

THIRTEENTH CONGRESS OF THE
REPUBLIC OF THE PHILIPPINES
First Regular Session

*04 JUN 30 P10:06

SENATE

RECEIVED BY:

S. No. 683

INTRODUCED BY HON. MANUEL B. VILLAR JR.

EXPLANATORY NOTE

Respect for human rights is acknowledged as a cornerstone of any democratic country in the whole world today. Here in the Philippines, decades of repression and violation of human rights were felt during martial rule wherein thousands of government critics were incarcerated, tortured or even killed. A number of repressive laws found their way into our statute books by virtue of the legislative powers of the Chief Executive under Amendment No. 6 to the 1973 Constitution.

A dawn of hope, however, broke into our troubled lands after the 1986 EDSA Revolution. Respect for human rights was given primacy and was enshrined in the Bill of Rights and the Social Justice provisions of the 1987 Constitution. Corollary to his constitutional provision, most, if not all, of Marcos repressive decree were also removed from our statute books. New laws were enacted to protect and promote respect for human rights in the country such as RA No. 7309 which provides compensation for victims of human rights.

By virtue of Executive Order No. 8, the Commission on Human Rights (CHR) was created to ensure the protection and promotion of respect for human rights through continuous human rights education, prosecution of human rights violators and compliance of the government with Universal Declaration of Human Rights and other international human rights covenants and agreements. Executive Order No. 27 was also issued on July 24, 1986 which provides, among others, human rights education in elementary and secondary schools.

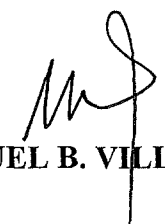
Despite our significant gains in transforming human rights into legal and enforceable right, human rights violations continue in the Philippines today. One has only to go through his daily newspapers to know that a large number of summary executions, torture, arbitrary detentions, bombings, forced evacuations and food blockades continue to occur in our country.

Many law enforcers have been accused of demonstrating their gross disrespect for human rights and non-observance of due process in the arrest and detention of suspects and in the extraction of forced confessions during tactical interrogation and/or custodial investigation. Reports of extra judicial killings in the guise of shootout between elements of law enforcement agencies and suspected criminals continue to filter in the news.

For law enforcers to understand, appreciate and respect the rights of others, human rights education is a must. This Bill, therefore, aims to ensure that officers, members and prospective members of law enforcement agencies be given at least a working knowledge of due process of law and human rights.

It is the hope of this Bill that with the protection and promotion of human rights enshrined in our laws, the continuing education of our law enforcers on human rights will contribute to the decline in the incidence of human rights violations and promote respect for the rights of others and the rule of law in our country.

The passage of this Bill is earnestly sought.


MANUEL B. VILLAR, JR.

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AN ACT PROVIDING FOR A MANDATORY COURSE IN HUMAN RIGHTS FOR ALL OFFICERS, MEMBERS AND TRAINEES OF THE ARMED FORCES OF THE PHILIPPINES (AFP), THE PHILIPPINE NATIONAL POLICE (PNP), THE NATIONAL BUREAU OF INVESTIGATION (NBI), AND OTHER LAW ENFORCEMENT AGENCIES AND FOR OTHER PURPOSES

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

SECTION 1. The Armed Forces of the Philippines (AFP), the Philippine National Police (PNP), the National Bureau of Investigation (NBI), the Bureau of Jail Management and Penology (BJMP), the Bureau of Corrections (BuCor), and other law enforcement agencies shall include the study of human rights as an integral part of the education and training of all trainees/prospective members of such agencies.

SEC. 2. No trainee and/or prospective member of the AFP, PNP, NBI, BJMP, BuCor and other law enforcement agencies shall be admitted into the service without passing a comprehensive examination on human rights to be administered by the Commission on Human Rights (CHR).

SEC. 3. All officers and men of the AFP, PNP, NBI, BJMP, BuCor and other law enforcement agencies shall likewise undergo a training course on human rights under the direct supervision of the CHR, giving priority to those units involved in counter-insurgency operations, national defense, intelligence work and those involved in the maintenance of peace and order.

SEC. 4. No officer or member of the AFP, PNP, NBI, BJMP, BuCor and other law enforcement agencies shall be qualified for promotion without undergoing the required human rights course.

Any law enforcement personnel who commits an offense involving human rights shall, after serving the prescribed penalty, go through a retraining on human rights before he is admitted back to the service.

SEC. 5. A regular course on human rights shall be included in the curricula of the Philippine Military Academy (PMA), Philippine Public Safety College (PPSC), Philippine National Police Academy (PNPA), Local Government Academy (LGA) and other police, military training institutions/facilities.

SEC. 6. In the formulation and creation of the course or subjects on human rights, the writing, printing and publication of textbooks, manuals and other reading/audiovisual materials relative thereto, the government agency concerned shall consult, coordinate and collaborate with CHR, the Commission on Higher Education (CHED), human rights NGOs and POs duly recognized and accredited by the government collectively, and shall at all times emphasize the principles of human rights as they relate to practical conditions, and the laws and rules governing the same.

SEC. 7. No textbook, manual or other reading/audiovisual materials shall be used in the above courses in human rights without prior consultation and coordination with CHR, CHED, human rights NGOs and POs duly recognized and accredited by the government.

SEC. 8. The CHR, human rights NGOs and POs duly recognized and accredited by the government shall provide resource persons, materials and other necessary assistance to the different agencies concerned in the implementation of this Act.

SEC. 9. The AFP, PNP, NBI, BJMP, BuCor, PMA, PPSC and LGA and other law enforcement agencies and training institutions/facilities concerned shall submit in due form to the CHR an annual report of those who have successfully completed the required course on human rights.

SEC. 10. The CHR shall maintain a roster of all those who have successfully completed the required course on human rights.

SEC. 11. Failure to take or complete the required course on human rights on the part of a law enforcer shall be considered an aggravating circumstance if she/he is charged with a human rights violation case.

SEC. 12. Such amounts as may be necessary for the implementation of this Act shall be included in the budgets of the CHR and other concerned government agencies in the General Appropriations Act of the year following its enactment into law and every year thereafter.

SEC. 13. The CHR, in consultation, coordination and collaboration with the Department of Justice (DOJ), the Department of the Interior and Local Government (DILG) and the Department of National Defense (DND), human rights NGOs and POs duly recognized and accredited by the government, shall prepare the implementing rules and regulations necessary to carry out the provisions of this Act.

SEC. 14. A monitoring group shall be tasked to periodically monitor and check compliance with this Act. Aside from the representative of the CHR, the members of this monitoring group shall be composed of:

- (a) One (1) representative from the law enforcement agencies;
- (b) Six (6) representatives appointed by the President from among the human rights NGOs and POs duly recognized and accredited by the government; and
- (c) One (1) representative each from the secretariat of the respective human rights committees of both Houses of Congress.

The head of this group shall be appointed by the President from among the representatives of human rights NGOs and POs duly recognized and accredited by the government mentioned in Subsection b thereof.

SEC. 15. All laws or any part thereof, inconsistent herewith are deemed repealed, amended or modified accordingly.

SEC. 16. This Act shall take effect fifteen (15) days upon its publication in at least two (2) newspapers of national circulation.

Approved,