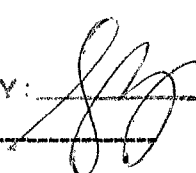


THIRTEENTH CONGRESS OF THE REPUBLIC
 OF THE PHILIPPINES
 First Regular Session

'04 JUN 30 P10:43

SENATE 1177
 S. No. _____

RECEIVED BY: _____



Introduced by Senator Magsaysay, Jr.

EXPLANATORY NOTE

Social justice and human rights are the cornerstones of the 1987 Philippine Constitution. Impressed in the fundamental law is the tenet, "[t]he Congress shall give highest priority to the enactment of measures that protect and enhance the right of all the people to human dignity, reduce social, economic, and political inequalities, and remove cultural inequities by equitably diffusing wealth and political power for the common good." (Article XIII, Section 1). The said provision is complemented by the mandate that the adoption of appropriate legal measures for the protection of human rights of all persons within the Philippines is of premier significance. Apropos to the same is the due recognition accorded to human rights when the supreme law of the land expressly created an independent office called the "Commission on Human Rights."

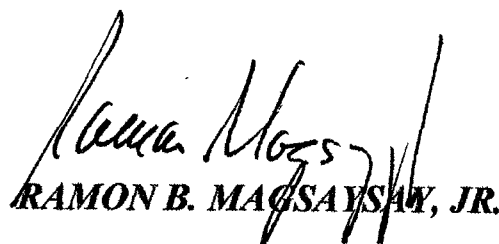
Events in the past have focused on the so-called "salvaging of suspected criminal elements." This practice of "summary extrajudicial execution" by members of the police force and other law enforcement agencies of persons perceived by them to be notorious criminals, has been going on for so long a time and it seems to be a part of the standard operating procedures of these law enforcers.

As a democratic state, ours is supposed to be a government of laws and thus, the right to due process guaranteed under the Constitution must be upheld and enforced at all times.

This bill, therefore, seeks to define the liability of the department heads of the agencies concerned for acts committed by their subordinates. Accordingly, where gross violations of human rights are committed by law enforcers, their superiors, extending up to the level of department head, shall be jointly liable with the offending officers for purposes of criminal prosecution.

In applying the principle of command responsibility, the burden must rest on these superiors to prove that they have taken conscientious measures to prevent such violations of human rights. It is believed that where such principle of command responsibility is impressed upon the minds of the heads of these various law enforcement agencies of government, hopefully the summary executions of citizens will be greatly minimized, if not totally avoided.

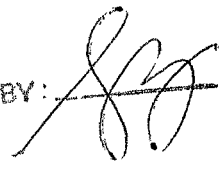
The immediate approval of this measure is earnestly sought.


RAMON B. MAGSAYSAY, JR.

SECRETARY

04 JUN 30 P10:43

SENATE
S.No. 1177

RECEIVED BY: 

Introduced By Senator Magsaysay, Jr.

**AN ACT
DEFINING THE LIABILITY OF HEADS OF DEPARTMENTS CONCERNED FOR
GROSS VIOLATIONS OF HUMAN RIGHTS COMMITTED BY MEMBERS OF
THE PHILIPPINE NATIONAL POLICE OR OTHER LAW ENFORCEMENT
AGENCIES**

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

SECTION 1. It is a declared policy of the State that law enforcement officers must be demonstrably sensitive to and respectful of the human rights of citizens and that the heads of such agencies must take every precaution to prevent such violations which pit the powers of the State against defenseless citizens. This is especially true of extra-judicial executions entailing the use of stealth and overwhelming force. In applying the principle of command responsibility, the burden must rest on the heads of departments concerned to show that they have taken conscientious measures to prevent such violations and breakdowns of discipline.

SEC. 2. In cases where gross violations of human rights are committed by members of the Philippine National Police (PNP) or other law enforcement agencies, the principle of command responsibility shall apply.

SEC. 3. Accordingly the superiors of the offenders, extending to the level of the heads of department concerned shall be held jointly liable with the offending officers for purposes of criminal prosecution.

SEC. 4. Material witnesses as may be determined by the prosecutor or the court, shall be placed immediately and without further proceedings under the Witness Protection Program of the Government.

SEC. 5. All laws, decrees, orders, rules and regulations, or parts thereof which are inconsistent with any provision of this Act are hereby deemed repealed or amended accordingly.

SEC. 6. This Act shall take effect fifteen (15) days after its complete publication in the *Official Gazette* or in at least two (2) newspapers of general circulation, whichever comes earlier.

Approved,