

THIRTEENTH CONGRESS OF THE REPUBLIC)
OF THE PHILIPPINES)
First Regular Session)

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SENATE
S.B. No. 1622

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Introduced by Senator Miriam Defensor Santiago

EXPLANATORY NOTE

The Constitution, Article 3, Section 19(2) provides:

The employment of physical, psychological, or degrading punishment against any prisoner or detainee, or the use of substandard or inadequate penal facilities under subhuman conditions shall be dealt with by law.

Torture is the strategic use of pain to destroy both individuals and society. The effects of torture are long term. Those effects, in fact, can last a lifetime for the survivors and affect future generations.

Torture victims remain under physical and psychological threats, especially in communities where the perpetrators are not brought to justice. In many instances, even those who treat torture victims are threatened with reprisals, including torture, for carrying out their ethical duties to provide care.

Both the survivors of torture and their treatment providers deserve protection from further repression. Hence, this bill seeks to provide a comprehensive program of support for victims of torture.

Miriam Defensor Santiago
MIRIAM DEFENSOR SANTIAGO

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AN ACT
PROVIDING A COMPREHENSIVE PROGRAM OF SUPPORT
FOR VICTIMS OF TORTURE

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 ‘Comprehensive Torture Victims Relief Act.’”

SECTION 2. *Definition.* – As used in this Act,

(1) TORTURE – the term ‘torture’ means the employment of physical, psychological, or degrading punishment against person or, with respect to any prisoner or detainee, the use of substandard or inadequate penal facilities under sub-human conditions. Torture also includes the use of rape and other forms of sexual violence by a person acting under the color of law upon another person under his custody or physical control.

(2) TO RETURN INVOLUNTARILY – the term ‘to return involuntarily’, in the case of an individual in any locale, means the following:

(A) To return the individual without the individual’s consent, whether or not the return is induced by physical force.

(B) To take an action by which it is reasonably foreseeable that the individual will be returned, whether or not the return is induced by physical force.

SECTION 3. *Prohibition on involuntary return of persons fearing subjection to*

torture. – With respect to foreigners or non-Filipino citizens, the Philippines shall not expel, extradite, or return involuntarily an individual to a country if there is substantial evidence of circumstances that would lead a reasonable person to believe that the individual would fear subjection to torture.

SECTION 4. *Assistance for treatment of torture victims* – The Secretary may provide grants to programs adopted in each regional domestic treatment center, in order to cover the cost of the following services:

(1) Services for the rehabilitation of victims of torture, including treatment of the physical and psychological effects of torture.

(2) Social and legal services for victims of torture.

(3) Research and training for health care providers outside of treatment centers or programs for the purpose of enabling such providers to provide the services described in subparagraph (1).

SECTION 5. *Funding.* – Of the amounts authorized to be appropriated for the Department of Health for each fiscal year, there is authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act (relating to assistance for domestic centers and programs for the treatment of victims of torture). Amounts appropriated pursuant to this section shall remain available until expended. The same funds shall also be used:

(1) to find new ways to support and protect treatment centers and programs that are carrying out rehabilitative services for victims of torture; and

(2) to encourage the development of new such centers and programs.

SECTION 6. *Separability Clause.* - If any provision or part thereof, is held invalid or unconstitutional, the remainder of the law of the provision not otherwise affected shall remain valid and subsisting.

SECTION 7. *Repealing Clause.* – Any law, presidential decree or issuance, executive order, letter of instruction, administrative order, rule, or regulation contrary to, or inconsistent with, the provisions of this Act is hereby repealed, modified, or amended accordingly.

SECTION 8. *Effectivity Clause.* – This Act shall take effect fifteen (15) days after its publication in at least two (2) newspapers of general circulation.

Approved,