

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

SEVENTEENTH (17TH) CONGRESS
Regular Session



House Bill No. **3722**

Introduced by: Rep. Bernadette Herrera-Dy

AN ACT MANDATING THE COMMISSION ON HUMAN RIGHTS ACCOMPANY POLICE OPERATIONS FOR THE PURPOSE OF PROPERLY DOCUMENTING AND INVESTIGATING HUMAN RIGHTS VIOLATIONS COMMITTED DURING LEGITIMATE POLICE OPERATIONS, AND AMENDING EXECUTIVE ORDER NO. 163 THEREOF

EXPLANATORY NOTE

No less than the 1987 Constitution provides that "The State values the dignity of every human person and guarantees full respect for human rights. (Sec. 11, Art. II)

It further provides that "The Congress shall give highest priority to the enactment of measures that protect and enhance the right of all the people to human dignity, reduce social, economic and political inequalities, and remove cultural inequalities by equitably diffusing wealth and political power for the common good. (Sec. 1, Art. XIII)

The same Constitution created the independent Commission on Human Rights with a wide investigative and supervisory mandate to ensure the protection of human rights of Filipino citizens. (Sec. 18, Art. XIII)

It is further provided that Congress may provide for other cases of violations of human rights that should fall within the authority of the Commission, taking into account its recommendations. (Sec. 19, Art. XIII)

On 5 May 1987, President Corazon Aquino enacted Executive Order No. 163, mirroring the powers and functions of the Commission on Human Rights under the 1987 Constitution.

The current administration has taken significant steps in the war against drugs. Since 1 July 2016, over 700,000 drug users and pushers surrendered, and 3,295 suspected drug pushers killed. Of those killed, 1,167 drug personalities have been killed in police operations, as of 20 September 2016.

The rate at which suspected drug personalities have been killed as a result of legitimate police operations has drawn the interest and rebuke of the international community, with

the United Nations and other States calling upon the Philippines to strengthen efforts to ensure that the human rights of these drug personalities is protected.

We, the representatives of the people, are responsible to ensure that the rights of our constituents are protected. While we welcome the expedient steps the administration is taking against the scourge of drugs, the issue of human rights has been a continuously raised topic. An all-too commonly heard police statement is that the drug personality fought back, forcing our police officers to defend themselves.

We also understand and commend our courageous police officials of the Philippine National Police, who are fighting a difficult war. Least of all their worries should be any threat of prosecution for offences of human rights during the anti-drug operations.

The Commission on Human Rights and the Philippine National Police should be considered partners in the common endeavour of combatting illegal drugs and maintaining the protection and sanctity of human rights.

It is for these purposes, that this bill seeks to establish an inter-agency task force for the purpose of embedding agents of the Commission on Human Rights with the PNP, to properly document police activities during anti-drug operations, for the mutual protection of the accused personalities and the police officers, and to ensure that the anti-drug war adheres to the Philippines' obligations on the protection of human rights.

It is my earnest hope that my colleagues in the House of Representatives and the Senate see the virtue of this proposal, and approval of this bill is highly and earnestly recommended.



BERNADETTE HERRERA-DY

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House Bill No. **3722**

Introduced by: Rep. Bernadette Herrera-Dy

**AN ACT MANDATING THE CREATION OF AN EMBEDDING INTER-AGENCY
TASK FORCE FOR THE PURPOSE OF EMBEDDING COMMISSION ON HU-
MAN RIGHTS AGENTS IN POLICE OPERATIONS IN ORDER TO PROPERLY
DOCUMENT AND INVESTIGATE HUMAN RIGHTS VIOLATIONS COMMIT-
TED DURING LEGITIMATE POLICE OPERATIONS, AND AMENDING EX-
ECUTIVE ORDER NO. 163 THEREOF**

*Be it enacted in the Senate and House of Representatives of the Philippines in the Con-
gress assembled:*

SECTION 1 *Short Title.* This Act shall be known as the “Embedded CHR Agent Act of 2016”

SECTION 2. *Declaration of Policy.*

Section 11, Article II of the 1987 Constitution provides that “The State values the dignity of every human person and guarantees full respect for human rights.

Section 1, Article XIII of the same Constitution mandates Congress to “... give highest priority to the enactment of measures that protect and enhance the right of all the people to human dignity, reduce social, economic and political inequalities, and remove cultural inequalities by equitably diffusing wealth and political power for the common good.

Furthermore, Section 18, Article XIII of the same Constitution created the independent Commission on Human Rights, providing it with investigative and supervisory powers to ensure the protection of human rights of Filipino citizens.

Additionally, Section 19, Article XIII provided that “Congress may provide for other cases of violations of human rights that should fall within the authority of the Commission, taking into account its recommendations.”

Government has taken significant steps in the drive to combat the proliferation of illegal drugs, a scourge that has affected hundreds of thousands of Filipinos nationwide. However, the number of suspected drug personalities killed during legitimate police operations has raised numerous human rights concerns locally and abroad.

It is hereby declared as the policy of the State to provide priority measures that can help ensure the protection of human rights during police operations, as well as ensuring the treaty obligations of the Philippines in the protection of human rights are complied with.

For this purpose, the government shall create an inter-agency task force for the purpose of outlining the processes and procedures for the embedding of Commission on Human Rights agents with the Philippine National Police, aimed at ensuring the protection of human rights of suspects as well as ensuring that the police officers conduct themselves in a proper manner so as not to subject themselves to situations that would have them liable for violations of human rights.

SECTION 3. *Definition of Terms.* - For purposes of this Act, the following terms are hereby defined:

- a) "CHR" - refers to the Commission on Human Rights.
- b) "CHR Embedded Agent" - refers to an official of the CHR that is embedded with the Philippine National Police to accompany the police during anti-drug operations.
- c) "DILG" - refers to the Department of the Interior and Local Government.
- d) "DOJ" - refers to the Department of Justice.
- e) "IATF" - refers to the Embedding Inter-Agency Task Force.
- f) "NBI" - refers to the National Bureau of Investigation.
- g) "PNP" - refers to the Philippine National Police.
- h) "Solicitor-General" - refers to the Office of the Solicitor-General.

SECTION 4. *Establishment of an Embedding Inter-Agency Task Force (IATF).* An inter-agency task force shall be established for the purpose of discussing and outlining the processes and procedures of safely embedding CHR Embedded Agents within PNP anti-drug operations, and the provision of training and safety equipment thereto.

SECTION 5. *Composition of the Embedding Inter-Agency Task Force (IATF).*

The IATF shall be composed of the PNP Director General, the CHR Chairman, the DILG Secretary, the DOJ Secretary, Director of the NBI, and the Solicitor-General, or their authorised representatives.

The IATF shall meet as early as practicable upon the passage of this Act, and shall outline the processes and procedures for proper implementation of the purposes outlined in this Act.

The CHR Chairman shall be the Chairperson of the IATF, with the PNP Director General as Vice-Chairperson, and the DILG Secretary, DOJ Secretary, Director of the NBI, and the Solicitor-General shall be the Members.

The IATF shall provide a joint report detailing the conduct of anti-drug operations and the actions aimed at the protection of human rights during such operations. This report shall be submitted to Congress once each year, at a date to be determined by the IATF.

SECTION 6. Functions. The IATF shall coordinate governmental programs on anti-drug efforts and human rights initiatives, which shall include, but not limited to the following:

- a. Development and execution of strategies and schemes aimed at combatting illegal drugs and balancing the human rights of alleged personalities;
- b. Training of CHR agents to be embedded to accompany police officials in the conduct of anti-drug operations;
- c. Prosecution of private or public officials engaged in human rights violations during police operations; and
- d. Preparation of an annual report to the Congress and to the President on the manner by which police operations were conducted taking human rights into consideration.

SECTION 7. Powers. In pursuit of its functions as defined in the preceding section, the IATF shall have the responsibility and authority to:

- a. Conduct surveillance and entrapment operations of persons alleged to be engaged in the manufacture, sale, transport, or use of illegal and illicit drugs, drug paraphernalia, drug manufacture instruments, and any currency or other items of valuable consideration obtained as a result of the manufacture, sale, transport, or use of such items;
- b. Cause or direct the immediate investigation and speedy prosecution of cases involving allegations of human rights violations committed during police anti-drug operations; and
- c. Perform other powers and functions as may be deemed necessary by the Chairperson for the effective discharge of its mandate or as may be directed by the President.

SECTION 8. Funding. All government agencies hereby declared part of the IATF are authorized to allocate from their existing funds such amounts as may be necessary for the additional funding requirements that may be needed by the IATF, subject to the usual government accounting and auditing rules and regulations.

The President may, subject to his discretion, allocate additional funds for the IATF through the General Appropriations Act.

SECTION 9. Separability Clause. In the event that any provision of this Act is declared unconstitutional, invalid, or illegal, the constitutionality, validity, or legality of the remainder of the provisions of this Act shall not be affected thereby.

SECTION 10. Repealing Clause. All laws, presidential decrees, letters of instructions, executive orders, administrative orders, rules, regulations, and other issuances or parts the-

reof which are contrary to or inconsistent with the provisions of this Act are hereby re-
voked, repealed or modified accordingly.

SECTION 11.*Effectivity.* This Act shall take effect fifteen (15) days following the com-
pletion of its publication in any two (2) national newspapers of general circulation.

Approved,...