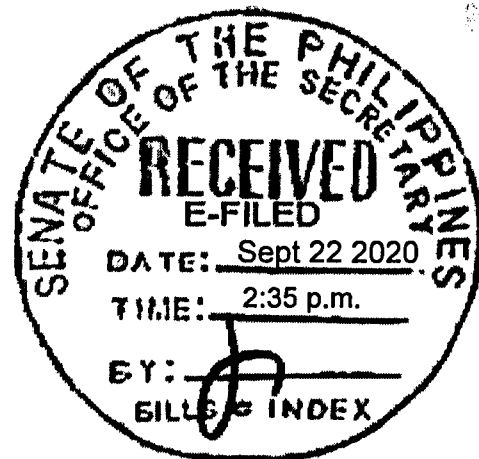


EIGHTEENTH CONGRESS OF THE)
REPUBLIC OF THE PHILIPPINES)
Second Regular Session)



SENATE

S. No. 1842

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

**AN ACT
DEFINING AND CRIMINALIZING EXTRAJUDICIAL KILLINGS AND
RELATED ACTS, GUARANTEEING STATE OBLIGATION TO
EFFECTIVELY INVESTIGATE EXTRAJUDICIAL KILLINGS AND
ENSURE DOCUMENTATION THEREOF, PROVIDING FOR
REPARATION FOR VICTIMS OF EXTRAJUDICIAL KILLINGS, AND
APPROPRIATING FUNDS THEREFOR AND FOR OTHER PURPOSES**

EXPLANATORY NOTE

He said let there be blood, and blood flowed and flooded over the lands.

A horror story passed on from one ear to another – only through whispers, lest they become the next casualty. Almost too silent that the stories started sounding more like a legend – but not one bit less real, not one bit less virulent. It was a story that kept being retold as mothers continued to bury their children, as widows and orphans multiplied by the thousands. It is almost unreal that it is harrowing – so unsettling, when you realize how all these lives ravaged and terrors sown escalated at an unprecedented rate within only more than halfway through the term of one President.

“Papatayin ko kayong lahat...” – the chilling words that echoed through his campaign rhetorics. Perhaps the most vivid foreshadowing of the blood that will be paid as a ransom for the egregious fixation and horrifying fetish of a man who rose to power on a singular promise of emerging triumphant in a war he declared. A war that has cheapened the cost of human life, that has reduced universally protected human rights and liberties into a political discussion, into speeches said in jest on podiums – eerily to drown the cries for mercy and justice. Who would have thought that he

meant it, truly meant it – a foreboding warning of a Presidential term that will be characterized by widespread extrajudicial killings and a rise in the climate of impunity.¹

But the world has watched since Day 1 – from the first bloodied body laid near the shanties only hours after the first State of the Nation Address of President Duterte where he hit the gas pedal on his drug war. They have witnessed how it has become so easy to pull the trigger and shoot away – shoot until the promise turned into ashes in the mouths of those who he promised he would protect. Their eyes remained fixed on the images that played over and over, how the 17-year-old student who dreamt of a better life dropped with shattered dreams to the cold pavement, as evidence was planted in his hand by his very murderers.² And as the bodies piled up by the thousands in morgues, the more brazenly the killings were made – that the number of extrajudicial killings that have transpired since, continued to swell.

In 2019, the Philippine National Police (PNP) reported that 5,526 suspects were killed in police operations from July 1, 2016 to June 30, 2019. However, this number “does not include the thousands more whom unidentified gunmen killed in cases that the police do not seriously investigate, pushing the death toll to as high as 27,000 according to estimates by domestic human rights groups.”³ Those on the ground would tell you that it is much higher – so high that the morgues already lost count, so high that even news outlets covered less and less of what so ominously turned into a commonplace, a daily occurrence that seemed to no longer warrant a place on the headlines; a twisted new normal under this administration.

Four years since the promise to win the drug war in three to six months was made – the promise remains unfulfilled, but the killings still persist, the air is still pervaded by the stench of cold blood, and the streets still are the playground of trigger-happy villains who slay without end. The killings have remained unabated that not even a global pandemic, the worst in recent memory, halted the bloodlust. As Filipinos grappled to survive the world’s longest quarantine, the killers roamed

¹ Deutsche Welle. (07 July 2020) *Duterte's four years in power — extrajudicial killings, rights abuses and terror*. Retrieved from: <https://www.dw.com/en/dutertes-four-years-in-power-extrajudicial-killings-rights-abuses-and-terror/a-54082293>

² Cayabyab, M. (20 March 2018). *Witness bares Kian's ordeal before court*. The Philippine Star. Retrieved from: <https://www.philstar.com/nation/2018/03/20/1798402/witness-bares-kians-ordeal-court>

³ Human Rights Watch. (2020) *World Report 2020: Philippines*. Retrieved from: <https://www.philrights.org/the-killing-state-a-legacy-of-violence/>

more freely – unchecked, without legal ramifications, and with even more impunity. While the people stayed in their homes as they were told, the bloodshed lingered like a virus so potent that the killings rose to by half.

No less than official data that emanated from the Philippine Drug Enforcement Agency (PDEA) would reveal how, in the midst of a pandemic, the killings became even more malignant that “the police killed 50 percent more people between April to July 2020 than they did in the previous four-month period.”⁴ As life was put on a grinding halt by the health crisis, as the Filipinos endured the vicious blows of the protocols and lockdowns – abrupt loss of work, crushed dreams and unpaid rents and mortgages – President Duterte’s stewardship “has been punctuated by what rights advocates call a chilling disregard for the poor and the persecuted.”⁵

On the early morning of August 10, 2020, while the rest of the country quietly and fearfully retired to their beds to sleep, Randall Echanis, National Democratic Front of the Philippines (NDFP) peace consultant, was sliced and cut, and hit to the head until his body could no longer bear the torture in his home in Quezon City⁶, then placed under Modified Enhanced Community Quarantine (MECQ) like the rest of the National Capital Region. Public outrage called for justice – at a time when people are prevented by protocols to leave their homes and gather. A week later, Zara Alvarez, a legal worker for the human rights group Karaptan was shot fatally in the island of Negros, just a little over a year after she went to the Supreme Court asking for protective writs of *amparo* and *habeas data*. She was murdered before the High Court could give the protection she begged for, she died before she was able to testify on the vile red-tagging of the government against her and her fellow activists.⁷ As rightly already observed, they shared similar backgrounds – “both worked in leftist, grassroots organizations that authorities linked to the communist insurgency.”⁸ Both

⁴ Conde, C. (08 September 2020). *Killings in Philippines Up 50 Percent During Pandemic*. Human Rights Watch. Retrieved from: <https://www.hrw.org/news/2020/09/08/killings-philippines-50-percent-during-pandemic>

⁵ Aspinwall, N. (03 April 2020). “*The Philippines’ Coronavirus Lockdown Is Becoming a Crackdown*.” The Diplomat. Retrieved from: <https://thediplomat.com/2020/04/the-philippines-coronavirus-lockdown-is-becoming-a-crackdown/>

⁶ Gonzales, C. (21 August 2020) *NDFP’s Echanis tortured to death, says CHR*. Inquirer. Retrieved from: <https://newsinfo.inquirer.net/1325148/ndfps-echanis-tortured-to-death-says-chr>

⁷ Buan, L. (20 August 2020) *Zara Alvarez asked for protection, but she died before the court could give it*. Rappler. Retrieved from: <https://rappler.com/nation/zara-alvarez-petition-writ-amparo-habeas-data-court>

⁸ Robertson, P. (18 August 2020). *Two More Philippine Activists Murdered*. Human Rights Watch. Retrieved from: <https://www.hrw.org/news/2020/08/18/two-more-philippine-activists-murdered>

subjected to red-tagging, both recorded and then subsequently removed from the Department of Justice's terrorist list, both eventually slaughtered so conveniently at a time when the people are overwhelmed from the burdens casted by the pandemic. It's as if the health crisis was used as a scheme to continue to perpetuate the brutal crackdown on activists and environmental defenders, on those who dared to speak truth to power – an instrument to silence opposition and dissent.

The hunt down and the killings did not let up even as the virus made the world stop turning, even after the European Parliament adopted on April 19, 2018, a resolution which “strongly condemns the high number of extrajudicial killings”, expressing “grave concern” over reports that the PNP is “falsifying evidence to justify extrajudicial killings”, and calling on the Philippines to “put at an immediate end to the extrajudicial killings in the pretext of a ‘war on drugs’”⁹ – a resolution which elicited no action on the part of the Philippine government for more than two (2) years that the EU Parliament adopted another resolution recently on September 17, 2020, which said that “given the seriousness of the human rights violations in the country, calls on the European Commission, in the absence of any substantial improvement and willingness to cooperate on the part of the Philippine authorities, to immediately initiate the procedure which could lead to the temporary withdrawal of GSP+ preferences.”¹⁰

Truly, the human rights situation in the Philippines has not only persisted, but aggravated since the first day President Duterte sat in office, and even worse, deteriorated to naught as the country was caught embattled with the pandemic. The virus became more than just a health threat, it turned into a license to kill that perhaps only a legislative vaccine can eliminate.

Extrajudicial Killings or EJKs have no place in a democracy and under the rule of law that puts premium on the right to live unbridled. These egregious assaults against human life and human rights should not be tolerated, much worse encouraged – especially in the Philippines where our noble forefathers have fought long and hard for the nation to enjoy the blessings of democracy and freedom.

⁹ Esmaguél, P. (19 April 2018.) *EU Parliament calls for end to EJKs in Philippines*. Rappler. Retrieved from: <https://rappler.com/nation/eu-parliament-end-extrajudicial-killings-philippines>

¹⁰ Cordero, T. (18 September 2020). *EU Parliament wants to strike down Philippines' zero-tariff export status*. GMA News. Retrieved from: <https://www.gmanetwork.com/news/money/economy/756142/eu-parliament-wants-to-strike-down-philippines-zero-tariff-export-status/story/>

This bill thus aims to end the cycle – to put an end to the undue and disproportionate war where friends and family members are torn away from their loved ones and denied of tomorrows, on the convenient excuse of a strong desire to end an evil. For evil, in whatever form, should not be eradicated with quick triggers against the bodies of those tagged as enemies before the gavel even falls, of those whose innocence can only be overturned with due process.

This bill gives life to our Constitutional obligation to value the dignity of every human person and to guarantee full respect for human rights.¹¹ This State policy was further underscored by the entry of the Philippines to human rights treaties, such as the United Nations Covenant on Civil and Political Rights, and the enactment of laws that advocated for the protection and promotion of human life and human rights. The State's obligation under municipal and international laws to uphold and safeguard human life and human rights have been amplified in these times where bloodshed has become commonplace.

This proposed measure provides for the definition of important terms that would prevent the perpetrators of EJKs from circumventing the law. It not only defines EJK, it likewise imposes punishment not only on state actors, but also upon non-state actors who are equally guilty of committing the atrocious act of extrajudicial killing. It imposes penalties not only upon the principals of the crime, but also upon the accessories thereof.

Gone will be the days where the shot is fired though uncalculated on the flimsy excuse of self-preservation, because this bill requires strict adherence to reasonable use of force in law enforcement operations under the internationally-accepted principles of necessity, proportionality and precaution.

In order to avoid perfunctory case-solving, the bill defines "effective investigation" as "the conduct of an official, *motu proprio*, rigorous, prompt, impartial and most careful scrutiny of the killing using all legal means available aimed at establishing the truth and conducting the investigation, search, arrest, trial, and punishment of all masterminds and actual perpetrators of the crimes, especially when State officials are or may be involved." Under the bill, for the investigation to

¹¹ Article II, Section 11; The Philippine Constitution.

be effective, it is essential that the persons in charge of such investigation be independent, *de jure* and *de facto*, of the ones involved in the case – requiring not only hierarchical or institutional independence, but also actual independence. This measure also mandates that State officials who have authority to investigate extrajudicial killings must be rigorously trained on effective investigation to come up with science-based, objective assessment of the incident, guided by the UN Manual on the Effective Prevention and Investigation of Extra-Legal, Arbitrary and Summary Executions, free from interference from the officials involved, and must be provided with the necessary equipment, technology and protection to perform this duty.

One of the most salient provisions is the section that provides for a *prima facie* case for arbitrary deprivation of life and presumption of liability. This provision would be a powerful deterrent that would make the perpetrators of EJKs think twice before pulling the trigger because they could no longer hide behind the flimsy excuse of impulse.

This bill also lays down the rights of all victims of EJKs, their relatives, lawyers or human rights organizations, to access to information from any State agencies relating to all circumstances surrounding the incident of extrajudicial killing – which they are so easily deprived of because of the culture of impunity. It also grants persons deprived of liberty (PDLs) the absolute right to have immediate access to any form of communication available in order for him or her to inform his or her family, relative, friend, lawyer or any human rights organization on his or her whereabouts and condition. Filing of complaints will also be within reach through this bill because it mandates both the Commission on Human Rights (CHR) and the Public Attorney's Office (PAO) to render legal assistance in the investigation and monitoring and/or filing of the complaint for a person who is a victim of extrajudicial killing, or for any interested party thereto. To prevent instances where death befalls even before the protection sought is granted, this bill mandates that all proceedings pertaining to the issuance of writs of *habeas corpus*, *amparo*, and *habeas data* shall be dispensed with expeditiously.

Among the prohibitions under this piece of legislation are secret detention places, solitary confinement, incommunicado or other similar forms of detention,

where extrajudicial killing may be carried out with impunity. Also outlawed under this bill are State-sponsored armed groups outside of the official and legally mandated hierarchy of law enforcement and military agencies as mandated by the Constitution.

State protection shall be afforded to ensure the safety of all persons involved in the search, investigation, prosecution and adjudication of EJKs, including but not limited to, the victims, their families, complainants, witnesses, legal counsel, representatives of human rights organizations and media. They shall likewise be protected from any intimidation or reprisal. The State shall also assist victims and their families, lawyers, and human rights advocates involved in cases of extrajudicial killings in gaining admission to witness protection programs, including but not limited to the Witness Protection, Security and Benefit Act, sanctuaries, and other such aid as may be provided by nongovernmental organizations and religious organizations.

This measure eradicates the scenario of uniformed men escaping accountability by the convenient excuse of official capacity – for the bill states that “[i]n no case shall performance in the exercise of official capacity exempt a person from criminal responsibility or constitute a ground for reduction of sentence.” Superiors whose badges and ranks have perpetually shielded them from accountability shall also be made criminally responsible as a principal for such crimes committed by subordinates, including non-State actors, where, whether deliberately or through negligence, a) either knew or should have known that the subordinate or non-State actors have committed, is committing or about to commit such crimes; or b) failed to take all necessary, legitimate and reasonable measures to prevent or repress their commission or to submit the matter to the competent authorities for investigation and prosecution or take preventive or corrective action; or c) superior promulgated a policy, order, rule, regulation or other directives, express or implied, directing or enabling the commission of prohibited acts under this measure. In the same vein, subordinates can no longer walk unscathed by merely raising the defense of following the order from his/her superior – for no order that is unlawful deserves to be credited a free pass.

It also embodies the long arm of the law, in that an investigation, trial and decision in any Philippines court, or body for any violation of this Act shall be without prejudice to any investigation, trial, decision or any other legal or administrative process before any appropriate international court or agency under applicable international human rights and humanitarian law. It also excludes persons who are charged with and/or guilty of the act of extrajudicial killing from benefitting from any special amnesty law or other similar executive measures that shall exempt them from any penal proceedings or sanctions.

A Human Rights Violations Victims Fund shall also be created, where the victim or his/her legal heirs shall have the right to claim compensation from – for crimes committed against the victim's life, rights and dignity. Compensation and reparation which, though could no longer bring life unduly taken back, could at least help the victims and their families to heal and move on from the trauma and the pain. In order that the victims may be effectively reintegrated into the mainstream of society and in the process of development, the State, through the CHR, in coordination with the Department of Health (DOH), the Department of Social Welfare and Development (DSWD) and the concerned non-governmental organization/s, shall provide them with non-monetary reparations and appropriate medical care and rehabilitation free of charge.

Justice will be tempered with mercy, through a parallel rehabilitation program for persons who have committed extrajudicial killings shall likewise be implemented by the State – honoring its commitment to attain restorative justice.

This bill will be the light at the end of the seemingly eternal abyss where children are caught between the crossfire, where family members are so brutally slain in the plain view for their loved ones to live with the trauma of constantly being deafened by the gunshots. Human life is so precious that the right thereto should be accorded the utmost protection. It is the intent of this measure to put weight on the lives and dignity of human beings that were hastily sidelined if only to quench the thirst for blood and power of the few.

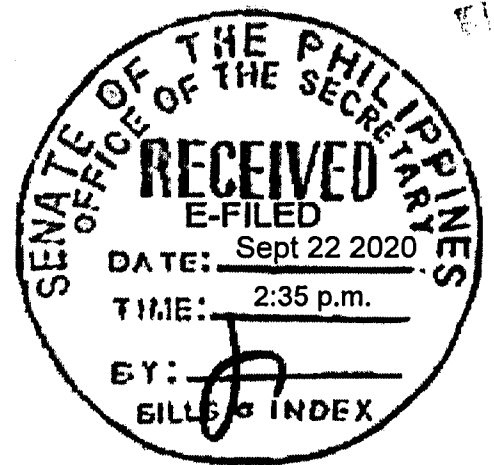
This bill is adopted from the paper of the UP Law Center Institute of Human Rights (UP IHR) under the project entitled "Research on Extra-judicial killing or the

Arbitrary Deprivation of Live, and Formulation of a Bill to Provide Effective Remedy.”

In view of the foregoing, the passage of this measure is earnestly sought.


HEILA M. DE LIMA

EIGHTEENTH CONGRESS OF THE)
REPUBLIC OF THE PHILIPPINES)
Second Regular Session)



SENATE

S. No. 1842

Introduced by SENATOR LEILA M. DE LIMA

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APPROPRIATING FUNDS THEREFOR AND FOR OTHER PURPOSES**

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

CHAPTER I. General Provisions

1
2 SECTION 1. *Short Title.* – This Act shall be known as the “Anti-Extrajudicial
3 Killings Act of 2020”

4 Sec. 2. *Declaration of Policy.* – The Philippines has a solemn obligation under
5 the 1987 Constitution, the United Nations Charter, and other international human
6 rights agreements to respect, promote and protect human rights, primordial of which
7 is the right to life of every Filipino, pursuant to the incorporation clause under
8 Section 2 of Article II of the 1987 Constitution. Section 11 of Article II declares that
9 “[t]he State values the dignity of every human being and guarantees full respect for
10 human rights.”

11 Section 1 of Article III provides that “[n]o person shall be deprived of life,
12 liberty, or property without due process of law, nor shall any person be denied the
13 equal protection of the laws.” Section 2 of said Article states that “[t]he right of the
14 people to be secure in their persons, houses, papers, and effects against
15 unreasonable searches and seizures of whatever nature and for any purpose shall be

1 inviolable.” Further, Section 14(1) of Article III provides that “[n]o person shall be
2 held to answer for a criminal offense without due process of law.”

3 The Philippines acknowledges the grave nature and severity of extrajudicial
4 killings or arbitrary deprivation of life committed by both State and non-State agents,
5 as well as its solemn duty to effectively prevent and investigate arbitrary deprivation
6 of life or extrajudicial killings in conformity with international standards of objective,
7 accurate and independent investigation, including the Revised UN Principles on the
8 Effective Prevention and Investigation of Extra-Legal, Arbitrary and Summary
9 Executions, or the Minnesota Protocol. It is also the obligation of the Philippines to
10 ensure the right to an effective remedy in cases of violations of grave human rights
11 consistent with existing international law and human rights instruments under
12 Article 8 of the Universal Declaration of Human Rights, Article 6 of the International
13 Covenant on Civil and Political Rights and the Basic Principles and Guidelines on the
14 Right to a Remedy and Reparation for Victims of Gross Violations of International
15 Human Rights Law and Serious Violations of International Humanitarian Law.

16 Consistent with the foregoing, it is hereby declared that it is the policy of the
17 State to condemn and hereby outlaw extrajudicial killings in the Philippines,
18 implement the corresponding duty of the State to ensure the right to access to justice,
19 provide the necessary reparations to the victims of these acts, and institute measures
20 to prevent its occurrence. The families of the victims undergo untold emotional,
21 psychological, and financial suffering as a result of these acts. Such reparations
22 include, but are not limited to, financial and psychosocial aid. Further, it is the
23 obligation of the State to acknowledge and answer for the suffering of the victims and
24 their families whose rights were impaired and affected by these extrajudicial killings.

25 *Sec. 3. Interpretation of this Act.* – Unless otherwise provided, nothing in this
26 Act shall be construed as precluding provisions in existing Philippine laws,
27 international human rights laws and related instruments, and international
28 humanitarian laws that are more promotive of human rights and the preservation
29 and protection of the right to life.

30 *Sec. 4. Definition of Terms:*

1 a) *“Effective command, authority, control or hierarchical*
2 *authority”* means having the material ability to prevent
3 and/or punish the commission of offenses by subordinates.

4 b) *“Effective investigation”* refers to the conduct of an official,
5 *motu proprio*, rigorous, prompt, impartial and most careful
6 scrutiny of the killing using all legal means available aimed at
7 establishing the truth and conducting the investigation,
8 search, arrest, trial, and punishment of all masterminds and
9 actual perpetrators of the crimes, especially when State
10 officials are or may be involved. All investigations must also
11 inquire into the necessity of the use of force utilized by the
12 perpetrators involved in the extrajudicial killing, regardless of
13 the stages of commission of the act, to determine the
14 corresponding accountabilities. For the investigation to be
15 effective, it is essential that the persons in charge of such
16 investigation be independent, *de jure*, and *de facto*, of the
17 ones involved in the case. This requires not only hierarchical
18 or institutional independence, but also actual independence.
19 The methods, processes and findings of the investigation
20 should be made available to the public, without exception.

21 c) *“Extrajudicial killing”* is the unlawful or arbitrary killing or
22 arbitrary deprivation of life committed by State agents or non-
23 State actors, who are acting under actual or apparent
24 authority, or color of law, or upon the instruction of, or under
25 the direction or control of, or by policy, order or behest of, the
26 State in carrying out the conduct, or with the complicity,
27 tolerance, connivance, acknowledgment, adoption, ratification
28 or acquiescence of the State, or carried out without judicial
29 process, or without the benefit of full due process guarantees.
30 It shall include extrajudicial killings perpetrated by non-State
31 actors for the purpose of carrying out on their own or in the
32 context of vigilantism a campaign or policy of the State. It
33 shall also include the failure of relevant State bodies or

1 agencies to conduct effective investigation into a killing or
2 arbitrary deprivation of life to determine the accountable
3 persons and/or bring about justice to the victims. It shall refer
4 to all acts or omissions by the State that result in the failure to
5 preserve, respect and protect the non-derogable right to life
6 under the Universal Declaration of Human Rights, the United
7 Nations Covenant on Civil and Political Rights, and similar
8 other human rights treaties to which the Philippines is a State
9 party, the 1987 Constitution, as well as under the Minnesota
10 Protocol.

- 11 d) "*Non-State actors*" refer to individuals or groups who, not
12 being State agents, commit extrajudicial killings under the
13 express or implied consent, control, direction or order of State
14 agents.

15 These include paramilitary groups, private armed groups
16 and death squads.

- 17 e) "*Victim*" refers to a person or individual who has suffered
18 harm as a direct result of the commission of acts which
19 constitute an extrajudicial killing as defined in letter (a) of this
20 Section. It shall include the family or relatives or common-law
21 spouse of the deceased victim.

- 22 f) "*Reparations*" consist of financial compensation,
23 psychological aid, and other appropriate remedies to be
24 provided under this Act, should there be a finding that an
25 extrajudicial killing did occur.

- 26 g) "*State agents*" refer to persons who, by direct provision of the
27 law, popular election or appointment by competent authority,
28 shall take part in the performance of public functions in the
29 government, or shall perform in the government or in any of
30 its branches public duties as an employee, agent or
31 subordinate official, of any rank or class. It shall also refer to

1 paramilitary forces, vigilante groups, death squads, private
2 armies and other armed groups operating outside the strict
3 hierarchy or levels of authority or chain of command of the
4 State but with official support, tolerance or acquiescence from
5 the State or any of its instrumentalities.

6 h) "*Superior*" pertains to an individual who exercises effective
7 command, authority, control or hierarchical authority over the
8 person who committed the act. Such authority may be *de jure*
9 or *de facto*. It includes (1) a military commander or a person
10 effectively acting as a military commander; or (2) any other
11 superior, in as much as the crimes arose from activities within
12 the effective authority and control of that superior.

13 **CHAPTER II. Prohibited Acts, Penalties and Non-Prescription of Crime**

14 *Sec. 5 Non-derogability of the Right to Life and Absolute Prohibition of*
15 *Extrajudicial Killings.* – The right to life cannot be restricted under any
16 circumstance and the fundamental safeguards for the prevention of extrajudicial
17 killings shall not be suspended under any circumstance including political
18 instability, threat of war, state of war, state of calamity, state of emergency, or other
19 public emergencies.

20 *Sec. 6. Prohibited Acts.* - It shall be prohibited for any State or non-State actor
21 to commit acts of extrajudicial killings as defined under this Act. Principals and
22 accessories to the crime are also to be held liable under this Act, and the Revised
23 Penal Code shall find suppletory application to determine the length of
24 imprisonment and accessory penalties. However, they shall also suffer perpetual
25 absolute disqualification from public office and employment, and shall be deprived
26 of the right to vote and be voted for in any national or local election, even after the
27 service of sentence.

28 *Sec. 7. Principals in Consummated Extrajudicial Killing.* – The following
29 persons shall be liable as principals to the crime of extrajudicial killing:

30 (a) Those who directly committed the act of extrajudicial killing,
31 whether as an individual, jointly with another person or

1 through another person, regardless whether that other person
2 is criminally liable;

3 (b) Those who directly ordered, solicited, forced, instigated,
4 encouraged or induced others to commit the act of
5 extrajudicial killing;

6 (c) Those who cooperated in the act of extrajudicial killing by
7 committing another act without which the act of extrajudicial
8 killing would not have been consummated;

9 (d) Those officials who allowed the act or abetted in the
10 consummation of extrajudicial killing when their duties and
11 powers, and/or the very nature of the position they hold allow
12 and/or mandate them to stop or uncover the commission
13 thereof; and

14 (e) Those who cooperated in the execution of the act of
15 extrajudicial killing by previous or simultaneous acts.

16 Any superior military, police or law enforcement officer or senior government
17 official, including the Chief Executive, who issued an order to any lower ranking
18 personnel to commit extrajudicial killings, for whatever purpose, shall be held
19 equally liable as principals.

20 The immediate commanding officer of the unit concerned of the AFP or the
21 immediate senior public official of the PNP and other law enforcement agencies shall
22 be held liable as a principal to the crime of extrajudicial killing for any act or
23 omission, or negligence committed by him/her that shall have led, assisted, abetted
24 or allowed, whether directly or indirectly, the commission thereof by his/her
25 subordinates. If he/she has knowledge of or, owing to the circumstances at the time,
26 should have known that acts of extrajudicial killing shall be committed, is being
27 committed, or has been committed by his/her subordinates or by others within
28 his/her area of responsibility and, despite such knowledge, did not take preventive
29 or corrective action either before, during or immediately after its commission, when
30 he/she has the authority to prevent, correct or investigate allegations of extrajudicial

1 killings but failed to prevent, correct or investigate allegations of such act, whether
2 deliberately or due to negligence, shall also be liable as principals.

3 Sec. 8. *Accessories.* - Any person shall be liable as an accessory if he/she has
4 knowledge of the commission of an extrajudicial killing, and without having
5 participated as principal as defined herein, takes part subsequent to its commission
6 in any of the following manner:

7 (a) By himself/herself profiting from or assisting the offender to
8 profit from the effects of the act of extrajudicial killings;

9 (b) By concealing the act of extrajudicial killings and/or destroying
10 the effects or instruments thereof in order to prevent its
11 discovery; or

12 (c) By harboring, concealing or assisting in the escape of the
13 principals in the act of extrajudicial killings; *Provided*, That the
14 accessory's acts are done with the abuse of the official's public
15 functions.

16 Sec. 9. *Penalties.* -

17 (a) In the case of consummated extrajudicial killing, the penalty of
18 *reclusion perpetua* and its accessory penalties, without the benefit of parole, shall be
19 imposed on the principals as defined under Sections 7 and 14 herein.

20 (b) In the case of consummated extrajudicial killing, the penalty of
21 *reclusion temporal* and its accessory penalties shall be imposed on accessories as
22 defined under Section 8 herein.

23 (c) The penalty of *reclusion temporal* and its accessory penalties shall be
24 imposed upon those who shall commit the act of extrajudicial killing in the frustrated
25 stage as provided for and defined under Article 6 of the Revised Penal Code.

26 (d) The penalty of *prision mayor* and its accessory penalties shall be
27 imposed upon those who shall commit the act of extrajudicial killing in the

1 attempted stage as provided for and defined under Article 6 of the Revised Penal
2 Code.

3 (e) The penalty of *prision correccional* and its accessory penalties shall be
4 imposed against persons who defy, ignore or unduly delay compliance with any
5 order duly issued or promulgated pursuant to the writs of *habeas corpus*, *amparo*
6 and *habeas data* or their respective proceedings.

7 (f) The penalty of *arresto mayor* and its accessory penalties shall be
8 imposed against any person who shall violate the provisions of Sections 22, 23, 24,
9 26 and 27 of this Act.

10 In case the act was committed prior to the effectivity of this Act, the Revised
11 Penal Code shall find application in determining the liability of the direct and
12 indirect participants. However, the State shall still supply the appropriate remedies
13 or reparations as may be provided and determined by the claims process provided
14 herein.

15 Sec. 10. *Prima facie case for Arbitrary Deprivation of Life and Presumption*
16 *of Liability.* – There shall be a *prima facie* case for arbitrary deprivation of life and
17 disputable presumption of liability on the part of the Chief Executive, Chief of Police
18 and/or the Commander-in-Chief of the military, and other relevant officers or
19 superiors involved in an incident of extrajudicial killing, as the case may be, where
20 the victim dies while under the custody or protection of the State, or in case of
21 suspicious death at the hands of law enforcement, military or other security
22 operations, or where there is an increase in the number of incidents of extrajudicial
23 killings or executions in the areas under the jurisdiction of the concerned official or
24 official, or where the extrajudicial killings have been repeatedly or regularly
25 committed within his/her area of responsibility or when members of his/her
26 immediate staff or office personnel are involved, or where there is lack of
27 transparency in or non-compliance with the reportorial or documentation
28 procedures or protocols provided under pertinent rules and regulations, or where
29 there is no effective investigation conducted, or where there is no convincing
30 evidence that the perpetrator involved in the killing was acting on his/her own
31 personal interests, or where there is no showing or information on any effective

1 measures undertaken to protect the right to life of the victim or to prevent and
2 refrain from arbitrary deprivation of life, or where there is a definable pattern of
3 extrajudicial killings undertaken in a systematic manner as determined by the
4 Commission on Human Rights based on objective findings and assessment.

5 Sec. 11. *Preventive Suspension.* – State actors charged with violations under
6 this Chapter shall be automatically subjected to preventive suspension for a period of
7 at least six (6) months. During this period, issued firearms and weapons shall be
8 surrendered by the police officer or military personnel concerned.

9 During such period, and throughout the investigation, state actors who
10 willfully obstruct, impede, frustrate or delay the apprehension of suspects or the
11 investigation or prosecution of under this Act, or intrude in a crime scene shall be
12 guilty of Obstruction of Justice. Furthermore, they shall also suffer an additional
13 penalty of perpetual absolute disqualification from public office and a fine of not less
14 than one hundred thousand pesos (P100,000) but not more than one million pesos
15 (P1,000,000) if eventually found guilty of the commission of EJK under this Act.

16 Sec. 12. *Non-prescription.* – The prosecution for extrajudicial killings shall
17 not prescribe.

18 **CHAPTER III. Principles of Strict Chain-of-Command, Criminal Liability** 19 **and Application of Penalties**

20 Sec. 13. *Irrelevance of Official Capacity.* – This Act shall apply equally to all
21 persons without any distinction based on official capacity. In no case shall
22 performance in the exercise of official capacity exempt a person from criminal
23 responsibility or constitute a ground for reduction of sentence.

24 Sec. 14. *Responsibility of Superiors.* – In addition to the grounds of criminal
25 responsibility for crimes defined and penalized under Section 7 herein, a superior
26 shall be criminally responsible as a principal for such crimes committed by
27 subordinates, including non-State actors, where, whether deliberately or through
28 negligence:

- 29 (a) The superior either knew or, owing to the circumstances at the
30 time, should have known that the subordinates or non-State

1 actors, have committed, were committing or were about to
2 commit such crimes; or

3 (b) The superior failed to take all necessary, legitimate and
4 reasonable measures to prevent or repress their commission or
5 to submit the matter to the competent authorities for
6 investigation and prosecution or take preventive or corrective
7 action either before, during or immediately after its commission;
8 or

9 (c) The superior promulgated a policy, order, rule, regulation or
10 other directives, express or implied, directing or enabling the
11 commission of acts in violation of this Act.

12 **Sec. 15. *Orders from a Superior.*** – The prevention of extrajudicial killing is the
13 individual responsibility of every officer or employee of the State, who shall have the
14 right and the duty to refuse to obey any order to participate in such act. The fact that
15 a crime defined and penalized under this Act has been committed by a person
16 pursuant to an order of a superior shall not relieve that person of criminal
17 responsibility unless all of the following elements are present:

18 (a) That an order has been issued by a superior;

19 (b) That such order must be for some lawful purpose;

20 (c) That the subordinate was under a legal obligation to obey
21 orders of the superior in question; and

22 (d) That the means used by the subordinate to carry out such order
23 is lawful, or though unlawful, that the subordinate acted under
24 duress or coercion.

25 **Sec. 16. *Unknown Superior.*** – Where the crimes defined and penalized under
26 this Act have been committed by a person pursuant to an order or command of an
27 unknown superior, any person who in fact directed the others, spoke for them,
28 signed receipts and other documents issued in their name, or who has performed
29 similar acts on behalf of the armed groups shall be deemed the superior.

1 Sec. 17. *Civil Liability.* –The act of extrajudicial killing or arbitrary
2 deprivation of life shall render its perpetrators and the relevant State agencies which
3 directed, organized, acquiesced in or tolerated such killing liable for damages and
4 other remedies.

5 Sec. 18. *Independent Liability.* –The criminal liability of the offender under
6 this Act shall be independent of or without prejudice to the prosecution and
7 conviction of said offender for any violation of Republic Act No. 7438, otherwise
8 known as “An Act Defining Certain Rights of Person Arrested, Detained or Under
9 Custodial Investigation as well as the Duties of the Arresting, Detaining, and
10 Investigating Officers, and Providing Penalties for Violations Thereof; Republic Act
11 No. 9745, otherwise known as “An Act Penalizing Torture and Other Cruel, Inhuman
12 and Degrading Treatment or Punishment, and Prescribing Penalties Therefor”;
13 Republic Act No. 10353, otherwise known as “Anti-Enforced or Involuntary
14 Disappearance Act of 2012”; and applicable provisions of the Revised Penal Code.

15 **CHAPTER IV. Investigation, Inquiry and Prosecution**

16 Sec. 19. *Investigation and Inquiry.* – The Secretary of Justice, in cooperation
17 with the Commission of Human Rights (CHR), shall designate prosecutors or
18 investigators, as the case may be, for cases involving crimes punishable under this
19 Act. All investigations must also inquire into the necessity of the use of force utilized
20 by the perpetrators involved in the extrajudicial killing, regardless of the stages of
21 commission of the act, to determine the corresponding accountabilities. The State
22 shall ensure that prosecutors and investigators designated for purposes of this Act
23 receive effective training and education in human rights.

24 In cases where government complicity is suspected or the expertise of
25 investigators is questioned, and no effective investigation can be conducted, a special
26 commission of inquiry may be established at the instance of the Secretary of Justice
27 or the CHR, in the following cases:

- 28 (a) Where the political views, religious or ethnic affiliation, or social status
29 of the victim can give rise to a suspicion of government involvement or
30 complicity in the death because of any one or combination of the
31 following factors:

1 (i) Where the victim was last seen alive in police custody or
2 detention;

3 (ii) Where the modus operandi is recognizably attributable to
4 government sponsored death squads;

5 (iii) Where persons in the Government or associated with the
6 Government have attempted to obstruct or delay the
7 investigation of the execution; or

8 (iv) Where the physical or testimonial evidence essential to
9 the investigation becomes unavailable.

10 (b) Where a routine investigation is inadequate for the following reasons:

11 (i) The lack of expertise;

12 (ii) The lack of impartiality;

13 (iii) The importance of the matter;

14 (iv) The apparent existence of a pattern of abuse; or

15 (v) Complaints from the family of the victim about the above
16 inadequacies or other substantial reasons.

17 **Sec. 20. *Non-exclusivity or Double Jeopardy Under International Law.* –**
18 **Any investigation, trial and decision in any Philippine court or body for any violation**
19 **of this Act shall be without prejudice to any investigation, trial, decision or any other**
20 **legal or administrative process before any appropriate international court or agency**
21 **under applicable international human rights and humanitarian law.**

22 **Section 21. *Special Amnesty Law Exclusion.* – Persons who are charged with**
23 **and/or guilty of the act of extrajudicial killing shall not benefit from any special**
24 **amnesty law or other similar executive measures that shall exempt them from any**
25 **penal proceedings or sanctions.**

26 **Sec. 22. *Duty to Report Victims of Extrajudicial Killing.* – Any person, not**
27 **being a principal or accessory, who has information of a case of extrajudicial killing**

1 or who shall learn of such information or that a person is a victim of extrajudicial
2 killing, shall immediately report in writing the circumstances and whereabouts of
3 the victim to any office, detachment or division of the Department of the Interior
4 and Local Government (DILG), the Department of National Defense (DND), the
5 Philippine National Police (PNP), the Armed Forces of the Philippines (AFP), the
6 National Bureau of Investigation (NBI), the City or Provincial Prosecutor, the
7 Commission on Human Rights (CHR) or any human rights organization and, if
8 known, the victim's family, relative, or lawyer. The informant and the victims herein
9 shall be provided security and protection from suit pursuant to Section 33.

10 *Sec. 23. Duty to Certify in Writing on the Results of Inquiry into a Reported*
11 *Victim of Extrajudicial Killing and/or Whereabouts.* – In case a family member,
12 relative, lawyer, representative of a human rights organization or a member of the
13 media inquires from a member or official of any police or military detention center,
14 the PNP or any of its agencies, the AFP or any of its agencies, the NBI or any other
15 agency or instrumentality of the government, as well as any hospital or morgue,
16 public or private, on the presence or whereabouts of a reported victim of
17 extrajudicial killing, such member or official or entity shall immediately issue a
18 certification in writing to the inquiring person or entity on the presence or absence,
19 and/or information on the circumstances or whereabouts of such deceased person,
20 stating, among others, in clear and unequivocal manner the date and time of inquiry,
21 details of the inquiry and the response to the inquiry, as well as other files that are
22 relevant to the disappearance of the victim.

23 *Sec. 24. Duty to Effectively Investigate Incidents of Extrajudicial Killing.* –
24 Any inquest or investigating public prosecutor, or any judicial or quasi-judicial
25 official or administrative employee who learns of a case of extrajudicial killing, or
26 before whom a case of extrajudicial killings is submitted, when he/she has the
27 authority to investigate, shall have the duty to immediately investigate allegations of
28 extrajudicial killings *motu proprio* or at the instance of the victim or the victim's
29 immediate family, relatives, lawyer/s, church/es, religious institution/s, sanctuaries
30 or a human rights organization by the most expedient means. Such investigation
31 must also inquire into the necessity of the use of force utilized by the perpetrators
32 involved in the extrajudicial killing, regardless of the stages of commission of the act,
33 to determine the corresponding accountabilities. Failure to investigate allegations of

1 such act, whether deliberately or due to negligence, shall give rise to liability under
2 this Act.

3 **CHAPTER V. Rights of Victims to Effective Remedy and Measures to**
4 **Prevent Extrajudicial Killings**

5 Sec. 25. *Victims of Extrajudicial Killing.* – A “victim” may refer to a deceased
6 person who was killed by persons identified and defined herein, or to the immediate
7 relatives of a victim of extrajudicial killing within the fourth civil degree of
8 consanguinity or affinity.

9 Sec. 26. *Right of Access to Information.* – It shall be the absolute right of any
10 victim of extrajudicial killing, or his/her relatives, lawyers or human rights
11 organizations, to have immediate access to and production of any and all
12 information from any State agencies relating to all circumstances surrounding the
13 incident of extrajudicial killing. Such access cannot be denied on the grounds of
14 national security or public order or other emergency situations.

15 Sec. 27. *Right of Access to Communication.* – It shall be the absolute right of
16 any person deprived of liberty to have immediate access to any form of
17 communication available in order for him or her to inform his or her family, relative,
18 friend, lawyer or any human rights organization on his or her whereabouts and
19 condition.

20 Sec. 28. *Availability of Investigation, Autopsy and Forensics Services.* - In
21 the case of an alleged arbitrary deprivation of life or extrajudicial killing, pertinent
22 government agencies shall accord prompt, effective and relevant services necessary
23 to determine the existence of the crimes and accountability of perpetrators. Private
24 sector services can be availed of, at the expense of the State, should there be any
25 doubt relating to the findings or results of any government investigation, autopsy or
26 forensics.

27 Sec. 29. *Assistance in Filing a Complaint.* – The CHR and the PAO shall
28 render legal assistance in the investigation and monitoring and/or filing of the
29 complaint for a person who is a victim of extrajudicial killing, or for any interested
30 party thereto.

1 The victim or interested party may also seek legal assistance from the
2 Barangay Human Rights Action Center (BHRAC) nearest him/her as well as from
3 human rights non-government organizations (NGOs).

4 **Sec. 30. *Reparation for Victims.*** – The victim or the legal heirs as provided
5 for in the Civil Code of the Philippines, or such other person named by the executor
6 or administrator of the deceased's estate, in that order, shall have the right to claim
7 compensation from the Human Rights Violations Victims Reparations Fund created
8 under this Act, free of tax. They shall also have the right to other forms of reparation
9 and other remedies appropriate under the circumstances. The right to reparation
10 shall arise even if the act complained of occurred before the enactment of the
11 provisions of this Act.

12 The immediate relatives of a deceased victim under this Act may also claim
13 compensation as provided herein.

14 The package of reparations for both the victim and the immediate relatives
15 within the fourth civil degree of consanguinity or affinity shall be without prejudice
16 to other legal remedies that may be available to them.

17 No special power of attorney shall be recognized in the actual disbursement of
18 the award, and only the victim or the afore-stated successor(s)-in-interest shall be
19 entitled to personally receive the compensation awarded herein, unless the victim
20 involved is shown to be incapacitated to the satisfaction of the Board. The reparation
21 received under this Act shall be without prejudice to the receipt of any other sum by
22 the victim from any other person or entity in any case involving violations of human
23 rights as defined in this Act.

24 **Sec. 31. *Rehabilitation of Victims and/or Their Immediate Relatives, and***
25 ***Offenders.*** – In order that the victims of frustrated or attempted extrajudicial
26 killings and/or their immediate relatives within the fourth civil degree of
27 consanguinity or affinity, may be effectively reintegrated into the mainstream of
28 society and in the process of development, the State, through the CHR, in
29 coordination with the Department of Health (DOH), the Department of Social
30 Welfare and Development (DSWD) and the concerned non-governmental

1 organization/s, shall provide them with appropriate medical care and rehabilitation
2 free of charge.

3 Toward the attainment of restorative justice, a parallel rehabilitation program
4 for persons who have committed extrajudicial killings shall likewise be implemented
5 by the State without cost to such offenders.

6 Sec. 32. *Nonmonetary Reparation.* – The Department of Health (DOH), the
7 Department of Social Welfare and Development (DSWD), the Department of
8 Education (DepEd), the Commission on Higher Education (CHED), the Technical
9 Education and Skills Development Authority (TESDA), and such other government
10 agencies shall render the necessary services as nonmonetary reparation for the
11 victims, as may be determined by the Commission on Human Rights, pursuant to
12 the provisions of this Act. The amount necessary for this purpose shall be sourced
13 from the budget of the agency concerned in the annual General Appropriations Act
14 (GAA).

15 Sec. 33. *State Protection.* – The State, through its appropriate agencies, shall
16 ensure the safety of all persons involved in the search, investigation, prosecution and
17 adjudication of extrajudicial killings, including, but not limited to, the victims, their
18 families, complainants, witnesses, legal counsel, representatives of human rights
19 organizations and media. They shall likewise be protected from any intimidation or
20 reprisal. Persons who are subject of death threats and are in danger of extrajudicial
21 killings must be effectively protected by the State.

22 The State shall also assist victims and their families, lawyers, and human
23 rights advocates involved in cases of extrajudicial killings in gaining admission to
24 witness protection programs, including but not limited to the Witness Protection,
25 Security and Benefit Act, sanctuaries, and other such aid as may be provided by
26 nongovernmental organizations and religious organizations.

27 In the course of the investigation, prosecution and adjudication of cases of
28 extrajudicial killings, appropriate protective measures, security arrangements,
29 counselling and assistance for victims, their families, lawyers and witnesses may also
30 be ordered or secured by the prosecutor or the court, which shall be at the expense of
31 the State.

1 Sec. 34. *Immediate Issuance and Compliance of Writs of Habeas Corpus,*
2 *Amparo and Habeas Data.* – All proceedings pertaining to the issuance of writs of
3 *habeas corpus, amparo, and habeas data* shall be dispensed with expeditiously. As
4 such, all courts and other concerned agencies of government shall give priority to
5 such proceedings.

6 Moreover, any order issued or promulgated pursuant to such writs or their
7 respective proceedings shall be executed and complied with immediately.

8 Sec. 35. *Strict Adherence to Reasonable Use of Force.* - The use of force in law
9 enforcement operations must be guided by the principles of necessity,
10 proportionality and precaution as mandated by internationally accepted principles
11 and codes of conduct of law enforcement.

12 Sec. 36. *Prohibition of State-sponsored Armed Groups Outside of Security*
13 *Forces.* - State-sponsored armed groups outside of the official and legally mandated
14 hierarchy of law enforcement and military agencies as mandated by the Constitution
15 is hereby absolutely prohibited.

16 Sec. 37. *No Secret Detention. Immediate Access to Prisoners.* – Secret
17 detention places, solitary confinement, incommunicado or other similar forms of
18 detention, where extrajudicial killing may be carried out with impunity are hereby
19 prohibited. In case of knowledge of such, the Commission of Human Rights (CHR)
20 shall be given immediate access to the same and to the prisoners even without prior
21 notice. The provisions of RA 9745 shall guide the enforcement of this prohibition.

22 Sec. 38. *Training of Security Forces and Other State Actors on the Absolute*
23 *Prohibition Against Extrajudicial Killings.* – The prohibition of extrajudicial
24 executions must be included in all levels of education of all officials in government,
25 particularly officials involved in the arrest and custody of prisoners, those authorized
26 to use lethal force, those who have authority to investigate, prosecute and hear the
27 cases of extrajudicial killings, as well as in the manuals, protocols and instructions
28 issued to them.

29 Sec. 39. *Training on Effective Investigation.* – State officials who have
30 authority to investigate extrajudicial killings must be rigorously trained on effective

1 investigation as defined herein, to come up with science-based, objective assessment
2 of the incident, guided by the UN Manual on the Effective Prevention and
3 Investigation of Extra-Legal, Arbitrary and Summary Executions, free from
4 interference from the officials involved, and must be provided with the necessary
5 equipment, technology and protection to perform this duty. The principles of and
6 protocols for effective investigation must be part of their manuals, protocols and
7 instructions.

8 *Sec. 40. Applicability of Refouler.* – No person shall be expelled, returned or
9 extradited to another State where there are substantial grounds to believe that such
10 person shall be in danger of being subjected to extrajudicial killing. For the purposes
11 of determining whether such grounds exist, the Secretary of the Department of
12 Foreign Affairs (DFA) and the Secretary of the DOJ, in coordination with the
13 Chairperson of the CHR, shall take into account all relevant considerations
14 including, where applicable and not limited to, the existence in the requesting State
15 of a consistent pattern of gross, flagrant or mass violations of human rights.

16 **CHAPTER VI. Human Rights Violations Victims Reparations Fund**

17 *Sec. 41. Creation of the Reparations Fund.* – There is hereby created the
18 Human Rights Violations Victims Reparations Fund, to be known as the
19 “Reparations Fund”, for the benefit of victims of extrajudicial killings as defined
20 herein, which shall be separate and distinct from proceedings before judicial and/or
21 quasi-judicial bodies. In the determination of liabilities of perpetrators, the courts,
22 before which cases related to extrajudicial killings are filed, may order money and
23 other property collected through fines or forfeiture to be transferred, by order of the
24 court, to the Reparations Fund.

25 *Sec. 42. Powers of the CHR.* – The Reparations Fund shall be managed and
26 administered by the Commission on Human Rights (CHR). Pursuant thereto, the
27 CHR shall have the power to promulgate the rules and regulations implementing the
28 management and administration of the Reparations Funds, including the creation of
29 a mechanism to undertake this function, the standards for eligibility for reparations,
30 investigation, and claims process for reparation, which shall be based on substantial
31 evidence, and the appeal process. In determining eligibility to the reparations, the
32 CHR, or the designated mechanism, shall take into account such factors as the

1 nature of the right involved, gravity of the crime, actions of the State in relation to
2 the protection of the rights of the victims and individual circumstances of the
3 victims, including intersectionality.

4 Further, the CHR shall be guided by the principles of fairness, transparency,
5 integrity, competence and accountability in the performance of its role and functions
6 under this Act. In the promulgation of rules and regulations related to the proper
7 implementation of the reparations under this Act, the CHR must ensure the
8 participation of relevant stakeholders involved in the promotion and protection of
9 human rights. The CHR shall perform such other duties, functions, and
10 responsibilities as may be necessary to effectively attain the objectives of this Act.

11 *Sec. 43. Seed Fund of the Reparation Fund.* – The initial budget of the
12 Reparations Fund, including operating budget, shall be Twenty Million pesos
13 (₱20,000,000.00); Provided, That thereafter, the budget for the Reparations Fund
14 shall be increased, which shall not be lower than the budget of the preceding year,
15 and shall be automatically appropriated and released to the CHR.

16 *Sec. 44. Determination of Award.* – The CHR, or the designated mechanism,
17 has the discretion of determining the amount of the award, but in no case shall the
18 amount be lower than Fifty thousand pesos (₱50,000.00). Any claim shall be
19 resolved within thirty (30) working days after filing of the application and execution
20 of the award must be done within thirty (30) working days from finality of the
21 approval of the awards. An expeditious and inexpensive procedure for the victims
22 shall be adopted in order to secure their claims under this Act.

23 *Sec. 45. Proper Disposition of Funds.* – The CHR shall ensure that funds
24 appropriated or received from other sources or those which may become available as
25 reparation for the victims are properly disbursed in accordance with the policies
26 stated by Congress and relevant government rules, regulations and accounting
27 procedures.

28 *Sec. 46. Involvement of Non-governmental and Other Organizations.* –
29 Victims may also be referred to non-governmental organizations, religious
30 organizations, and other such organizations that may provide additional financial,
31 psychosocial, or other such remedies as may be needed by the claimant.

1 **CHAPTER VII. Final Provisions**

2 **Sec. 47. Publication.** – The Board shall publish the names of approved claims
3 on a regular basis for the purpose of submission of Opposition to the claim or
4 validity of the finding of extrajudicial killing.

5 **Sec. 48. Penalties; Applicability of the Revised Penal Code.** – Any claimant
6 who is found by the CHR, or its designated mechanism, after due hearing, to have
7 filed a fraudulent claim, shall be referred to the appropriate office for prosecution. If
8 convicted, he shall suffer the imprisonment of eight (8) to ten (10) years, shall be
9 disqualified from public office and employment, and shall be deprived of the right to
10 vote and be voted for in any national or local election, even after the service of
11 sentence unless granted absolute pardon.

12 Any public officer, employee of an agency or any private individual mandated
13 to implement this Act, who shall misuse, embezzle or misappropriate the funds for
14 the reparation of victims, or who shall commit fraud in the processing of documents
15 and claims of victims, or shall conspire with any individual to commit the same, shall
16 also be prosecuted.

17 Any public officer, employee of an agency or any private individual mandated
18 to implement this Act, who may have been found guilty of committing any or all of
19 the prohibited acts stated in the preceding paragraph, or those acts punishable under
20 the Revised Penal Code, shall be penalized under the pertinent provisions in the
21 Code and relevant special penal laws.

22 In any case, the Revised Penal code and relevant special laws shall find
23 suppletory application in cases not covered by the provisions of this Act.

24 **Sec. 49. Implementing Rules and Regulations.** – The CHR, in coordination
25 with other concerned agencies, shall promulgate the rules and regulations to carry
26 out the provisions of this Act within six (6) months from its effectivity. The rules and
27 regulations shall be effective fifteen (15) days after its publication in two (2) national
28 newspapers of general circulation.

29 To ensure the effectiveness of the remedies provided under this Act, as well as
30 to ensure that fraudulent and spurious claims are properly screened, the CHR, in

1 implementing this Act and formulating the corresponding rules and regulations,
2 after due consultation with the Department of Justice (DOJ) and other stakeholders,
3 must provide for the following: a) transparency in the processing of claims; b) a
4 procedure which allows any concerned party to contest an application or claim on
5 the ground that it is fraudulent, fictitious, or spurious, and gives that party the
6 opportunity to question the same and to present evidence in support thereof; and c)
7 a procedure which is speedy and expeditious without sacrificing any of the parties'
8 fundamental rights.

9 **Sec. 50. *Supplementary Applications.*** – The applicable provisions of the Revised
10 Penal Code shall have supplementary application insofar as they are consistent with the
11 provisions of this Act.

12 **Sec. 51. *Separability Clause.*** – If, for any reason, any section or provision of
13 this Act, or any portion thereof, or the application of such section, provision, or
14 portion to any person, group, or circumstance is declared invalid or
15 unconstitutional, the remainder of this Act or the application of such section,
16 provision, or portion thereof to other persons, groups or circumstances shall not be
17 affected by such declaration.

18 **Sec. 52 *Repealing Clause.*** – All laws, decrees, executive orders, proclamations
19 and administrative regulations, letters of instructions, rules and regulations, or any
20 parts thereof which are inconsistent with the provisions of this Act, or is shown to
21 facilitate or enable the commission of extrajudicial killings, are hereby repealed,
22 amended, or modified accordingly.

23 **Sec. 53. *Effectivity.*** – This Act shall take effect fifteen (15) days after its
24 publication in the *Official Gazette* or in at least two (2) national newspapers of
25 general circulation.

Approved,