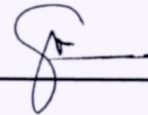


SENATE

JUL 11 P2:41

S. No. 375



Introduced by **SENATOR LEILA M. DE LIMA**

AN ACT
TO STRENGTHEN THE HUMAN RIGHTS AFFAIRS OFFICE OF THE
PHILIPPINE NATIONAL POLICE AND TO FURTHER AMEND REPUBLIC
ACT NO. 6975, OTHERWISE KNOWN AS THE "DEPARTMENT OF THE
INTERIOR AND LOCAL GOVERNMENT ACT OF 1990", AS AMENDED,
AND FOR OTHER PURPOSES

EXPLANATORY NOTE

Public order and public safety. These are the two elements of the immortal slogan common in law enforcement around the world. In the Philippines, it is found in the Declaration of Policy of Republic Act No. 6975 or the Department of the Interior and Local Government Act of 1990, which created the Philippine National Police (PNP).

While certainly, crime prevention is a core function of the police force, its role in society has also evolved, such that the PNP is also tasked, for example, to provide help for victims of domestic violence as well as participate in intervention for children in conflict with the law. This means, over and above traditional police work, the times have called for PNP to ***police for people***.

Perhaps recognizing that law enforcement should be people-centered, the National Police Commission, in 2007, through Resolution No. 2007-247, provided for the activation of the Philippine National Police-Human Rights Affairs Office or "PNP-HRAO", with the following core functions:

- a. Integrate PNP efforts and come up with holistic approach and systematic implementation of human rights programs and activities;

- b. Review, formulate and recommend policies and programs, as well as administrative and legislative measures to effectively implement human rights laws;
- c. Monitor the conduct of investigation, legal and judicial processes of addressing human rights violations of PNP personnel;
- d. Undertake information campaigns for media (local and foreign) and interested sectors to project government findings and perspectives and measures being implemented relative to human rights violations of personnel;
- e. Establish and maintain linkages with concerned agencies handling human rights violations cases against PNP personnel; and
- f. Perform other duties as directed by the Chief PNP.

Since 2007, PNP-HRAO has accomplished commendable projects, such as Human Rights-Based Policing training with the support of Hans Seidel Foundation,¹ and the publication of its Human Rights Desk Operation Manual. In addition, HRAO also has established itself as a partner of human rights institutions.

However, in light of the spate of killings attributed to the Drug War in the Philippines, which, at the end of 2018, had already claimed the lives of thousands² or tens of thousands³ – depending on which government agency is asked, and observations of stakeholders, including the Commission on Human Rights, that certain members of the PNP may be directly involved in the commission of human rights violations⁴, it is imperative to institutionalize a focal point within the organization to ensure that, by itself, it can take stock of issues that impact institutional competency and integrity, and address and improve them.

This proposed legislation, therefore, seeks to shift the focus from the problematic **output-oriented framework of police work** and offer guidance based on the rule of law and human rights to an **outcome-oriented service** which is faithful to the Constitution, particularly provisions that mandate the civilian nature

¹ See < <https://southeastasia.hss.de/philippines/our-work-in-the-philippines/democracy-human-rights-and-the-rule-of-law/rights-based-policing>>, visited on 22 May 2019.

² See < <https://www.rappler.com/nation/220013-duterte-government-tally-killed-war-on-drugs-november-2018>>, visited on 22 May 2019.

³ See < <https://news.abs-cbn.com/focus/12/05/18/chr-chief-drug-war-deaths-could-be-as-high-as-27000>>, visited on 22 May 2019.

⁴ See, <http://pcij.org/blog/wp-docs/santiago_hr.pdf>, visited on 01 March 2017.

of the PNP. With the foundational work already commenced by HRAO, it has to be statutorily enabled, in order to allow it to further expand and strengthen its program and establish itself as an internal human rights center within the organization.

For this reason, the passage of this bill is earnestly sought.



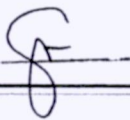
LEILA M. DE LIMA

19 JUL 11 P2:41

SENATE

S. No. 375

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AN ACT
TO STRENGTHEN THE HUMAN RIGHTS AFFAIRS OFFICE OF THE
PHILIPPINE NATIONAL POLICE AND TO FURTHER AMEND REPUBLIC
ACT NO. 6975, OTHERWISE KNOWN AS THE “DEPARTMENT OF THE
INTERIOR AND LOCAL GOVERNMENT ACT OF 1990”, AS AMENDED,
AND FOR OTHER PURPOSES

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 "PNP-HRAO Act of 2019".
- 2 Sec. 2. *Declaration of Policy.* – The State guarantees full respect for human
- 3 rights. In furtherance thereof, it is hereby declared a policy of the State to ensure that
- 4 the Philippine National Police shall in no circumstance inflict, instigate or tolerate
- 5 extra-judicial killings, arbitrary arrests, any act of torture or other cruel, inhuman or
- 6 degrading treatment or punishment, and that the PNP commits itself to have the
- 7 highest regard for human rights and the rule of law in the exercise of its mandate to
- 8 maintain peace, public order and safety.
- 9 Sec. 3. A new section is hereby inserted after Section 25, Chapter III of Republic
- 10 Act No. 6975, otherwise known as “Department of the Interior and Local Government
- 11 Act of 1990”, to read as follows:
- 12 **“SECTION 25-A. ESTABLISHMENT, MANDATE**
- 13 **AND FUNCTIONS OF THE PNP-HRAO. – THERE**
- 14 **SHALL BE A HUMAN RIGHTS AFFAIRS OFFICE**
- 15 **(HRAO) IN THE PNP, WHICH SHALL DEVELOP**
- 16 **PLANS AND PROGRAMS ON HUMAN RIGHTS TO**

1 BE INTEGRATED IN POLICIES AND
2 OPERATIONAL GUIDELINES OF THE NATIONAL
3 POLICE. ITS FUNCTIONS SHALL, *INTER ALIA*,
4 INCLUDE:

5 A) DEVELOP PLANS, POLICIES, AND
6 PROGRAMS TO ENSURE THAT IN THE
7 CONDUCT OF ITS MANDATE, PNP IS
8 COMPLIANT WITH HUMAN RIGHTS
9 STANDARDS PROVIDED IN TREATIES RATIFIED
10 BY THE PHILIPPINES;

11 B) UNDERTAKE PERIODIC REVIEW OF
12 ASSISTANCE SERVICES OF PNP, INCLUDING
13 BUT NOT LIMITED TO, WOMEN'S DESKS
14 AND/OR WOMEN CHILDREN PROTECTION
15 DESKS TO ENSURE THAT THESE ARE CLIENT
16 CENTERED, CULTURE AND GENDER SENSITIVE;

17 C) INTEGRATE INTO PNP EFFORTS AND
18 DEVELOP SYSTEMATIC IMPLEMENTATION OF
19 HUMAN RIGHTS PROGRAMS AND ACTIVITIES
20 IN RELATION TO LAWS SUCH AS REPUBLIC ACT
21 NO. 7192, "WOMEN IN DEVELOPMENT AND
22 NATION BUILDING ACT", REPUBLIC ACT NO.
23 9710, "MAGNA CARTA OF WOMEN ACT OF 2009",
24 AND REPUBLIC ACT NO. 9262, "ANTI-VIOLENCE
25 AGAINST WOMEN AND THEIR CHILDREN ACT
26 OF 2004".

27 D) PROVIDE POLICY ADVISORY SERVICE TO
28 ALL UNITS OF THE NATIONAL POLICE;

29 E) SERVE AS CLEARING HOUSE FOR
30 INFORMATION CAMPAIGN ON SOCIAL ISSUES
31 ADOPTED BY THE PNP. AS SUCH, IT IS
32 EMPOWERED TO REVIEW, REVISE OR

1 DEVELOP A NEW CAMPAIGN MATERIAL FOR
2 USE OF THE POLICE;

3 F) SERVE AS PROJECT MANAGEMENT AND
4 PLANNING OFFICE OF THE PNP AS REGARDS
5 ALL COOPERATION ON HUMAN RIGHTS WITH
6 OTHER GOVERNMENT AGENCIES, NON-
7 GOVERNMENTAL ORGANIZATIONS,
8 PROFESSIONAL ASSOCIATIONS, AND
9 INTERNATIONAL ORGANIZATIONS.

10 G) MONITOR THE CONDUCT OF INTERNAL
11 INVESTIGATION OF HUMAN RIGHTS
12 VIOLATIONS INVOLVING ITS PNP PERSONNEL;

13 H) ESTABLISH AND MAINTAIN LINKAGES
14 WITH CONCERNED AGENCIES AND NON-
15 GOVERNMENTAL ORGANIZATIONS WITH
16 PROGRAMS ON HUMAN RIGHTS, INCLUDING
17 INVESTIGATIVE BODIES HANDLING HUMAN
18 RIGHTS COMPLAINTS AGAINST PNP
19 PERSONNEL; AND

20 I) PERFORM OTHER DUTIES AS
21 RECOMMENDED OR DIRECTED BY THE CHIEF
22 PNP.”

23 Sec. 4. *Composition and Member Qualifications.* – The HRAO shall be headed
24 by the Chief Human Rights Director with the support of two (2) Deputy Human Rights
25 Directors, one of whom shall have the rank of Police Superintendent, and the other
26 shall be a civilian; Provided that the Head of HRAO shall be a civilian who, at the time
27 of appointment, must not be less than forty (40) years old, must have a minimum of
28 five (5) years direct supervisory experience in programme or project management, and
29 must either be a member of the Philippine Bar in good standing, or have a
30 postgraduate degree in Human Rights, National Security, Social Science or related
31 discipline.

1 The HRAO shall have three divisions, namely: (a) Legal, Complaints and
2 Investigation; (b) Research, Training and Education; and (c) Policy and Advocacy.

3 Sec. 5. *Appropriations.* – Funding requirements for all programs shall be
4 charged to the funds in the National Treasury not otherwise appropriated. Thereafter,
5 funding requirements shall be included in annual appropriations of the Philippine
6 National Police.

7 Sec. 6. *Implementing Rules and Regulations.* – Within ninety (90) days from
8 the approval of this Act, the PNP, with the assistance of the Department of Justice
9 (DOJ), Commission on Human Rights (CHR), Juvenile Justice and Welfare Council
10 (JJWC), Philippine Commission on Women (PCW), and Philippine Human Rights
11 Committee (PHRC) shall adopt and issue the rules and regulations for the effective
12 implementation of this Act.

13 Sec. 7. *Repealing Clause.* – All laws, executive orders, presidential decrees,
14 presidential proclamations, letters of implementation, rules and regulations or parts
15 thereof inconsistent with the provisions of this Act are hereby repealed or modified
16 accordingly.

17 Sec. 8. *Separability Clause.* – If any provision of this Act is declared invalid or
18 unconstitutional, the provisions not affected thereby shall continue to be in full force
19 and effect.

20 Sec. 9. *Effectivity Clause.* – This Act shall take effect fifteen (15) days following
21 its publication in the Official Gazette or in two (2) newspapers of general circulation
22 in the Philippines.

Approved,