


SENATE

12 MAY 24 11:43

S.B. No. 3209

RECEIVED: 

Prepared by the Committees on Justice and Human Rights *and* National Defense and Security
With The Committee on Rules *and* Senators Angara, Marcos, Jr., Escudero, and Lacson,
as authors thereof.

1 **AN ACT**
2 **DEFINING THE USE AND PROTECTION OF THE RED CROSS, RED CRESCENT, AND RED CRYSTAL**
3 **EMBLEMS, PROVIDING PENALTIES FOR VIOLATIONS THEREOF**
4 **AND FOR OTHER PURPOSES.**

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

5 **PART 1**
6 **INTRODUCTORY PROVISIONS**

7 **SECTION 1. Short Title.** – This Act shall be known as “The Red Cross and Other Emblems Act of 2012.”

8 **SEC. 2. Declaration of Principles and State Policies.**

- 9
- 10 (a) The Philippines renounces war as an instrument of national policy, adopts the generally accepted
- 11 principles of international law as part of the law of the land and adheres to a policy of peace, justice,
- 12 freedom, cooperation and amity with all nations.
- 13
- 14 (b) The State adopts the provisions of the Hague Convention IV of 1907 and the 1949 Geneva
- 15 Conventions and their Additional Protocols on the protection of victims of war insofar as they have
- 16 been ratified or have become part of generally accepted principles of international law.
- 17
- 18 (c) The State shall secure the protective use and indicative use of the emblems both in times of peace
- 19 and in times of armed conflict in accordance with the standards and guidelines set forth under the
- 20 Hague Conventions of 1907 and the 1949 Geneva Conventions and their Additional Protocols on the
- 21 protection of victims war.
- 22
- 23 (d) The misuse of the emblem of the Red Cross, Red Crescent, and Red Crystal; and of the words Red
- 24 Cross, Red Crescent, and Red Crystal or their translation in any official language and dialect shall not
- 25 go unpunished. Its effective prosecution shall be ensured by taking measures at the national level.
- 26
- 27
- 28

29 **SEC. 3. Definition of Terms.** – For purposes of this Act, the term:

- 30
- 31 (a) **Armed conflict** means any use of force or armed violence which gives rise, or may give rise, to a
- 32 situation to which the 1949 Geneva Conventions and their Additional Protocols, including their
- 33 common Article 3 (Conflicts not of an International Character), apply. It does not include situations
- 34 of internal disturbances and tensions, such as riots, isolated and sporadic acts of violence or other
- 35 acts of a similar nature.

- 1 (b) **Distinctive signals** means any of the distinctive signals specified in Chapter III of Annex I to the
2 Protocol Additional to the 1949 Geneva Conventions, and relating to the Protection of Victims of
3 International Armed Conflicts (Protocol I), being the signals of identification for medical units and
4 transport, namely: the blue light signal, the radio signal and electronic means of identification.
5
- 6 (c) **Emblem** means the Red Cross, Red Crescent, and Red Crystal emblem.
7
- 8 (d) **Indicative use** means the use of the emblem showing that a person or an object is linked to an
9 institution of the International Movement of the Red Cross, Red Crescent and Red Crystal. The
10 emblem shall be small in size.
11
- 12 (e) **Perfidious use** means the use of the emblem by a person with intent to appeal to the good faith of
13 his/her adversary in order to deceive and make the latter believe that he or she is entitled to receive
14 or is to be conferred the protection provided for by the rules of international humanitarian law.
15
- 16 (f) **Protective use** means the visible sign of the protection conferred by the 1949 Geneva Conventions
17 and their Additional Protocols on medical personnel and medical units and transports in time of
18 armed conflict. The dimensions of the emblem shall therefore be as large as possible.
19
- 20 (g) **Red Crescent** when used to signify a heraldic emblem, means an emblem depicting a red crescent
21 moon on, and completely surrounded by, a white background, as illustrated in Article 4, Chapter IV
22 of Annex I of Protocol I to the Geneva Conventions.
23
- 24 (h) **Red Cross** when used to signify a heraldic emblem, means an emblem depicting a red cross with
25 branches of equal length on, and completely surrounded by, a white background, formed by
26 reversing the colours of the Swiss Confederation, as illustrated in Article 4, Chapter IV of Annex I of
27 the Additional Protocol I to the Geneva Conventions.
28
- 29 (i) **Red Crystal** when used to signify a heraldic emblem, means any emblem depicting a red frame in
30 the shape of a square on edge, and completely surrounded by, a white background as illustrated in
31 Additional Protocol III to the Geneva Conventions.
32

33
34 **PART 2**
35 **RULES IN THE USE OF THE RED CROSS, THE RED CRESCENT,**
36 **AND THE RED CRYSTAL EMBLEMS**
37

38 **SEC. 4. Protective Use by the Medical Service And Religious Personnel of the Armed Forces of**
39 **the Philippines.** – Under the supervision and control of the Department of National Defense (DND), the
40 Medical Service of the Armed Forces of the Philippines (AFP) shall, both in peacetime and during armed
41 conflict, use the Red Cross to identify its medical personnel, medical units and transports on the ground,
42 sea and air.
43

44 Medical personnel, organic or attached to AFP, shall wear armbands and carry identity cards
45 displaying the Red Cross emblem. These armbands and identity cards shall be issued by the DND.
46

47 Religious personnel, organic or attached to the armed forces shall be afforded the same
48 protection as medical personnel and shall be identified in the same way.
49

50 Where this may enhance protection, medical and religious personnel, organic or attached to the
51 AFP may, without prejudice to the use of their present emblem, make temporary use of any of the other
52 distinctive emblems recognized by, and enjoying equal status under the 1949 Geneva Conventions and
53 their Additional Protocols.
54

55 **SEC. 5. Protective Use by Hospitals and Other Civilian Medical Units and Transports.** – The
56 Department of Health (DOH) and Local Government Units (LGUs) exercising supervision and control over
57 hospitals and other civilian medical units, civilian medical personnel, civilian medical transports assigned
58 in particular to the transport and treatment of the wounded, sick and shipwrecked, shall authorize their
marking by the Red Cross emblem used as a protective device in time of armed conflict, in consultation

1 with the Philippine Red Cross (PRC). In this regard, the DOH shall coordinate and work together with the
2 DND which may, if necessary, give advice and assistance.
3

4 Civilian medical and religious personnel attached to hospitals and other medical units shall wear
5 armlets and carry identity cards displaying the Red Cross emblem. These armlets and identify cards shall
6 be issued by the DOH.
7

8 **SEC. 6. Protective Use by the Philippine Red Cross.** – The PRC shall be authorized to place
9 medical personnel and medical units and transports at the disposal of the Medical Service of the AFP.
10

11 Such personnel, units and transportation shall be subject to military laws and regulations and
12 may be authorized by the DND to display, as a protective device, the emblem of the Red Cross or where
13 this may enhance protection, to make temporary use of any of the distinctive emblems recognized by,
14 and enjoying equal status, under the 1949 Geneva Conventions and their Additional Protocols.
15

16 Such personnel shall wear armlets and carry identity cards displaying the Red Cross emblem.
17 These armlets and identity cards shall be issued by the DND.
18

19 The PRC may be authorized to use the emblem as a protective device for its medical personnel
20 and medical units in accordance with Section 5 of this Act.
21

22 **SEC. 7. Indicative Use by the Philippine Red Cross and National Societies.** – The PRC is
23 authorized to use the emblem as an indicative device. It may, in exceptional circumstances as
24 determined by the PRC, and to facilitate its work, make temporary use of the Red Crystal emblem. It
25 shall apply the “Regulations on the Use of the Emblem of the Red Cross or the Red Crescent by the
26 National Societies.”
27

28 National societies of other countries present in the territory of the Republic of the Philippines
29 shall, with the consent of the PRC, be entitled to their emblem.
30

31 **SEC. 8. Use by the International Organizations of the International Red Cross and Red Crescent**
32 **Movement.** – The International Committee of the Red Cross and the International Federation of Red
33 Cross and Red Crescent Societies may make use of the Red Cross or the Red Crescent emblems at any
34 time and for all their activities.
35

36 The International Committee of the Red Cross and the International Federation of Red Cross and
37 Red Crescent Societies, and their duly authorized personnel, may make use of the Red Crystal emblem in
38 exceptional circumstances and to facilitate their work.
39

40 **PART 3**

41 **CONTROL AND PENALTIES**

42

43 **SEC. 9. Control Measure and Enforcement.** – The DND, the DOH and the Department Trade and
44 Industry (DTI) shall at all times ensure strict compliance with the rules governing the use of the emblems
45 of the Red Cross, the Red Crescent, and the Red Crystal; the name “Red Cross,” “Red Crescent,” or “Red
46 Crystal” or their translation in any official language and dialect or the distinctive signals. They shall
47 exercise strict control over their respective personnel authorized to use the said emblems, names and
48 signals.
49

50 They shall take every appropriate step to prevent misuse, in particular by the disseminating the
51 rules on their usage as widely as possible, among the armed forces, the police forces, the
52 instrumentalities of the State and the civilian population. They shall likewise issue instructions to
53 national, civilian and military authorities on the use of the distinctive emblem in accordance with the
54 1949 Geneva Conventions and their Additional Protocols and by providing appropriate sanctions in cases
55 of misuse.
56

1 **SEC. 10. Role of the Philippine Red Cross.** – The PRC shall cooperate with the DND, the DOH and
2 the DTI in their efforts to prevent and repress any misuse. It shall be entitled to information on such
3 misuse and to participate in relevant criminal, civil or administrative proceedings.
4

5 **SEC. 11. Misuse of the Red Cross, the Red Crescent, or the Red Crystal Emblem as Indicative**
6 **Device in Peacetime and in Times of Armed Conflict.** – Any person who wilfully, and without
7 entitlement, make use of the Red Cross, Red Crescent, or Red Crystal emblem; the words “Red Cross,”
8 “Red Crescent,” and “Red Crystal” or their translation in any official language and dialect; a distinctive
9 signal or any other sign, designation or signal which constitutes an imitation thereof or likely to cause
10 confusion or mistake or to deceive the general public, irrespective of the purpose of such use; as well as
11 any person who has displayed the said emblems or words on signs, posters, announcements, leaflets or
12 commercial documents, or has affixed them to goods or packaging, or has sold, offered for sale or
13 placed in circulation goods thus marked shall be punished by *arresto mayor*, and a fine of not less than
14 Twenty Thousand Pesos (P20, 000.00) but not more than Forty Thousand Pesos (P40,000.00) at the
15 discretion of the court.
16

17 If the misuse is committed by a partnership, corporation, association or any juridical entity, the
18 partner, president, director, manager, trustee, estate administrator or officer who consents to or
19 knowingly tolerates such misuse shall be held criminally liable as a co-principal. If the person convicted is
20 a foreigner, he or she may be ordered deported and blacklisted after serving his or her sentence.

21 In addition, the court may order the forfeiture in favor of the PRC of any proceeds, or property
22 or assets upon which an emblem, designation, design, wording or sign was used directly or indirectly in
23 violation of this Act, without prejudice to the rights of *bona fide* third parties.
24

25 **SEC. 12. Misuse of the Red Cross, the Red Crescent, or the Red Crystal Emblem as Protective**
26 **Device in Times of Armed Conflict.** – (a) Any person who wilfully commits or gives the order to commit
27 acts resulting in the death of, or causing serious harm to the body or health of an adversary by making
28 perfidious use of the Red Cross, Red Crescent, or Red Crystal emblem or a distinctive signal shall be
29 deemed to have committed a war crime. If the act results in the death of an adversary, the penalty shall
30 be *reclusion perpetua* and a fine of not less than Two Hundred Thousand Pesos (P200,000.00) but not
31 more than Five Hundred Thousand Pesos (P500,000.00) at the discretion of the court, or *reclusion*
32 *temporal* and a fine of not less than One Hundred Thousand Pesos (P100,000.00) but not more than Two
33 Hundred Thousand Pesos (P200,000.00) at the discretion of the court, if the act results in serious harm
34 to the body or health of an adversary.
35

36 Perfidious use of the Red Cross, the Red Crescent, or the Red Crystal emblem, or a distinctive
37 signal which does not result in death or serious harm to the body or health of an adversary, shall be
38 punished by *prison correctional* and a fine of not less than Fifty Thousand Pesos (P50,000.00) but not
39 more than One Hundred Thousand Pesos (100,000.00) at the discretion of the court.

40 The court may also impose the corresponding accessory penalties under the Revised Penal
41 Code, especially where the offender is a public officer.
42

43 (b) Any person who, in time of armed conflict and without entitlement, has wilfully used the Red
44 Cross, Red Crescent or the Red Crystal emblem, or a distinctive signal or any other sign or signal which
45 constitutes an imitation thereof or which might lead to confusion, shall be punished by *prison*
46 *correctional* in its medium period and a fine of not less than Forty Thousand Pesos (P40,000.00) but not
47 more than Eighty Thousand Pesos (P80,000.00) at the discretion of the court.
48

49 If the misuse is committed by a partnership, corporation, association or any juridical entity, the
50 partner, president, director, manager, trustee, estate administrator or officer who consents to or
51 knowingly tolerates such misuse shall be held criminally liable as a co-principal. If the person convicted is
52 a foreigner, he or she may be ordered deported and blacklisted after serving his or her sentence.
53

54 In addition, the court may order the forfeiture in favour of the PRC of any proceeds, or property
55 or assets upon which an emblem, designation, design, wording or sign was used directly or indirectly in
56 violation of this Act, including any identity cards, insignia or uniforms used in connection therewith.
57

1 **SEC. 13 Interim Measures.** – The DND, the DTI and the DOH shall take the necessary interim
2 measures such as order the seizure of objects and materials marked in violation of this Act, demand the
3 removal of the Red Cross, Red Crescent or the Red Crystal emblem or the words “Red Cross,” “Red
4 Crescent,” or “Red Crystal”, or their translation in any official language and dialect at the expense of the
5 offender and order the forfeiture or destruction of the instruments used for their reproduction.
6

7 Persons making use of the Red Crystal emblem or of any sign constituting an imitation thereof
8 or the words “Red Crystal” or any translation thereof in any official language and dialect, prior to 8
9 December 2005 shall be permitted to continue such use: *Provided*, That the use shall not be such as
10 would appear, in time of armed conflict, to confer protection under the 1949 Geneva Conventions and
11 their Additional Protocols: *Provided, further*, That such rights were acquired prior to the effectivity of
12 this Act.
13

14 Otherwise, persons making use of the Red Cross, the Red Crescent, or the Red Crystal emblem,
15 or the words “Red Cross,” “Red Crescent,” or “Red Crystal”, or their translation in any official language
16 and dialect upon entry into force of this Act, shall voluntarily cease and desist from using the same and
17 withdraw from the market any and all products bearing the same within two (2) months from the
18 promulgation of this Act.
19

20 Objects, materials and products above mentioned shall be disposed of by the PRC accordingly.
21

22 **SEC. 14. Prohibition on the Use and Registration of Tradenames, Trademarks, Etc.** – Trade
23 names, trademarks, service marks, collective marks, other marks of ownership, utility models and
24 industrial designs making use of the emblem of the Red Cross, the Red Crescent, or the Red Crystal
25 emblem, or of the words “Red Cross,” “Red Crescent,” or “Red Crystal” or their translation in any official
26 language and dialect cannot be used or registered.
27

28 **PART 4** 29 **RELATIONSHIP WITH OTHER LAWS** 30

31 **SEC. 15. Relationship with the Constitution.** – This Act shall supplement the Constitution,
32 especially its Bill of Rights, its relevant provisions on international law and human rights and
33 jurisprudence thereon.
34

35 **SEC. 16. Relationship with International Law.** – In the application and interpretation of this
36 statute, the Philippine courts shall be guided by the following instruments and developments in
37 international law:
38

- 39 (a) The 1949 Geneva Conventions I-IV and their 1977 Additional Protocols I and II and the
40 Additional Protocol III;
- 41
- 42 (b) Regulations on the Use of the Emblem of the Red Cross or the Red Crescent by the National
43 Societies, as adopted by the 20th International Conference of the Red Cross, and subsequent
44 amendments;
- 45
- 46 (c) Resolution 1 of the 29th International Conference of the Red Cross and Red Crescent;
- 47
- 48 (d) International criminal law jurisprudence from the international criminal tribunals, especially
49 as may come from the International Criminal Court in the Hague;
- 50
- 51 (e) Relevant and applicable international human rights instruments and jurisprudence, mainly
52 from the United Nations system; and
- 53
- 54 (f) Teachings of the most highly qualified publicists and authoritative commentaries on the
55 foregoing sources as subsidiary means for the determination of rules of law.
56

57 **SEC. 17. Relationship with the Revised Penal Code and Other Relevant Laws.** – The Revised
58 Penal Code shall be supplementary to this statute for purposes of criminal investigation, prosecution and

1 trial of crimes under this Act. For these purposes, in case of conflict, this statute shall prevail over the
2 revised Penal Code. The same relationship with this statute applies to the Civil Code of the Philippines
3 and special laws of a criminal and/or civil nature, such as on matters of civil liability. This Act shall be
4 without prejudice to the application of the Uniform Rules on Administrative Cases in the Civil Service
5 insofar as the administrative liability of a public officer is concerned.
6

7 **SEC. 18. Relationship with the Revised Rules on Criminal Procedure.** – The Revised Rules of
8 Criminal Procedure shall be supplementary to this statute as well as the additional special rules of criminal
9 procedures as may be formulated by the Supreme Court for the investigation, prosecution and trial of
10 crimes under this statute.
11

12 **SEC. 19. Relationship with the Intellectual Property Code, the Corporation Code and the**
13 **Department of Trade and Industry’s Rules and Regulations.** – The Intellectual Property Code, the
14 Corporation Code and the DTI’s rules and regulations shall be supplementary to this statute for purposes of
15 registration of partnerships, corporations, associations and other juridical entities; and tradenames,
16 trademarks, service marks, collective marks, other marks of ownership, utility models and industrial
17 designs making use of the emblem of the Red Cross, the Red Crescent, or the Red Crystal, and of the
18 words “Red Cross,” “Red Crescent,” or “Red Crystal”, or their translation in any official language and
19 dialect under this Act. For these purposes, in case of conflict, this statute shall prevail over the
20 Intellectual Property Code, the Corporation Code and the DTI rules and regulations.
21
22
23

24 **PART 5**
25 **FINAL PROVISIONS**
26

27 **SEC. 20. Implementing Rules and Regulations.** – The DND, the DOH and the DTI, in consultation
28 with the PRC shall adopt the implementing rules and regulations (IRR) within five (5) months after the
29 effectivity of this Act.
30

31 **SEC. 21. Supplementary Effect.** – This Act shall be supplementary to other international humanitarian
32 laws as may be promulgated by Congress.
33

34 **SEC. 22. Separability Clause.** – If, for any reason or reasons, any part or provision of this Act
35 shall be held to be unconstitutional or invalid, other parts or provisions hereof which are not affected
36 thereby shall continue to be in full force and effect.
37

38 **SEC. 23. Repealing Clause.** – All laws, presidential decrees and issuances, executive orders, rules
39 and regulations or parts thereof inconsistent with the provisions of this Act are hereby repealed and
40 modified accordingly.
41

42 **SEC. 24. Effectivity.** – This Act shall take effect fifteen (15) days after its publication in the
43 Official Gazette or in any newspaper of general circulation.
44
45

46 **Approved,**
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48