA testing proved impossible at this stage. In fact, in one celebrated case where DNA testing was ordered by the Philippine Supreme Court, no DNA test could be conducted since the biological evidence recovered from the crime scene could no longer be found several years later. A second challenge was the lack of a readily available sexual assault investigation kits so that biological evidence could be properly collected, preserved, and stored in cases of sexual assault within 72 hours post-contact. Another challenge is the absence of a law to create a forensic DNA database, which would have greatly assisted in the investigation of crimes. To date, IPPN has not yet found a single case in which the provision on post-conviction DNA testing could be applied to seek the release of a wrongfully convicted prisoner. Yet IPPN remains hopeful since the Philippine Supreme Court itself had earlier recognized and released statistics in the case of *People vs. Mateo* that showed a high judicial error rate of 71.77% in capital cases decided by the trial courts.¹ The need for forensic evidence such as DNA to close this gap becomes even more imperative.

Reference(s):

¹. *People vs. Mateo* (G.R. No. 147678-07, 07 July 2004).

Innocence Project, Wrongful Conviction, Forensic DNA Evidence