



Republic of the Philippines  
**HOUSE OF REPRESENTATIVES**  
Quezon City

**EIGHTEENTH (18<sup>th</sup>) CONGRESS**  
First Regular Session  
**2502**  
**HOUSE BILL NO.** \_\_\_\_\_

---

Introduced by REP. JOSE CHRISTOPHER Y. BELMONTE

---

**EXPLANATORY NOTE**

First filed during the 16<sup>th</sup> Congress, this bill is a consolidation of several measures of the same nature including HB 5193 filed by then Representatives from Akbayan Partylist – Rep. Ibarra “Barry” Gutierrez and Rep Walden Bello together with this representation as well as HB 2401 filed by Former 2nd District – Cagayan de Oro Rep. Rufus Rodriguez and Rep. Maximo R. Rodriguez. This same bill was filed during the 17<sup>th</sup> Congress but was left pending in the Committee on Human Rights. This measure aims for the localization of the Optional Protocol to the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (OPCAT).

On November 2009, Republic Act No. 9745, or “An Act Penalizing Torture and Other Cruel, Inhuman and Degrading Treatment of Punishment and Prescribing Penalties Therefor,” was signed into law. This “Anti-Torture Act of 2009” ensures that “the human rights of all persons, including suspects, detainees and prisoners are respected at all times.” It defines all acts of torture and other cruel, inhuman and degrading treatment of punishment, and penalizes those who engage in such acts.

However, many describe the enactment and implementation of RA 9745 as the reactive, confrontational and litigation-driven side of addressing torture. There is another method that many see as the more effective and forward looking way since it addresses violations before they occur. This method is preventive monitoring. It works through the violations before they occur. This method is preventive monitoring. It works through the establishment of a system of regular visits undertaken by independent experts in fields relevant to the treatment of persons deprived of their liberty to places of detention in order to identify policy, procedural, and practice risks that give rise to torture and ill-treatment. Preventive monitoring visits will be more effective if lodged on the principles of mutual trust building, confidentiality, collaboration and dialogue between detention authorities, persons deprived of their liberty, the expert visiting body and other relevant authorities.

Preventive monitoring visits is a non-adversarial approach which effectively opens up to public scrutiny by independent experts the otherwise obscure places of deprivation of liberty, where persons' well-being depend solely on their jailers. The regular unannounced visit by itself, establishes a preventive effect, conditioning custodial authorities to work within the bounds of legal procedures. Moreover, the torture risk identification visits and subsequent observation and recommendations of the expert visiting body will result in implementation measures that bring about policy, procedural and practice reforms in the treatment of persons deprived of their liberty, institutionalizing safeguards for their humane treatment. Detention monitoring work will not only benefit persons deprived of their liberty, but also improve the working environment, conditions and other benefits for custodial authorities. The realization of better and humane places of deprivation of liberty will also benefit social order and government spending in general.

In December 2002, the UN General Assembly approved the Optional Protocol to the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (OPCAT). The OPCAT sets up the global preventive system establishing the sub-committee on the prevention at international level and National Preventive Mechanisms (NPMs) at the domestic level. NPMs are considered to be the main engines of this system, being bodies tasked to do most of the visits.

The OPCAT is the first international human rights treaty that focuses on operations rather than review of state regulations, as in the case with other treaty bodies. While other treaties set standards and obligations for state parties, the OPCAT does not prescribe them but operationalizes paths towards their fulfillment through the system of visits, dialogues and prescription of implementation measures toward policy, procedural and practice reform. The OPCAT went into force on 22 June 2006 with 20 states having had adhered to the treaty.

On 17 April 2012, the Philippines ratified the OPCAT, becoming the 63rd State Party to the instrument. Under Article 17 of the treaty, the Philippines was required to establish, designate or maintain an existing institution as its NPM within a year by 17 May 2013. This obligation is long overdue.

This House Bill aims to fulfill this obligation by establishing the National Committee for the Prevention of Torture (NCPT) – the country's NPM against torture and other cruel, inhuman and degrading treatment or punishment.

In view of the foregoing, the swift passage of this bill is earnestly sought.





Republic of the Philippines  
**HOUSE OF REPRESENTATIVES**  
Quezon City

**EIGHTEENTH (18<sup>th</sup>) CONGRESS**  
First Regular Session  
**HOUSE BILL NO. 2502**

---

Introduced by REP. JOSE CHRISTOPHER Y. BELMONTE

---

**AN ACT**  
**ESTABLISHING THE NATIONAL COMMITTEE FOR THE PREVENTION  
OF TORTURE (NCPT), THE NATIONAL PREVENTIVE MECHANISM  
AGAINST TORTURE AND OTHER CRUEL, INHUMAN AND DEGRADING  
TREATMENT OR PUNISHMENT IN THE PHILIPPINES, PROVIDING A  
FRAMEWORK FOR IMPLEMENTING OBLIGATIONS UNDER THE  
OPTIONAL PROTOCOL TO THE CONVENTION AGAINST TORTURE  
AND OTHER CRUEL, INHUMAN OR DEGRADING TREATMENT OR  
PUNISHMENT (OPCAT), AND APPROPRIATING FUNDS THEREFOR**

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

1       **SECTION 1. Short Title.** — This Act shall be known as the “*National*  
2       *Committee for Prevention of Torture (NCPT) and OPCAT Implementation Act.*”  
3

4       **SEC. 2. Statement of Policy.** — It is hereby declared the policy of the State to:  
5

- 6           a. Recognize the inherent dignity of every human person;  
7  
8           b. Guarantee full respect for fundamental human rights giving highest  
9           priority to the enactment of measures that protect and fulfill the right to  
10          life, the right to liberty and security of all persons, and the right to be free

1 from torture and other cruel, inhuman and degrading treatment or  
2 punishment;

3

4 c. Adhere to the principles and standards on the protection and promotion of  
5 human rights, especially of persons deprived of liberty under the 1987  
6 Philippine Constitution, Republic Act No. 7438 (R.A. 7438 or the Code of  
7 Custodial Investigation), Republic Act No. 9745 (R.A. 9745 or the Anti-  
8 Torture Law), and other related laws;

9

10 d. Adopt the principles under the United Nations Convention Against Torture  
11 and Other Cruel, Inhuman or Degrading Treatment or Punishment  
12 (UNCAT) and implement the obligations under the Optional Protocol to  
13 the Convention Against Torture and Other Cruel, Inhuman or Degrading  
14 Treatment or Punishment (OPCAT), which commit the Philippine  
15 Government to:

16

17 1) Establish a system of regular, unannounced, and unrestricted visits  
18 in the Philippines undertaken by an independent national body of  
19 experts to places where persons are deprived of their liberty, in  
20 order to prevent torture and other cruel, inhuman or degrading  
21 treatment or punishment;

22

23 2) Recognize and promote the importance of preventive visits and  
24 being different in purpose and methodology from other types of  
25 visits to places of deprivation of liberty;

26

27 3) Allow visits, in accordance with the OPCAT, by the Subcommittee  
28 on Prevention of Torture and Other Cruel, Inhuman or Degrading  
29 Treatment or Punishment (SPT) to any place under its jurisdiction  
30 and control where persons are or may be deprived of their liberty,  
31 either by virtue of an order given by a public authority or at its  
32 instigation or with consent or acquiescence, with the view of  
33 strengthening the protection of persons against torture and other  
34 cruel, inhuman or degrading treatment or punishment;

- 1
- 2     4) Provide all relevant information that the SPT may request to  
3         evaluate the needs and measures that should be adopted in order to  
4         strengthen the protection of persons deprived of their liberty  
5         against torture and other cruel, inhuman or degrading treatment or  
6         punishment;
- 7
- 8     5) Examine the recommendations of the SPT and enter into dialogue  
9         with it on possible implementation measures;
- 10
- 11     6) Grant the SPT the following guarantees:
- 12
- 13         i) Unrestricted access to all information concerning the number of  
14             persons deprived of their liberty in places of deprivation of  
15             liberty as well as the number of places and their location;
- 16
- 17         ii) Unrestricted access to all information referring to the treatment  
18             of those persons as well as their conditions of deprivation of  
19             liberty;
- 20
- 21         iii) Unrestricted access to all places of deprivation of liberty and  
22             their installation and facilities;
- 23
- 24         iv) The opportunity to have private interviews with the persons  
25             deprived of their liberty without witnesses, either personally or  
26             with a translator if deemed necessary, as well as with any other  
27             person who the Subcommittee on Prevention believes may  
28             supply relevant information;
- 29
- 30         v) The liberty to choose the places it wants to visit and the persons  
31             it wants to interview;
- 32
- 33     7) Establish the National Committee for the Prevention of Torture  
34         (NCPT) mandated to prevent torture and ill-treatment and reduce

1                   the risks that give rise to the practice by conducting regular  
2                   preventive monitoring visits to places of deprivation of liberty and  
3                   examine the treatment and conditions of persons deprived of their  
4                   liberty including policies, procedures and practices of custodial  
5                   agencies as well as national laws that affect their well-being and  
6                   rights;

- 7
- 8                   8) Recognize NCPT's power and authority to make recommendations  
9                   to relevant authorities and monitor the implementation of such  
10                  recommendations with the aim of preventing torture and other  
11                  cruel, inhuman or degrading treatment or punishment and  
12                  improving the treatment and conditions of persons deprived of their  
13                  liberty;
- 14
- 15                  9) Examine the recommendations of the NCPT and enter into a  
16                  dialogue with it on possible implementation measures;
- 17
- 18                  10) Encourage and facilitate contacts between the SPT and the NCPT;
- 19
- 20                  11) Take effective steps to implement measures based on the  
21                  observations and recommendations of the NCPT and the SPT;
- 22
- 23                  12) Recognize the importance of other visiting groups regularly  
24                  visiting places of deprivation of liberty such as local and  
25                  international non-government organizations and government  
26                  mechanisms working for the well-being of persons deprived of  
27                  their liberty.

- 28
- 29                  e. Work with the NCPT and the SPT in the implementation of measures  
30                  based on the observations and recommendations of the preventive  
31                  monitoring expert bodies in order to reduce the risks that give rise to  
32                  torture and ill-treatment;
- 33

- 1           f. Recognize the value of and support the public information, education and  
2           communication work of the NCPT and the SPT, and support the  
3           publication and dissemination of the materials produced by the preventive  
4           monitoring bodies;
- 5
- 6           g. Recognize the authority of the SPT to conduct in-country preventive  
7           monitoring visits and their observations and recommendations with due  
8           consideration to the same powers and functions it shares with the NCPT;  
9           and
- 10
- 11          h. Provide the necessary resources to ensure the functional independence of  
12           the NCPT.
- 13

14         **SEC. 3. *Definition of Terms.* –**

15

- 16          a. *Deprivation of liberty* refers to any form of detention or imprisonment, or  
17           the placement of a person in a public or private custodial setting where the  
18           person is not permitted to leave at will by order of any judicial,  
19           administrative or other authority;
- 20
- 21          b. *Other cruel, inhuman or degrading treatment or punishment* refers to the  
22           deliberate or aggravated treatment or punishment inflicted by a person in  
23           authority or agent of a person in authority against a person under his/her  
24           custody, which attains a level of severity causing suffering, gross  
25           humiliation or debasement to the latter;
- 26
- 27          c. *Persons deprived of liberty* refers to any person placed in any form of  
28           detention or imprisonment, or placed in a public or private custodial  
29           setting which that person is not permitted to leave at will by order of any  
30           judicial, administrative or other authority;
- 31
- 32          d. *Places of deprivation of liberty* refers to any place of detention,  
33           confinement, imprisonment, commitment, or placement of person in a

1           public or private custodial setting under the Philippine's jurisdiction and  
2           control where persons are or may be deprived of their liberty, either by  
3           virtue of an order given by a public authority or at its instigation or with its  
4           consent or acquiescence. Places of deprivation of liberty also include but  
5           shall not be limited to those unofficial places of detention where persons  
6           are suspected of being illegally detained or not permitted to leave the place  
7           at will by order of any judicial, administrative or other authority and any  
8           place which the NCPT judiciously believes that persons may be deprived  
9           of their liberty;

10  
11           Places of deprivation of liberty encompasses traditional and non-  
12           traditional places of detention, whether temporary or permanent, formally  
13           or informally used as a detention facility maintained and/or managed by  
14           public or private authorities and/or under regulation by government.  
15           Places of detention or confinement shall refer to any physical space, area,  
16           or structure whether moving or stationary, permanent or temporary, where  
17           deprivation of liberty is carried out or which establishment, operation, and  
18           maintenance of the same is punishable under Section 14 (i) of R.A. 9745.

19  
20           Places of deprivation of liberty shall include but shall not be limited to the  
21           following examples: police stations, barangay holding centers, pre-trial  
22           centers / remand prisons, prisons for sentenced persons, juvenile detention  
23           centers, border police facilities and transit zones at land crossings,  
24           international ports and airports, immigrant and asylum-seeker detention  
25           centers, psychiatric institutions, care homes for older people, security or  
26           intelligence services facilities, military forts and camps, and other facilities  
27           under military jurisdiction, places of administrative detention, means of  
28           transport for the transfer of prisoners (e.g., police vans), hospitals, home-  
29           based or medical/health-related detention facilities, drug rehabilitation  
30           centers and other similar and/or makeshift places of confinement where  
31           persons are not permitted to leave at will;

32  
33           e. *Sub-Committee on the Prevention of Torture (SPT)* refers to the Sub-  
34           committee on Prevention of Torture and Other Cruel, Inhuman or

1 Degrading Treatment or Punishment of the Committee against Torture,  
2 established under the Optional Protocol to the UN Convention Against  
3 Torture and other Cruel, Inhuman or Degrading Treatment or Punishment  
4 (OPCAT);

5

6 f. *Torture* refers to an act by which severe pain or suffering, whether  
7 physical or mental is intentionally inflicted on a person for such purposes  
8 as obtaining from him/her or a third person information or a confession,  
9 punishing him/her for an act he/she or a third person has committed or is  
10 suspected of having committed, or intimidating or coercing him/her or a  
11 third person, or for any reason based on discrimination of any kind, when  
12 such pain or suffering is inflicted by or at the instigation of or with the  
13 consent or acquiescence of a person in authority or agent of a person in  
14 authority, as defined by Republic Act No. 9745 (RA 9745), otherwise  
15 known as the “Anti-Torture Act of 2009.” It does not include pain or  
16 suffering arising only from, inherent in or incidental to lawful sanctions;

17

18 g. *Unannounced access* refers to access to all places of deprivation of liberty,  
19 at all times, without prior notice or authorization;

20

21 h. *Unrestricted access* refers to free access to places of deprivation of liberty  
22 without any restrictions of any kind imposed by authorities, more  
23 specifically the following:

24

25 (1) All persons deprived of liberty with the opportunity to have private  
26 interviews with them without witnesses, either personally or with  
27 translator if deemed necessary;

28

29 (2) All custodial personnel relevant to the treatment of persons  
30 deprived of their liberty;

31

32 (3) Any other person whom the NCPT and the SPT believe may  
33 supply relevant information;

1                             (4) All information concerning the number of persons deprived of their  
2                             liberty in places of deprivation of liberty, as well as the number of  
3                             places and their location;

4

5                             (5) All information referring to the treatment of those persons as well  
6                             as their conditions of deprivation of liberty; and,

7

8

9                             (6) All places of deprivation of liberty and their installations and  
10                             facilities.

11

12

13                             Further, unrestricted access includes liberty to choose the places that the  
14                             NCPT and SPT want to visit and the persons they want to interview.

15

16

17

18

19

20

21

22                             **SEC. 4. Creation.**—There is hereby created an independent body to be known  
23                             as the National Committee for Prevention of Torture (NCPT) for the purpose of  
24                             preventing torture and other cruel, inhuman or degrading treatment or punishment.  
25                             The NCPT shall be an office independent of government in accordance with the UN  
26                             Paris Principles Relating to the Status of National Human Rights Institutions. It shall  
27                             be attached to the Commission on Human Rights (CHR) solely for budgetary  
28                             purposes. It shall function separately from the CHR and discharge its mandate  
29                             independent of government under this Act.

30

31

32

33

34

35                             **SEC. 5. Objectives.**—The National Committee for Prevention of Torture shall  
36                             have the following objectives:

37                             a. Carry out regular, unannounced visits to places of deprivation of liberty  
38                             and open up otherwise obscure places to independent public scrutiny to  
39                             condition custodial authorities to consistently perform their duties within  
40                             the bounds of official and legal procedures and standards so that torture  
41                             and ill-treatment can be prevented;

42                             b. Undertake preventive monitoring visits to examine and assess policies,  
43                             procedures and practices in places of deprivation of liberty and identify the  
44                             risks that give rise to torture and ill-treatment with a view of strengthening

1           the protection of persons deprived of their liberty and improving their  
2           material living conditions in accordance with the UN Standard Minimum  
3           Rules on the Treatment of Prisoners (SMRTP) and existing obligations  
4           and standards set by the UNCAT;

5  
6           c. Review national laws, policies and procedures that relate to the treatment,  
7           well-being and rights of persons deprived of their liberty and recommend  
8           for their repeal or amendment or the enactment of laws with the view of  
9           strengthening the protection against torture and cruel, inhuman or  
10          degrading treatment or punishment;

11  
12          d. Submit observations and recommendations in relation to the visit  
13          conducted and review undertaken under subsections (b) and (c),  
14          respectively of this Section, to relevant authorities so that these may be  
15          rendered into concrete implementation measures;

16  
17          e. Require relevant and competent authorities to examine its  
18          recommendations, and enter into a dialogue with the NCPT to discuss  
19          implementation measures and to fulfill agreed upon positive actions  
20          toward reforms, and whenever necessary, providing them the needed  
21          technical assistance;

22  
23          f. Consider requests for visits based on reports by civil society or any other  
24          group or individual recommending policy, procedural or practice reforms  
25          in a place of deprivation of liberty;

26  
27          g. Promote public awareness on its work as an NPM and the system of  
28          preventive monitoring visits, the right to be free from torture and cruel,  
29          inhuman or degrading treatment or punishment and the rights of persons  
30          deprived of their liberty;

31  
32          h. Train and capacitate relevant authorities charged with the treatment of  
33          persons deprived of their liberty;

- 1           i. Carry out its work within the framework of the United Nations' Charter  
2           and shall be guided by the purposes and principles thereof, as well as the  
3           norms of the United Nations concerning the treatment of people deprived  
4           of their liberty, and shall be equally guided by the principles of  
5           confidentiality, impartiality, non-selectivity, universality and objectivity;  
6           and
- 7
- 8           j. Take effective practical steps and measures to comply with existing  
9           obligations and standards set forth by the UNCAT, SMRTP, and the  
10          OPCAT, the NCPT being an operations instrument more than one that  
11          prescribes new obligations and standards.

12

13          **SEC. 6. *Guarantees of the NCPT.***—The Executive, Legislative and Judicial  
14          branches of government shall guarantee the NCPT the following:

- 15
- 16           a. Full and unrestricted access to all information concerning the number of  
17           persons deprived of their liberty in places of deprivation of liberty, as well  
18           as the number of places and location;
- 19
- 20           b. Full and unrestricted access to all information referring to the treatment of  
21           those persons as well as their conditions of detention;
- 22
- 23           c. Full and unrestricted access to all places of deprivation of liberty and their  
24           installation and facilities;
- 25
- 26           d. Liberty to conduct private interviews with persons deprived of liberty  
27           without witnesses, either personally or with a translator if deemed  
28           necessary, as well as with any other person who in the discretion of the  
29           Committee possesses relevant information;
- 30
- 31           e. Liberty to choose the places to visit and persons to interview, and when  
32           these should take place;
- 33

- 1       f. Freedom for its members to be accompanied, if needed, by an expert with  
2                  relevant expertise, experience and knowledge as the Chairperson may  
3                  determine, on visits to places of detention;
- 4
- 5       g. Freedom to determine its own rules and procedures, including its programs  
6                  of visits;
- 7
- 8       h. Liberty to require competent Philippine authorities concerned to examine  
9                  the recommendations of the NCPT and enter into a dialogue with it on  
10                 possible implementation measures;
- 11
- 12      i. Liberty to require relevant government agencies to fulfill their  
13                 recommendations by implementing measures accordingly;
- 14
- 15      j. Freedom to promote public awareness on its work as an NPM and the  
16                 system of preventive monitoring visits, the right to be free from torture and  
17                 cruel, inhuman or degrading treatment or punishment and the rights of  
18                 persons deprived of their liberty; and,
- 19
- 20      k. Freedom to publish regular and annual reports and information, education  
21                 and communication materials and have these disseminated nationwide.

22  
23      **SEC. 7. Powers of the NCPT.**—The NCPT shall have the following powers:

- 24
- 25      a. Conduct regular, unannounced visits to places of deprivation of liberty to  
26                 prevent torture and other, cruel inhuman or degrading treatment or  
27                 punishment;
- 28
- 29      b. Examine and assess during visits the custodial policies, procedures and  
30                 practices and all other aspects relevant to the treatment and material living  
31                 conditions of persons deprived of their liberty, in order to identify risks  
32                 that give rise to torture and cruel, inhuman or degrading treatment, and  
33                 find practical ways to improve their well-being and protect their rights;

- 1           c. Examine and review national laws, policies and procedures that relate to  
2           the treatment, well-being and rights of persons deprived of their liberty  
3           and propose the amendment, repeal or enactment of laws with the view of  
4           strengthening the protection against torture and cruel, inhuman or  
5           degrading treatment or punishment;
- 6
- 7           d. Submit to the CHR, House of Representatives, the Senate, and the  
8           President its observations, recommendations and proposals relating to the  
9           rights and protection of persons deprived of their liberty, and provide  
10          relevant authorities with the same for the latter to undertake the necessary  
11          implementation measures;
- 12
- 13          e. Refer for investigation to the CHR or the appropriate investigative agency  
14          of government, any complaint made by a person deprived of liberty with  
15          his/her consent or any factual incident of torture, ill-treatment or other  
16          human rights violation or abuse it discovers during its visits;
- 17
- 18          f. Work, where appropriate, in cooperation or consultation with any person  
19          or body, whether public or private, in connection with the discharge of any  
20          of its functions under this Act and the OPCAT;
- 21
- 22          g. Maintain direct, and if necessary, confidential contact with the SPT to  
23          strengthen the NCPT's capacity and mandate for the prevention of torture  
24          and other cruel, inhuman or degrading treatment or punishment and the  
25          protection of persons deprived of liberty;
- 26
- 27          h. Publish information covered by its visitation of the matters mentioned in  
28          paragraphs (a), (b), (c), (d), and (e) hereof, when circumstances so warrant,  
29          and with due prudence: *Provided*, That the NCPT under its rules and  
30          regulations and having high regard for confidentiality rules and informed  
31          consent, may determine what information is confidential and may not be  
32          made public: *Provided further*, That any publicity issued by the said Board  
33          shall be balanced, fair and true. However, the NCPT shall not publish or  
34          pass on personal data relating to any person without the latter's express

1           consent; *Provided finally*, That this section shall be in accordance with the  
2           existing laws on confidentiality;

- 3
- 4           i. Promote public awareness through publication and dissemination of  
5           information and education materials on its work as the NCPT, the right to  
6           be free from torture and cruel, inhuman or degrading treatment or  
7           punishment, and the rights of persons deprived of their liberty; and,  
8
- 9           j. Submit an independent annual report to be received, published and  
10          disseminated by government, which shall include an annual budget and  
11          expenditures report.

12

13           **SEC. 8. Composition.**—The NCPT shall be a collegial body composed of one  
14          (1) Chairperson and eight (8) board members. The Chairperson and seven (7)  
15          members of the board shall be appointed by the President. One (1) of the eight (8)  
16          board members shall be a Commissioner from the CHR who shall have voting  
17          privileges as the other members of the board.

18

19           The Members of the Committee shall act and be guided by the principles of  
20          confidentiality, impartiality, non-selectivity, universality and objectivity.

21

22           The Committee Members shall possess the following qualifications:

- 23
- 24           a. Shall be independent from all branches of government;  
25
- 26           b. Shall be of high moral character, recognized probity, competence, and  
27           integrity;  
28
- 29           c. To ensure multi-disciplinary and pluralistic representation, the  
30          composition of the Board shall include members with proven professional  
31          knowledge and experience in the field of human rights, law, medicine,  
32          psychology, psychiatry, forensic science, prison management,  
33          employment, industrial relations, police administration, education,  
34          sociology, or social work:

- 1  
2       1) At least two (2) members must be members of the Philippine bar who  
3                  have been engaged in the practice of law for at least seven (7) years;  
4  
5       2) One (1) member must be a doctor who has engaged in the practice of  
6                  medicine in the fields of psychiatry, forensics or other related fields,  
7                  for at least seven (7) years;  
8  
9       3) One (1) member must have a doctorate degree in any of the fields of  
10                  psychology, anthropology or other related disciplines, and must have  
11                  engaged in the practice of her profession for at least seven (7) years;  
12  
13       4) At least two (2) members must come from civil society organizations  
14                  engaged in advocacy work for at least seven (7) years for the rights of  
15                  persons deprived of liberty; and,  
16  
17       5) At least two (2) members must possess expertise in the administration  
18                  of justice, criminal law, prison or police administration;
- 19  
20       d. Must have a clear, broad, and deep understanding and commitment to  
21                  human rights protection, promotion, and advocacy.

22  
23                  Further, the composition of the Committee must observe a balanced gender  
24                  representation on the basis of the principles of equality and non-discrimination and  
25                  adequate representation of ethnic and minority groups.

26  
27                  The President shall give highest priority to the endorsements and  
28                  recommended candidates of civil society groups with long standing backgrounds and  
29                  practice in the advancement of the rights of and welfare of persons deprived of their  
30                  liberty and prevention of torture and ill-treatment.

31  
32                  **SEC. 9. Term of the Committee Members.**—The Committee members shall  
33                  serve for a term of five (5) years. To ensure that the NCPT is a continuing body, the  
34                  first batch of appointments shall be on a staggered basis. The Chairperson shall be

1 appointed for a term of five (5) years. The first two (2) members to be appointed shall  
2 hold office for five (5) years, the next three (3) members shall hold office for four (4)  
3 years and the last three (3) members shall hold office for three (3) years. Succeeding  
4 appointments shall serve for five (5) years without reappointment. In no case shall  
5 they be appointed, reappointed or designated in a temporary or acting capacity.

6

7 The Committee shall organize itself within sixty (60) days from the  
8 completion of the appointment process of all committee members and shall  
9 thereafter organize its Secretariat.

10

11 **SEC. 10. Salaries, Emoluments and Benefits.** — The Chairperson and  
12 members of the board shall have the rank, salary, emoluments and allowances  
13 equivalent to the Associate Justice of the Court of Appeals and Judges of the  
14 Regional Trial Court, respectively.

15

16 **SEC. 11. Removal from Office.** —The Chairperson and members of the  
17 Committee may be removed from office on any of the following grounds:

18

- 19 a) Disloyalty to the Republic of the Philippines;
- 20 b) Culpable violation of the Constitution;
- 21 c) Bribery and graft and corruption, other high crimes, or betrayal of public  
trust;
- 22 d) Dishonesty, misconduct in office, gross negligence, or dereliction of duty;
- 23 e) Commission of any offense involving moral turpitude or an offense  
punishable by imprisonment of more than six (6) years; and
- 24 f) Abuse of authority.

27

28 The proceedings for removal shall be initiated by filing a verified complaint  
29 with the Office of the Ombudsman stating the grounds therefor and alleging the  
30 ultimate facts upon which the complaint is based.

31

32 The Office of the Ombudsman shall act on the complaint and conduct the  
33 necessary investigation and hearing. Thereafter, the Office of the Ombudsman shall  
34 dismiss the complaint or declare the removal from office of the Chairperson or

1 member of the Committee within one hundred twenty (120) days from the date of  
2 filing of the complaint.

3

4 In deciding upon a complaint for removal from office, the Office of the  
5 Ombudsman shall not impose any lesser penalty or disciplinary action such as  
6 suspension, censure, or reprimand other than removal from office.

7

8 **SEC. 12. *Organizational Structure of the NCPT.***—The organizational  
9 structure of the NCPT shall consist of the Committee and its Secretariat.

10

11 The Committee shall be assisted by a Secretariat, which shall be composed of  
12 an Executive Director and at least two (2) Deputy Directors— one (1) for Operations  
13 and one (1) for Administrative and Finance matters – together with their respective  
14 technical staff and field units that shall be established to support and follow-up the  
15 regular visits undertaken by the NCPT Members.

16

17 The Executive Director and his Deputies shall have expertise in human rights  
18 specializing in fields relevant to the treatment of persons deprived of liberty.

19

20 The Committee shall appoint the Executive Director and Deputy Directors.  
21 The Chairperson shall appoint all other officers and staff of the NCPT.

22

23 Whenever necessary, the Committee may hire additional contractual  
24 employees or contract the services of an expert with the relevant professional  
25 experience, expertise, and knowledge, to assist in the discharge of its functions under  
26 this Act. *Provided*, That the maximum contract amount per year shall not exceed  
27 more than fifteen percent (15%) of the total annual operating budget of the  
28 Committee.

29

30 **SEC. 13. *Relationship and Cooperation with Government and Civil Society***  
31 *Organizations.*—The NCPT shall apply a human-rights based approach in the  
32 performance of its mandate and functions, maintain direct regular contact with and  
33 encourage open and constructive dialogue with the SPT, civil society organizations,

1 media and other national, regional and international human rights mechanisms, for the  
2 effective and full implementation of this Act.

3

4 Government authorities and private organizations or entities mandated to  
5 protect and promote the rights of persons deprived of liberty shall cooperate with and  
6 promptly respond to the recommendations, proposals, and other requests of the NCPT  
7 in the conduct of their mandate.

8

9 **SEC. 14. Confidentiality.**—Personal information collected by the NCPT shall  
10 be confidential. No personal data shall be published without the express consent of  
11 the individual concerned. The rules on confidentiality shall be in accordance with the  
12 existing laws applicable herein.

13

14 **SEC. 15. Protection from Criminal Liability, Other Sanctions and  
15 Reprisals.**—

16

17 a) No authority or official shall order, apply, permit or tolerate any sanction  
18 against any person or organization for having communicated to the NCPT  
19 and the SPT any information, and no such person or organization shall be  
20 otherwise prejudiced in any way.

21

22 b) Relevant authorities shall take effective steps to prevent and promptly  
23 respond to any sanctions or acts of reprisals stemming from  
24 communications to or cooperation with the NCPT and the SPT.

25

26 c) No criminal, disciplinary or administrative sanction shall be taken against  
27 any person for having communicated, in good faith, any information to the  
28 NCPT or the SPT.

29

30 d) Anything done, or purported to be done, in good faith, and pursuant to the  
31 functions and powers conferred under this Act or in respect of any  
32 publication by or under the authority of the Committee of any report,  
33 proceedings or any other matter under this Act shall not be a ground for

1           action, suit or other legal proceedings against the Committee or a member  
2           or officer of the Committee.

3  
4           No protection from criminal liability, disciplinary or administrative sanction  
5           shall be given to any Member or officer of the Committee where they may be finally  
6           adjudged in any action or proceeding to be liable for gross negligence or misconduct,  
7           grave abuse of discretion or abuse of authority.

8  
9           **SEC. 16. *Private Legal Assistance.*** —The Committee Members, Officers and  
10          Staff of the NCPT are hereby authorized to engage the services of private lawyers or  
11          extend counsel immediately upon receipt of notice that an administrative, civil,  
12          criminal action, suit or proceeding is filed against them. The lawyer's fee shall be part  
13          of the indemnification package for the NCPT Members, Officers and Staff, subject to  
14          the provisions of Section 17 hereof.

15  
16           **SEC. 17. *Indemnification of NCPT Committee Members, Officers, and Staff.***—There shall be an indemnification package for the Committee Members,  
17          Officers, and Staff, which may be in the form of free legal assistance, liability  
18          insurance, and other forms of protection and indemnification for all costs and  
19          expenses reasonably incurred by such persons in connection with any administrative,  
20          civil or criminal action, suit or proceeding to which they may be, or have been made a  
21          party by reason of the performance of their functions or duties, unless they are finally  
22          adjudged in such action or proceeding to be liable for gross negligence or misconduct,  
23          grave abuse of discretion or abuse of authority.

25  
26           **SEC. 18. *Information Sheet on Persons Deprived of their Liberty and Places of Deprivation of Liberty.***—The Philippine National Police (PNP), the Bureau of  
27          Corrections (BuCor), the Bureau of Jail Management and Penology (BJMP), the  
28          Department of Social Welfare and Development (DSWD), provincial government  
29          units with control or supervision of jails and other government or private institutions  
30          with jurisdiction, control and/or oversight of places of deprivation of liberty shall  
31          make an updated information sheet of all deprivation of liberty facilities under their  
32          respective jurisdiction with the corresponding data on the persons deprived of their  
33          liberty under their custody, such as, among others, names, date of deprivation of

1 liberty, exact reason for deprivation of liberty and the conditions in the places of  
2 deprivation of liberty. Such information sheet shall be periodically updated by the  
3 same agencies and institutions within the first five (5) days of every month at the  
4 minimum. The format of the information sheet shall be prescribed by the NCPT and  
5 transmitted to the agencies and institutions at the soonest possible time. The list  
6 prescribed by Section 7 of RA 9745 shall also be submitted to the NCPT within the  
7 first five (5) days of every month at the minimum.

8

9           **SEC. 19. Other Organizations Conducting Visits to Places of Deprivation of**  
10 *Liberty.*—The provisions of this Act and the establishment of the NCPT shall be  
11 without prejudice to the importance of visits to places of deprivation of liberty  
12 regularly undertaken by other groups such as local and international non-government  
13 organizations, lay persons groups, faith-based organizations and government  
14 mechanisms working for the well-being and protection of persons deprived of their  
15 liberty.

16

17           **SEC. 20. Public Education, Information and Awareness Campaign.**—The  
18 NCPT, in partnership with the Philippine Information Agency (PIA), the CHR, the  
19 Department of Interior and Local Government (DILG), other government departments  
20 and local government units and agencies with jurisdiction, control and/or oversight of  
21 places of deprivation of liberty, and such other concerned parties in both the public  
22 and private sectors shall inform the public, persons in authority and agents of persons  
23 in authority on the existence of the NCPT, the SPT, the OPCAT, the rights of persons  
24 deprived of their liberty, the importance of preventive visits, the need to cooperate  
25 with the said visiting bodies and implement measures based on their  
26 recommendations. This shall be done through a programmatic nationwide awareness-  
27 raising campaign, and in line with Section 21 of RA 9745, shall be included in the  
28 training of law enforcement personnel, civil or military, medical personnel, public  
29 officials and other persons, whether public or private, who may be involved in the  
30 custody, interrogation or treatment of any individual subjected to arrest, detention,  
31 imprisonment or any form of deprivation of liberty. Furthermore, authorities shall  
32 make use of popular media such as government-owned TV and radio as well as other  
33 such resources at its disposal in undertaking the public information and education  
34 campaign. The Department of Education (DepEd) and the Commission on Higher

1 Education (CHED) shall also include information on the OPCAT, SPT, NCPT and the  
2 preventive monitoring methodology in the integration of human rights education  
3 courses in all primary and tertiary level academic institutions nationwide in line with  
4 Section 21 of RA 9745.

5

6 **SEC. 21. Appropriations.**—The Committee shall have an initial budget of One  
7 Hundred Million Pesos (PHP100,000,000.00) for maintenance and other operating  
8 expenses to be sourced from the President's Contingency Fund under the Presidential  
9 Social Fund. Subsequent funding requirements shall be included in the annual  
10 General Appropriations Act.

11

12 This budget shall not be utilized for any other purpose apart from NCPT work  
13 as determined by the NCPT Committee, in accordance with law.

14

15 **SEC. 22. Implementing Rules and Regulations.**—The Committee shall  
16 formulate the Implementing Rules and Regulations (IRR) within ninety (90) days  
17 from the time the Committee first convened. The Committee shall coordinate with the  
18 CHR, DILG, Department of Health (DOH), Department of Social Welfare and  
19 Development (DSWD), Department of Justice (DOJ), Department of National  
20 Defense (DND), Philippine National Police (PNP), and other relevant government  
21 agencies and civil society organizations (CSOs) working in the various fields relevant  
22 to the treatment of persons deprived of their liberty.

23

24 The IRR shall be effective after fifteen (15) days following its publication in  
25 the Official Gazette or in two (2) newspapers of general circulation.

26

27 **SEC. 23. Periodic Review.**—Within five (5) years after the effectivity of this  
28 Act, and every five (5) years thereafter, or as the need arises, the Congress of the  
29 Philippines shall conduct a comprehensive review of its implementation, and a  
30 systematic evaluation of the performance and functioning of the NCPT, in order to  
31 highlight its accomplishments and impact on the protection of persons deprived of  
32 their liberty. To carry out these tasks, Congress shall ensure participative and multi-  
33 sectoral dialogues with stakeholders which shall include civil society organizations,  
34 survivors of torture and their families, relevant government authorities involved in the