

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

**EIGHTEENTH CONGRESS**  
First Regular Session

**HOUSE BILL NO. 6393**



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**INTRODUCED BY HONORABLE CHERYL P. DELOSO-MONTALLA**

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**AN ACT**  
**ESTABLISHING 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**

**EXPLANATORY NOTE**

This bill seeks to establish a national preventive mechanism against torture and other forms of cruel, inhuman and degrading forms of punishment in the Philippines.

In November 2009, the Philippines enacted the Republic Act (RA) No. 9745 otherwise known as the Anti-Torture Law which criminalizes torture and ill treatment and provides procedural safeguards of persons deprived of their liberty such as but not limited to their rights to notify relatives about the detention, to be examined by an independent medical professionals and to have prompt access to a lawyer throughout the investigation, pre-trial detention and trial. The law also guarantees that there should be no secret, unofficial or incommunicado detention where torture usually occurs. The law provides criminal sanctions for its violations which include higher authorities for command responsibility.<sup>1</sup>

The Anti-Torture Law of 2009 is regarded as a positive law criminalizing torture and is the first of its kind in Southeast Asia. Ten years after the enactment of the Anti-Torture Law, the challenges faced by human rights organizations and survivors of torture and their relatives in seeking redress from acts of torture and ill treatment remain problematic.<sup>2</sup>

On 17 April 2012, the Philippines deposited the instrument of accession to the Optional Protocol to the UN Convention against Torture (OPCAT) thereby making us the 64th State Party to this essential torture prevention treaty. Five years later, not much has changed. Like Cambodia and Nauru, which acceded to the OPCAT respectively in March 2007 and September 2012, the Philippines is on the “blacklist” of State parties that have not fulfilled their main obligation of establishing an NPM.<sup>3</sup>

While the Philippines ratified OPCAT in April 2012, thereby agreeing to set up an independent National Preventive Mechanism (NPM) to monitor all places of detention, the NPM designation process is stalled. Among other reasons are the challenging political climate and the prolonged process of adopting an NPM law leading to uncertainties on the most appropriate NPM

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<sup>1</sup> <https://www.omct.org/statements/philippines/2019/11/d25592/>

<sup>2</sup> Ibid.


<sup>3</sup> [https://apt.ch/en/news\\_on\\_prevention/philippines-strong-government-leadership-required-to-set-up-national-preventive-mechanism/](https://apt.ch/en/news_on_prevention/philippines-strong-government-leadership-required-to-set-up-national-preventive-mechanism/)



model to adopt for the country. But at the end of the day, it is the government's responsibility to establish a functioning NPM.<sup>4</sup>

To ensure that all torture prevention efforts by the Commission of Human Rights (CHR), relevant governmental agencies and for law enforcement can be carried on effectively, the Philippine government must take concrete steps towards designating its NPM. A functioning NPM will not only benefit the country's oversight mechanism, administration of justice and detention system. It will also send an exemplary message to other South East Asian countries, on the Philippines' long time commitment to prevent torture and ill-treatment.<sup>5</sup>

Immediate passage of this bill is earnestly sought.



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<sup>4</sup> Ibid.

<sup>5</sup> Ibid

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**AN ACT**  
**ESTABLISHING 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:*

**SECTION 1. Short Title.** – This Act shall be known as the “*Torture Prevention Act.*”

**SECTION. 2. Statement of Policy.** – It is hereby declared the policy of the State to:

- (a) Recognize the inherent dignity of every human person;
- (b) Guarantee full respect for fundamental human rights giving highest priority to the enactment of measures that protect and fulfill the right to life, the right to liberty and security of all persons, and the right to be free from torture and other cruel, inhuman and degrading treatment or punishment;
- (c) Adhere to the principles and standards on the protection and promotion of human rights, especially of persons deprived of liberty under the 1987 Philippine Constitution, Republic Act No. 7438 (R.A. 7438 or the Code of Custodial Investigation), Republic Act No. 9745 (R.A. 9745 or the Anti-Torture Law), and other related laws;
- (d) Adopt the principles under the United Nations Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (UNCAT) and implement the obligations under the Optional Protocol to the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (OPCAT), which commit the Philippine Government to:
  - (1) Establish a system of regular, unannounced, and unrestricted visits in the Philippines undertaken by an independent national body of experts to places where persons are deprived of their liberty, in order to prevent torture and other cruel, inhuman or degrading treatment or punishment;
  - (2) Recognize and promote the importance of preventive visits and being different in purpose and methodology from other types of visits to places of deprivation of liberty;



- (3) Allow visits, in accordance with the OPCAT, by the Subcommittee on Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (SPT) to any place under its jurisdiction and control where persons are or may be deprived of their liberty, either by virtue of an order given by a public authority or at its instigation or with consent or acquiescence, with the view of strengthening the protection of persons against torture and other cruel, inhuman or degrading treatment or punishment;
- (4) Provide all relevant information that the SPT may request to evaluate the needs and measures that should be adopted in order to strengthen the protection of persons deprived of their liberty against torture and other cruel, inhuman or degrading treatment or punishment;
- (5) Examine the recommendations of the SPT and enter into dialogue with it on possible implementation measures;
- (6) Grant the SPT the following guarantees:
  - (i) Unrestricted access to all information concerning the number of persons deprived of their liberty in places of deprivation of liberty as well as the number of places and their location;
  - (ii) Unrestricted access to all information referring to the treatment of those persons as well as their conditions of deprivation of liberty;
  - (iii) Unrestricted access to all places of deprivation of liberty and their installation and facilities;
  - (iv) The opportunity to have private interviews with the persons deprived of their liberty without witnesses, either personally or with a translator if deemed necessary, as well as with any other person who the SPT determines to be capable of supplying the relevant information;
  - (v) The liberty to choose the places it wants to visit and the persons it wants to interview;
- (7) Establish the Philippine Torture Prevention Commission (PTPC) mandated to prevent torture and ill-treatment and reduce the risks that give rise to the practice by conducting regular preventive monitoring visits to places of deprivation of liberty and examine the treatment and conditions of persons deprived of their liberty including policies, procedures and practices of custodial agencies as well as national laws that affect their well-being and rights;
- (8) Recognize PTPC's power and authority to make recommendations to relevant authorities and monitor the implementation of such recommendations with the aim of preventing torture and other cruel, inhuman or degrading treatment or punishment and improving the treatment and conditions of persons deprived of their liberty;
- (9) Examine the recommendations of the PTPC and enter into a dialogue with it on possible implementation measures;
- (10) Encourage and facilitate contacts between the SPT and the PTPC;
- (11) Take effective steps to implement measures based on the observations and recommendations of the PTPC and the SPT;



- (12) Recognize the importance of other visiting groups regularly visiting places of deprivation of liberty such as local and international non-government organizations and government mechanisms working for the well-being of persons deprived of their liberty.

(e) Work with the PTPC and the SPT in the implementation of measures based on the observations and recommendations of the preventive monitoring expert bodies in order to reduce the risks that give rise to torture and ill-treatment;

(f) Recognize the value of and support the public information, education and communication work of the PTPC and the SPT, and support the publication and dissemination of the materials produced by the preventive monitoring bodies;

(g) Recognize the authority of the SPT to conduct in-country preventive monitoring visits and their observations and recommendations with due consideration to the same powers and functions it shares with the PTPC; and

- (h) Provide the necessary resources to ensure the functional independence of the PTPC.

### **SECTION. 3. *Definition of Terms.* –**

(a) *Deprivation of liberty* refers to any form of detention or imprisonment, or the placement of a person in a public or private custodial setting where the person is not permitted to leave at will by written or verbal order, of any judicial, administrative or other authority;

(b) *Other cruel, inhuman or degrading treatment or punishment* refers to the deliberate or aggravated treatment or punishment inflicted by a person in authority or agent of a person in authority against a person under his/her custody, which attains a level of severity causing suffering, gross humiliation or debasement to the latter;

(c) *Persons deprived of liberty* refers to any person placed in any form of detention or imprisonment, or placed in a public or private custodial setting which that person is not permitted to leave at will by written or verbal order of any judicial, administrative or other authority;

(d) *Places of deprivation of liberty* refers to any place of detention, confinement, imprisonment, commitment, or placement of person in a public or private custodial setting under the Philippine's jurisdiction and control where persons are or may be deprived of their liberty, either by virtue of a written or verbal order given by a public authority or at its instigation or with its consent or acquiescence. Places of deprivation of liberty also include but shall not be limited to those unofficial places of detention where persons are suspected of being illegally detained or not permitted to leave the place at will by written or verbal order of any judicial, administrative or other authority and any place which the PTPC judiciously determines to be where persons may be deprived of their liberty;

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

Places of deprivation of liberty shall include but shall not be limited to the following examples: police stations, barangay holding centers, pre-trial centers / remand prisons, prisons for sentenced persons, juvenile detention centers, border police facilities and transit zones at land



crossings, international ports and airports, immigrant detention centers, psychiatric institutions, care homes for older people, security or intelligence services facilities, military forts and camps, and other facilities under military jurisdiction, places of administrative detention, means of transport for the transfer of prisoners (e.g., police vans), hospitals, home-based or medical/health-related detention facilities, drug rehabilitation centers and other similar and/or makeshift places of confinement where persons are not permitted to leave at will;

(e) *Sub-Committee on the Prevention of Torture (SPT)* refers to the Sub-committee on Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment of the Committee against Torture, established under the Optional Protocol to the UN Convention Against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (OPCAT);

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

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

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

- (1) All persons deprived of liberty with the opportunity to have private interviews with them without witnesses, either personally or with translator if deemed necessary;
- (2) All custodial personnel relevant to the treatment of persons deprived of their liberty;
- (3) Any other person whom the PTPC and the SPT determine to be capable of supplying relevant information;
- (4) All information concerning the number of persons deprived of their liberty in places of deprivation of liberty, as well as the number of places and their location;
- (5) All information referring to the treatment of those persons as well as their conditions of deprivation of liberty; and,
- (6) All places of deprivation of liberty and their installations and facilities.

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

**SECTION. 4. *Philippine Torture Prevention Commission.*** – The Philippine Torture Prevention Commission is hereby established as the national preventive mechanism of the Philippines. It shall be composed of a Chairperson and eight (8) Members who must be chosen in an open, transparent and inclusive process. One of the Members of the Commission shall be a Commissioner of the Commission on Human Rights (CHR) who shall serve in an ex-officio capacity with voting privileges as the other Members of the Commission.

The Committee Members shall possess the following qualifications:



- (a) Independent from all branches of government;
- (b) Of high moral character, recognized probity, competence and integrity;
- (c) To ensure multi-disciplinary and pluralistic representation, the composition of the Board shall include members with proven professional knowledge and experience in the field of human rights, law, medicine, psychology, psychiatry, forensic science, prison management, employment, industrial relations, police administration, education, sociology, or social work:
  - (1) At least two (2) members must be members of the Philippine Bar who have been engaged in the practice of law for at least seven (7) years;
  - (2) Two (2) members must be doctors who have engaged in the practice of medicine in the fields of psychiatry, forensics or other related fields, for at least seven (7) years;
  - (3) One (1) member must have a doctorate degree in any of the fields of psychology, anthropology or other related disciplines, and must have engaged in the practice of her profession for at least seven (7) years;
  - (4) At least two (2) members must come from civil society organizations engaged in advocacy work for at least seven (7) years for the rights of persons deprived of liberty; and,
  - (5) At least two (2) members must possess expertise in the administration of justice, criminal law, prison or police administration;
- (d) Must have a clear, broad, and deep understanding and commitment to human rights protection, promotion, and advocacy.

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

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

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

The Chairperson and the Members of the Commission shall not, during their tenure, hold any other office or employment. Neither shall they engage in the practice of any profession or in the active management or control of any business which, in any way, may be affected by the functions of their office, nor shall they be financially interested, directly or indirectly, in any contract with, or in any franchise or privilege granted by the government, any of its sub-divisions, agencies, or instrumentalities, including government-owned or controlled corporations or their subsidiaries.

**SECTION. 5.** *Term of the Committee Members.* – The Chairperson and the Members of the Commission shall be appointed by the President for a term of seven years without reappointment. Appointment to any vacancy shall be only for the unexpired term of the predecessor.



The Committee shall organize itself within sixty (60) days from the completion of appointment process of all Committee Members and shall thereafter organize its Secretariat.

**SECTION. 6. *Salaries, Emoluments and Benefits.*** – The Chairperson and the Members of the Commission shall receive the same salaries, emoluments and benefits as the Chairperson and the Members, respectively, of the Constitutional Commissions, which shall not be decreased during their term of office.

**SECTION. 7. *Removal from Office.*** – The Chairperson and Members of the Committee may be removed from office on any of the following grounds:

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

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

The Office of the Ombudsman shall act on the complaint and conduct the necessary investigation and hearing. Thereafter, the Office of the Ombudsman shall dismiss the complaint or declare the removal from office of the Chairperson or member of the Committee within one hundred twenty (120) days from the date of filing of the complaint.

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

**SECTION. 8. *Objectives.*** – The Philippine Torture Prevention Commission shall have the following objectives:

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

(b) Undertake preventive monitoring visits to examine and assess policies, procedures and practices in places of deprivation of liberty and identify the risks that give rise to torture and ill-treatment with a view of strengthening the protection of persons deprived of their liberty and improving their material living conditions in accordance with the UN Standard Minimum Rules on the Treatment of Prisoners (SMRTP) and existing obligations and standards set by the UNCAT;

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



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

(e) Require relevant and competent authorities to examine its recommendations, and enter into a dialogue with the PTPC to discuss implementation measures and to fulfill agreed upon positive actions toward reforms, and whenever necessary, providing them the needed technical assistance;

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

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

(h) Train and capacitate relevant authorities charged with the treatment of persons deprived of their liberty;

(i) Carry out its work within the framework of the United Nations' Charter and shall be guided by the purposes and principles thereof, as well as the norms of the United Nations concerning the treatment of people deprived of their liberty, and shall be equally guided by the principles of confidentiality, impartiality, non-selectivity, universality and objectivity; and

(j) Take effective practical steps and measures to comply with existing obligations and standards set forth by the UNCAT, SMRTP, and the OPCAT, the PTPC being an operations instrument, in addition to being one that prescribes new obligations and standards.

**SECTION. 9.** *Guarantees of the PTPC.* – The Executive, Legislative and Judicial branches of government shall guarantee the PTPC the following:

(a) Full and unrestricted access to all information concerning the number of persons deprived of their liberty in places of deprivation of liberty, as well as the number of places and location;

(b) Full and unrestricted access to all information referring to the treatment of those persons as well as their conditions of detention;

(c) Full and unrestricted access to all places of deprivation of liberty and their installation and facilities;

(d) Liberty to conduct private interviews with persons deprived of liberty without witnesses, either personally or with a translator if deemed necessary, as well as with any other person who in the discretion of the Commission possesses relevant information;

(e) Liberty to choose the places to visit and persons to interview, and when these should take place;

(f) Freedom for its members to be accompanied, if needed, by an expert with relevant expertise, experience and knowledge as the Chairperson may determine, on visits to places of detention;

(g) Freedom to determine its own rules and procedures, including its program of visits;



(h) Liberty to require competent Philippine authorities concerned to examine the recommendations of the PTPC and enter into a dialogue with it on possible implementation measures;

(i) Liberty to require relevant government agencies to fulfill their recommendations by implementing measures accordingly;

(j) Freedom to promote public awareness on its work as an NPM and the system of preventive monitoring visits, the right to be free from torture and cruel, inhuman or degrading treatment or punishment and the rights of persons deprived of their liberty; and,

(k) Freedom to publish regular and annual reports and information, education and communication materials and have these disseminated nationwide.

**SECTION. 10. Powers of the PTPC.** – The PTPC shall have the following powers:

(a) Conduct regular, unannounced and unrestricted visits to places of deprivation of liberty to prevent torture and other, cruel inhuman or degrading treatment or punishment;

(b) Examine and assess during visits the custodial policies, procedures and practices and all other aspects relevant to the treatment and material living conditions of persons deprived of their liberty, in order to identify risks that give rise to torture and cruel, inhuman or degrading treatment or punishment, and find practical ways to improve their well-being and protect their rights;

(c) Examine and review national laws, policies and procedures that relate to the treatment, well-being and rights of persons deprived of their liberty and propose the amendment, repeal or enactment of laws with the view of strengthening the protection against torture and cruel, inhuman or degrading treatment or punishment;

(d) Submit to the CHR, House of Representatives, the Senate, and the President its observations, recommendations and proposals relating to the rights and protection of persons deprived of their liberty, and provide relevant authorities with the same for the latter to undertake the necessary implementation measures;

(e) Work, where appropriate, in cooperation or consultation with any person or body, whether public or private, in connection with the discharge of any of its functions under this Act and the OPCAT;

(f) Maintain direct, and if necessary, confidential contact with the SPT to strengthen the PTPC's capacity and mandate for the prevention of torture and other cruel, inhuman or degrading treatment or punishment and the protection of persons deprived of liberty;

(g) Publish information covered by its visitation of the matters mentioned in paragraphs (a), (b), (c), (d), and (e) hereof, when circumstances so warrant, and with due prudence: *Provided*, That the PTPC under its rules and regulations and having high regard for confidentiality rules and informed consent, may determine what information is confidential and may not be made public: *Provided further*, That any publicity issued by the said Commission shall be balanced, fair and true. However, the PTPC shall not publish or pass on personal data relating to any person without the latter's express consent; *Provided finally*, That this section shall be in accordance with the existing laws on confidentiality;

(h) Promote public awareness through publication and dissemination of information and education materials on its work as the PTPC, the right to be free from torture and cruel, inhuman or degrading treatment or punishment, and the rights of persons deprived of their liberty; and,



(i) Submit an independent annual report to be received, published and disseminated by government, which shall include an annual budget and expenditures report.

**SECTION. 11. *Organizational Structure of the PTPC.*** – The organizational structure of the PTPC shall consist of the Commission and its Secretariat.

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

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

The Commission shall also be assisted by a Commission Secretary who shall provide technical and administrative support to the Members of the Commission.

The Commission shall appoint the Executive Director, Deputy Directors and Commission Secretary. The Chairperson shall appoint all other officers and staff of the PTPC.

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

**SECTION. 12. *Relationship and Cooperation with Government and Civil Society Organizations.*** – The PTPC shall apply a human-rights based approach in the performance of its mandate and functions, maintain direct regular contact with and encourage open and constructive dialogue with the SPT, civil society organizations, media and other national, regional and international human rights mechanisms, for the effective and full implementation of this Act.

National and local government authorities and private organizations or entities mandated to protect and promote the rights of persons deprived of liberty shall cooperate with and promptly respond to the recommendations, proposals and other requests of the PTPC in the conduct of their mandate.

The competent authorities shall examine the recommendations of the Commission and enter into a dialogue with it, on possible implementation measures. These authorities shall enter into a follow-up process with the Commission, with a view to the implementation of any recommendations, which the PTPC may make.

**SECTION. 13. *Confidentiality.*** – Personal information collected by the PTPC shall be confidential. No personal data shall be published without the express consent of the individual concerned. The rules on confidentiality shall be in accordance with the existing laws applicable herein.

**SECTION. 14. *Protection from Criminal Liability, Other Sanctions and Reprisals.*** –

(a) No authority or official shall order, apply, permit or tolerate, directly or indirectly, any sanction against any person or organization for having communicated to the PTPC and the



SPT any information, whether true or false, and no such person or organization shall be otherwise prejudiced in any way.

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

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

(d) Anything done, or purported to be done, in good faith, and pursuant to the functions and powers conferred under this Act or in respect of any publication by or under the authority of the Commission of any report, proceedings or any other matter under this Act shall not be a ground for action, suit or other legal proceedings against the Commission or a member or officer of the Commission.

Notwithstanding the prohibitions in the preceding paragraphs, no protection from criminal liability, disciplinary or administrative sanction shall be given to any Member or officer of the Commission where they may be finally adjudged in any action or proceeding to be liable for gross negligence or misconduct, grave abuse of discretion or abuse of authority.

**SECTION. 15. *Private Legal Assistance.*** – The Members, Officers and Staff of the PTPC are hereby authorized to engage the services of public or private lawyers or extend legal assistance immediately upon receipt of notice that an administrative, civil, criminal action, suit or proceeding is filed against them. The lawyer's fee shall be part of the indemnification package for the NCPT Members, Officers and Staff, subject to the provisions of Section 16 hereof.

**SECTION. 16. *Indemnification of PTPC Members, Officers, and Staff.*** – There shall be an indemnification package for the Members, Officers, and Staff of the Commission which may be in the form of free legal assistance, liability insurance, and other forms of protection and indemnification for all costs and expenses reasonably incurred by such persons in connection with any administrative, civil or criminal action, suit or proceeding to which they may be, or have been made a party by reason of the performance of their functions or duties, unless they are finally adjudged in such action or proceeding to be liable for gross negligence or misconduct, grave abuse of discretion or abuse of authority. If convicted with finality for such offenses filed against them, the members, officers and staff of the Commission shall reimburse all costs and expenses incurred by the latter.

**SECTION. 17. *Information Sheet on Persons Deprived of their Liberty and Places of Deprivation of Liberty.*** – The Philippine National Police (PNP), the Bureau of Corrections (BuCor), the Bureau of Jail Management and Penology (BJMP), the Department of Social Welfare and Development (DSWD), provincial government units with control or supervision of jails and other government or private institutions with jurisdiction, control and/or oversight of places of deprivation of liberty shall make an updated information sheet of all deprivation of liberty facilities under their respective jurisdiction with the corresponding data on the persons deprived of their liberty under their custody, such as, among others, names, date of deprivation of liberty, exact reason for deprivation of liberty and the conditions in the places of deprivation of liberty. Such information sheet shall be periodically updated by the same agencies and institutions within the first five (5) days of every month at the minimum. The format of the information sheet shall be prescribed by the PTPC, subject to the existing rules on confidentiality, and transmitted to the agencies and institutions at the soonest possible time. The list prescribed by Section 7 of RA 9745 shall also be submitted to the PTPC within the first five (5) days of every month at the minimum.



**SECTION. 18.** *Other Organizations Conducting Visits to Places of Deprivation of Liberty.*

– The provisions of this Act and the establishment of the PTPC shall be without prejudice to the importance of visits to places of deprivation of liberty regularly undertaken by other groups such as local and international non-government organizations, lay persons groups, faith-based organizations and government mechanisms working for the well-being and protection of persons deprived of their liberty, subject to rules and regulations imposed by custodial authorities and existing laws.

**SECTION. 19.** *Public Education, Information and Awareness Campaign.* – The PTPC, in partnership with the Philippine Information Agency (PIA), the CHR, the Department of Interior and Local Government (DILG), other government departments and local government units and agencies with jurisdiction, control and/or oversight of places of deprivation of liberty, and such other concerned parties in both the public and private sectors shall inform the public, persons in authority and agents of persons in authority on the existence of the PTPC, the SPT, the OPCAT, the rights of persons deprived of their liberty, the importance of preventive visits, the need to cooperate with the said visiting bodies and implement measures based on their recommendations. This shall be done through a programmatic nationwide awareness-raising campaign, and in line with Section 21 of RA 9745, shall be included in the training of law enforcement personnel, civil or military, medical personnel, public officials and other persons, whether public or private, who may be involved in the custody, interrogation or treatment of any individual subjected to arrest, detention, imprisonment or any form of deprivation of liberty. Furthermore, authorities shall make use of popular media such as government-owned TV and radio as well as other such resources at its disposal in undertaking the public information and education campaign. The Department of Education (DepEd) and the Commission on Higher Education (CHED) shall also include information on the PTPC, SPT, and the OPCAT, and the preventive monitoring methodology in the integration of human rights education courses in all primary, secondary and tertiary level academic institutions nationwide in line with Section 21 of RA 9745.

**SECTION. 20.** *Appropriations.* -- The Commission shall have an initial budget of One hundred million pesos (Php 100,000,000.00) for maintenance and other operating expenses to be sourced from the President's Contingency Fund under the Presidential Social Fund. Subsequent funding requirements shall be included in the annual General Appropriations Act.

This budget shall not be utilized for any other purpose apart from the PTPC work as determined by the Commission, in accordance with law.

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

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

**SECTION. 22.** *Periodic Review.* – Within five (5) years after the effectivity of this Act, and every five (5) years thereafter, or as the need arises, the Congress of the Philippines shall conduct a comprehensive review of its implementation, and a systematic evaluation of the performance and functioning of the PTPC, in order to highlight its accomplishments and impact on the protection of persons deprived of their liberty. To carry out these tasks, the Senate Committee on Justice and Human Rights and the House Committee on Human Rights shall ensure



participative and multi-sectoral dialogues with stakeholders which shall include civil society organizations, survivors of torture and persons deprived of liberty and their families, relevant government authorities involved in the treatment of persons deprived of their liberty and the administration of places of deprivation of liberty.

**SECTION. 23. *Separability Clause.*** – If any provision of this Act is held unconstitutional, other provisions not affected thereby shall remain valid and binding.

**SECTION. 24. *Repealing Clause.*** – All laws, presidential decrees, letters of instructions, executive orders, rules and regulations insofar as they are inconsistent with this Act, are hereby deemed repealed or modified accordingly.

**SECTION. 25. *Effectivity.*** – This Act shall take effect after fifteen (15) days following its publication in the Official Gazette or in two (2) newspapers of general circulation.

*Adopted,*