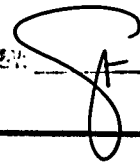


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SENATE
S. No. 2066

RECEIVED BY: 

Introduced by Senator Aquilino "Koko" Pimentel III

AN ACT
DESIGNATING THE COMMISSION ON HUMAN RIGHTS
(CHR) AS THE NATIONAL PREVENTIVE MECHANISM
(NPM) IN COMPLIANCE WITH THE OPTIONAL PROTOCOL
TO THE CONVENTION AGAINST TORTURE AND OTHER
CRUEL, INHUMAN OR DEGRADING TREATMENT OR
PUNISHMENT (OPCAT) AND FOR OTHER PURPOSES

EXPLANATORY NOTE

Article II, Section 11 of the 1987 Constitution states that "The State value the dignity of every human person and to guarantee full respect for human rights." In line with this policy, the Philippines voted in favor of various international human rights instruments and conventions that prohibit the use of torture and other cruel, inhuman, or degrading treatment or punishment.

On April 17, 2012, the Philippines acceded to the Optional Protocol to the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (OPCAT). The OPCAT requires each State Party to "set up, designate or maintain at the domestic level one or several visiting bodies for the prevention of torture and other cruel, inhuman or degrading treatment or punishment."¹ It also stated that "each State Party shall maintain, designate or establish, at the latest one year after the entry into force of the present Protocol or of its ratification or accession, one or several independent national preventive mechanisms for the prevention of torture at the domestic level. Mechanisms established by decentralized units may be designated as

¹ <https://www.ohchr.org/en/professionalinterest/pages/opcat.aspx>

national preventive mechanisms for the purposes of the present Protocol if they are in conformity with its provisions.” This mechanism is referred to as a National Preventive Mechanism (NPM). Unfortunately, it has been more than 8 years since the Philippines acceded to the OPCAT, but the Philippines still does not have a NPM.

This bill seeks to comply with the aforementioned obligation of the Philippines by designating the CHR as the NPM of the Philippines. The CHR has been conducting unannounced and unrestricted visits to places of deprivation of liberty pursuant to its visitorial mandate under several laws.² However, such visits are mainly investigative or monitoring in nature, not preventive as required in NPM. The designation of CHR as the NPM will enhance its visitorial powers as it will now look into the preventive aspect against torture and other cruel, inhuman, or degrading treatment or punishment in places of deprivation of liberty to help develop policies and support the improvement of places of deprivation of liberty that respect the basic human rights of persons deprived of liberty.

Likewise, the establishment of the NPM as a separate division within the CHR would also help delineate between the investigative and preventive aspects of visits to places of deprivation of liberty by the CHR. However, it should be noted that this delineation and the designation of the CHR as the NPM merely aims to complement, not replace, the CHR’s current visitorial mandate.

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


AQUILINO “KOKO” PIMENTEL III

² Article XIII, Section 18 (4) of the 1987 Constitution; Section 3 (4) of Executive Order No. 163, s. 1987; Section 11 of the Implementing Rules and Regulations of Republic Act No. 9745, otherwise known as the Anti-Torture Act of 2009; and Section 13 of Republic Act No. 10353, otherwise known as the Anti-Enforced or Involuntary Disappearance Act of 2012.

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



Senate
Office of the Secretary

21 FEB 22 P7:33

SENATE

S. No. 2066

RECEIVED BY: _____

Introduced by Senator Aquilino “Koko” Pimentel III

**AN ACT
DESIGNATING THE COMMISSION ON HUMAN RIGHTS
(CHR) AS THE NATIONAL PREVENTIVE MECHANISM IN
COMPLIANCE WITH THE OPTIONAL PROTOCOL TO THE
CONVENTION AGAINST TORTURE AND OTHER CRUEL,
INHUMAN OR DEGRADING TREATMENT OR PUNISHMENT
(OPCAT) AND FOR OTHER PURPOSES**

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

Section 1. Short Title. – This Act shall be known as the “*National
Preventive Mechanism (NPM) Act of 2021.*”

SEC 2. Statement of Policy. – It is hereby declared the policy of the
State to:

- a. Adopt the generally accepted principles of international
law, which include the prohibition of torture, as part of the
law of the land;
- b. Value the dignity of every human person and guarantee full
respect for human rights;
- c. Ensure that the human rights of all persons, especially
persons deprived of liberty, are respected at all times and
that no person placed under investigation or held in custody
by any person in authority or his/her agent shall be
subjected to physical, psychological, or mental harm,

force, violence, threat, intimidation, or any act that impairs his/her free will or in any manner demeans or degrades human dignity;

d. Adopt a human rights-based approach in the prevention of torture;

e. Ensure that secret detention places, solitary, *incommunicado*, or other similar forms of detention where torture may be carried out with impunity are prohibited; and

f. Fully adhere to the principles and standards on the absolute condemnation and prohibition of torture as provided for in the 1987 Constitution, Republic Act (RA) No. 9745 (the Anti-Torture Act of 2009), and the various international human rights instruments and conventions to which the Philippines either is a State Party to or voted in favor of, such as, but not limited to, the Universal Declaration on Human Rights (UDHR), the International Covenant on Civil and Political Rights (ICCPR), the Convention on the Rights of the Child (CRC), the Convention on the Rights of Persons with Disabilities (CRPD), the United Nations Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (UNCAT), and the Optional Protocol to the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (OPCAT).

SEC 3. Definition of Terms. – For the purposes of this Act, the following terms shall mean:

a. *Deprivation of liberty* - refers to any form of detention or imprisonment or the placement of a person in a public or private custodial setting which that person is not permitted to leave at will by order of any judicial, administrative, or other authority;

permitted to leave at will by order of any judicial, administrative, or other authority;

b. *Other cruel, inhuman, or degrading treatment or punishment* - refers to a deliberate or aggravated treatment or punishment inflicted by a person in authority or agent of a person in authority against a person under his/her custody which attains a level of severity causing suffering, gross humiliation or debasement to the latter;

c. *Person deprived of liberty* - refers to any person placed in any form of detention or imprisonment or in a public or private custodial setting where the said person is not permitted to leave at will by order of any judicial, administrative, or other authority;

d. *Place of deprivation of liberty* - refers to any place of detention, imprisonment, or the placement of a person in a public or private custodial setting under or within the jurisdiction and control of the Philippines where persons are or may be deprived of their liberty by virtue of an order given by a public authority, at his/her instigation, or with his/her consent or acquiescence.

Places of deprivation of liberty shall also include, but shall not be limited to, unofficial places of detention where persons are suspected of being illegally detained or not permitted to leave the same at will by order of any judicial, administrative, or other authority and any other place in which the NPM believes that there may be persons deprived of their liberty.

The term shall also encompass traditional and non-traditional physical spaces of detention, whether moving or stationary, temporary or permanent, formally or informally used as detention facilities, or maintained or managed by public or private authorities under regulation by the Government. The term shall include, but shall not be limited to, the following:

- 1) Municipal jails;
- 2) City jails;

- 3) District jails;
- 4) Sub-provincial jails;
- 5) Provincial jails;
- 6) Police custodial centers;
- 7) Detention facilities;
- 8) Correctional facilities;
- 9) *Barangay* holding centers;
- 10) National penitentiaries;
- 11) Penal colonies;
- 12) Youth homes;
- 13) Rehabilitation centers for the youth or *Bahay Pag-Asa*;
- 14) *Bahay Silangan*;
- 15) International ports and airports;
- 16) Immigration detention centers;
- 17) Psychiatric institutions;
- 18) Care homes for older persons;
- 19) Security or intelligence service facilities;
- 20) Military forts and camps;
- 21) Other facilities under military jurisdiction;
- 22) Places of administrative detention;
- 23) Means of transport for the transfer of prisoners;
- 24) Hospitals;
- 25) Home-based or medical/health-related detention facilities;
- 26) Drug rehabilitation centers; and
- 27) Other similar or makeshift places of confinement where persons confined thereat are not permitted to leave at will;

e. *Reprisal* - refers to an act or omission attributable to authorities or officials of a State who order, carry out, permit or tolerate any sanction against any person or organization for having communicated with the NPM or for having provided the NPM with any information, irrespective of its accuracy;

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11 f. *Subcommittee on the Prevention of Torture (SPT)* - refers to
12 the United Nations Subcommittee on the Prevention of
13 Torture and Other Cruel, Inhuman, or Degrading
14 Treatment or Punishment established under the OPCAT;

15 g. *Torture* - refers to an act by which severe pain or suffering,
16 whether physical or mental, is intentionally inflicted on a
17 person for such purposes as obtaining from him/her or a
8 third person information or a confession, punishing him/her
9 for an act he/she or a third person has committed or is
10 suspected of having committed, or intimidating or coercing
11 him/her or a third person, or for any reason based
12 on discrimination of any kind, when such pain or suffering
13 is inflicted by or at the instigation of or with the consent or
14 acquiescence of a person in authority or agent of a person
15 in authority. It does not include pain or suffering arising
16 only from, inherent in, or incidental to lawful sanctions;

17 h. *Unannounced visits* - refers to visits that may be conducted
18 at any time and without prior notice or authorization, unless
19 specifically prohibited by a court; and
20 to have relevant information;

20 i. *Unrestricted access* - refers to free access to the following,
21 unless specifically prohibited by a court:

22 1) All persons deprived of their liberty, with the
23 opportunity to have private interviews with them
24 without witnesses, either personally or with
25 a translator, if deemed necessary;

26 2) All custodial personnel involved in or relevant to the
27 treatment of persons deprived of their liberty;

28 3) Any other person involved in or relevant to the
29 treatment of persons deprived of their liberty;

30 4) Any other person or source which the NPM believes
31 to have relevant information;

32 5) All information concerning the number of persons
33 deprived of their liberty in places of deprivation of

13 liberty, as well as the number of such places and
14 their locations;

15 6) All information referring to the treatment and
16 conditions of persons deprived of their liberty; and

17 7) All places of deprivation of liberty and their
18 installations and facilities.

19 Unrestricted access includes the liberty on the part of the
20 NPM to choose the places that it may want to visit and the
21 persons that it may wish to interview.

22 SEC 4. *Designation.* – The CHR is hereby designated as the NPM
23 of the Philippines *vis-à-vis* the OPCAT. The NPM shall be made up of 11
24 members, which shall include the 4 Commissioners and the Chairperson
25 of the CHR, as mentioned in Section 7 (a) of this Act.

26 SEC 5. *Powers and Functions of the CHR as the NPM.* – The NPM
27 shall have the following powers and functions:

28 a. To conduct regular and unannounced visits to places of
29 deprivation of liberty in order to prevent torture and other
30 cruel, inhuman, or degrading treatment or punishment;

31 In conducting such visits, the NPM shall consider requests
32 for visits by civil society groups or any other entities or
33 individuals recommending policy, procedural, or practical
34 reforms in places of deprivation of liberty;

35 b. To examine and assess during visits the custodial policies,
36 procedures, practices, and all other aspects relevant to the
37 treatment and living conditions of persons deprived of
38 liberty in order to identify the risks that give rise to torture
39 and other cruel, inhuman, or degrading treatment or
40 punishment and to find ways to improve such persons' well-
41 being and protect their rights;

42 c. To examine and review national laws, policies, and
43 procedures that relate to the treatment, well-being, and

rights of persons deprived of liberty and to propose their amendment or repeal or the enactment of new laws with the view of strengthening the protection against torture and other cruel, inhuman, or degrading treatment or punishment;

- d. To submit to Congress and to the President its observations, recommendations, and proposals relating to the rights and protection of persons deprived of their liberty and provide other relevant authorities with the same for the latter to undertake the necessary implementation measures;
- e. To refer for investigation to the investigative arm of the CHR or other appropriate investigative agencies of the Government, with the consent of the complaining person deprived of liberty, or anyone on his/her behalf, if the complaint is not made anonymously, any factual incident of torture and other cruel, inhuman, or degrading treatment or punishment or other human rights violations or abuses it may discover during its visits;
- f. To work, where appropriate, in cooperation or consultation with any person or entity, whether public or private, in connection with the discharge of any of its functions under this Act and the OPCAT;
- g. To publish information relative to its preventive monitoring functions, specifically on matters mentioned in Paragraphs (a), (b), (c), (d), and (e) of this Section, when circumstances so warrant and with due prudence: *Provided*, That the NPM, having high regard for its rules and regulations relative to confidentiality and informed consent, may determine what information shall be considered confidential and not to be made public: *Provided further*, That any public statement or publication issued shall be balanced, fair, and true: *Provided further*, That the NPM shall not publish or make known any sensitive personal data relating to any person without that person's express consent: *Provided finally*,

That this provision shall be in accordance with Section 16 of this Act and all existing and future laws on confidentiality and security of sensitive personal information and data, such as but not limited to, RA No. 10173, otherwise known as the Data Privacy Act of 2012;

h. To submit independent annual reports to the United Nations (UN) Committee Against Torture and/or the SPT regarding the implementation of the Republic of the Philippines' obligations under the UNCAT and the OPCAT;

i. To promote public awareness through the publication and dissemination of information and education materials on its work as the NPM, the right to be free from torture and other cruel, inhuman, or degrading treatment or punishment, and the rights of persons deprived of liberty;

j. To train and capacitate the relevant authorities charged with the treatment of persons deprived of liberty and management of places of deprivation of liberty; and

k. To submit to Congress and to the President an independent annual report to be received, published, and disseminated by the Government, which shall include a report to Congress on annual budget and expenditures.

SEC 6. Guarantees to the CHR as the NPM. – All branches, subdivisions, departments, and agencies or instrumentalities of the Government and relevant private institutions shall guarantee the NPM the following:

a. Full and unrestricted access to all information concerning the number of persons deprived of liberty in places of deprivation of liberty, as well as the number of such places and their locations: *Provided*, That this provision shall be in accordance with Section 14 of this Act;

b. Full and unrestricted access to all information referring to the treatment and conditions of persons deprived of liberty:

authority or authorities that are not in charge of places of deprivation of liberty, either personally or with a translator, if deemed necessary, as well as with any other person who, in the view of the NPM, possesses relevant information;

Provided, That this provision shall be in accordance with Section 14 of this Act;

c. Full and unrestricted access to all places of deprivation of liberty and their installations and facilities: *Provided, That this provision shall be in accordance with Section 16 of this Act;*

d. Liberty to conduct private interviews with persons deprived of liberty without recording or monitoring by the persons in authority, or agents thereof, who are in charge of places of deprivation of liberty, either personally or with a translator, if deemed necessary, as well as with any other person who, in the view of the NPM, possesses relevant information;

e. Liberty to choose the places to visit and persons to interview and when these should take place;

f. That its officers and personnel may be accompanied by experts designated by the NPM on visits to places of deprivation of liberty;

g. Freedom to determine its own relevant rules and procedures, including its program of visits;

h. That the relevant authorities shall be required to examine its recommendations as the NPM and to enter into dialogues with the same to discuss and agree on possible implementation and the corresponding reporting measures;

i. That the relevant authorities shall be required to fulfill recommendations of the NPM by implementing the agreed upon measures accordingly; and

j. That the NPM shall enjoy complete financial and operational autonomy and independence when carrying out its functions under both this Act and the OPCAT;

**SEC 7. Composition of the NPM and Qualifications of the Members
Thereof.** –

a. The NPM, which shall be an independent and collegial body, shall be composed of the following:

1) The 4 Commissioners and the Chairperson of the CHR, with the Chairperson of the CHR sitting as the Presiding Officer of the NPM;

2) Four (4) experts representing any four (4) of the following professions or other related fields:

a) Criminal Law;

b) Medicine;

c) Psychiatry

d) Psychology;

e) Social Work;

f) Architecture; and

g) Engineering;

3) One (1) representative from a non-governmental organization (NGO) operating in the Philippines for at least five (5) years and advocating for human rights, preferably focusing on anti-torture work and/or upholding the rights of persons deprived of liberty; and

4) One (1) person with prior professional experience regarding administration of places of deprivation of liberty.

b. The NPM shall strive to have at least one (1) member each come from Luzon, Visayas, and Mindanao.

c. The NPM shall strive to have balanced gender representation and have adequate representation of ethnic and minority groups in its membership on the basis of the principles of equality and non-discrimination.

d. The qualifications of the members of the NPM shall be the following:

1) The four (4) experts as mentioned in Paragraph (a) (2) of this Section shall:

- a) Be Filipino citizens;
- b) Have been practicing their respective professions for at least seven (7) years;
- c) Be recognized and respected members of their respective professional organizations;
- d) Possess high moral character, recognized probity, competence, and integrity;
- e) Be defenders and promoters of human rights in both their professional and personal capacities; and
- f) Have no record of any human rights violation(s).

Preference will be given to members of the aforementioned professions who are knowledgeable about matters related to detention and the administration of justice.

Special consideration will also be given to members of the aforementioned professions who have an understanding of the penal situation in the Philippines, particularly penal structural conditions, organizational processes, culture, and the effects of imprisonment.

2) The representative from the NGO must be a Filipino citizen; a recognized human rights defender nominated by an NGO operating in the Philippines for at least five (5) years and advocating for human rights, preferably focusing on anti-torture work and/or upholding the rights of persons deprived of liberty and a human rights expert with experience working on both the issues of torture and the rights of persons deprived of liberty and visiting places of deprivation of liberty.

c. The members of the NPM shall not, during their tenure, hold

3) The member with prior professional experience regarding administration of places of deprivation of liberty must be a Filipino citizen, a Bachelor's Degree holder who has experience as a detention authority, and have a good track record in administration of places of deprivation of liberty and no record of human rights violation(s), both in his/her professional and personal capacity. He/She should have an understanding of the penal situation in the Philippines, particularly penal structural conditions, organizational processes, culture, and the effects of imprisonment.

d. The members of the NPM shall not, during their tenure, hold any other office or employment in the Government or any subdivision, agency, or instrumentality thereof, including government-owned and/or controlled corporations (GOCCs) or their subsidiaries. Neither shall they engage in the practice of any profession or the active management or control of any business which, in any way, may be affected by the functions of their office.

SEC 8. Nomination, Selection, and Appointment of the Members of the NPM. – The members of the NPM shall be appointed by the 4 Commissioners and the Chairperson of the CHR through the following processes:

a. The 4 Commissioners and the Chairperson of the CHR shall sit as *ex officio* members of the NPM;

b. The four (4) experts mentioned in Section 7 (a) (2) of this Act shall be appointed, preferably from the list of nominees provided by their respective professional organizations through their own internal nomination processes;

c. The representative from an NGO shall be appointed, preferably from a list of nominees provided by NGOs operating in the Philippines for at least five (5) years and advocating for human rights, preferably focusing on anti-

torture work and/or upholding the rights of persons deprived of liberty. The said NGOs shall prepare the aforementioned lists through their own internal nomination processes;

- d. The member with prior professional experience regarding administration of places of deprivation of liberty shall be appointed, preferably from the list of nominees provided by the Bureau of Jail Management and Penology (BJMP) or the Bureau of Corrections (BUCOR);

- e. The nomination and selection process shall commence after the preparation of the guidelines therefor and the dissemination of these guidelines to the appropriate and relevant professional and cause-oriented organizations; and

- f. The 4 Commissioners and the Chairperson of the CHR shall convene to deliberate on the nominations submitted by these organizations and shall issue the necessary appointments to the qualified individuals in an oath-taking ceremony before the 4 Commissioners and the Chairperson of the CHR.

SEC 9. Term of Office. — The 4 Commissioners and the Chairperson of the CHR, who shall sit as *ex officio* members of the NPM, shall serve as members of the NPM for the entirety of their respective tenures as the 4 Commissioners and the Chairperson of the CHR.

The members of the NPM specified in Section 7 (a) (2) – (4) of this Act shall serve for a term of three (3) years with the possibility of only one (1) reappointment. To ensure that the NPM is a continuing body, the first batch of appointments shall be on a staggered basis. The first two (2) members to be appointed shall hold office for three (3) years, the next two (2) members to be appointed shall hold office for two (2) years, and the last two (2) members to be appointed shall hold office for one (1) year. Succeeding appointments shall serve for three (3) years with the possibility of only one (1) reappointment.

SEC 10. *Salaries, Emoluments, and Benefits.* – The members of the NPM shall have the rank, salary, emoluments, and allowances equivalent to that of government officials with a salary grade of 26, which may not be increased or decreased during their term of office.

The 4 Commissioners and the Chairperson of the CHR who shall sit as members of the NPM shall not receive any additional salary due to their occupying the latter positions *ex officio*.

SEC 11. *Removal from Office.* – The members of the NPM, excluding the 4 Commissioners and the Chairperson of the CHR who shall sit as *ex officio* members of the NPM, may be removed from office on any of the following grounds exclusively:

- a. Disloyalty to the Republic of the Philippines;
- b. Culpable violation of the Constitution;
- c. Violation of Republic Act No. 3019, otherwise known as the Anti-Graft and Corrupt Practices Act;
- d. Other high crimes or betrayal of the public trust;
- e. Dishonesty, misconduct in office, gross negligence, or dereliction of duty;
- f. Commission of any offense involving moral turpitude or an offense punishable by imprisonment of more than six (6) years;
- g. Abuse of authority; or
- h. Violation, non-performance, or ineffectiveness in the performance of their functions as members of the NPM.

Section 12. *Independence of Members.* –

- a. The members of the NPM shall serve in their personal capacity and shall not only act independently and impartially, but also transparently, so as to be seen to be so by a reasonable observer. To that end, the members of the NPM shall conduct themselves in accordance with the following guidelines:

- 1) No member of the NPM shall participate in activities which may imply, or may be seen to imply, a conflict of interest with

his/her capacity as an independent and impartial member of the NPM; and

2) Members of the NPM shall avoid any action which might give the impression that any given agency or facility is receiving more or less favorable treatment than that accorded to others; and

b. If for any reason a member of the NPM considers that he/she is in a situation involving a potential conflict of interest, he/she shall promptly inform the Presiding Officer of the NPM, respectively, who shall then advise the rest of the members on the potential conflict of interest. Ultimately, the NPM as a whole shall take all measures necessary to safeguard the requirements of independence and impartiality of its respective members.

SEC 13. Organizational Structure of the NPM. – The NPM shall be set up as a separate division within the CHR with its own budget and personnel.

Whenever necessary, the NPM may hire additional contractual employees or contract the services of experts and/or consultants with the relevant professional experience, expertise, and knowledge, to assist in the discharge of its powers and functions under Section 5 of this Act on an invitational basis.

SEC 14. Confidentiality. – All documentation and information collected by the NPM shall be kept strictly confidential, unless the NPM decides otherwise in relation to a particular document: *Provided*, That no sensitive information, whether personal or otherwise, shall be published without the express consent of the individual or authority concerned: *Provided further*, That this provision shall be in accordance with all existing and future laws on confidentiality and security of sensitive personal information and data, such as but not limited to the Data Privacy Act of 2012.

The rules of confidentiality shall be in accordance with all applicable existing and future laws, particularly, but not limited to, the

10 Torture, SPT, and the Office of the High Commissioner for Human Rights (OHCHR), CSOs, media organizations, and other regional, national, and international human rights mechanisms for the effective and full implementation of this Act.

11 Data Privacy Act of 2012. Particularly, publication of sensitive
12 information without the express consent of the individual or authority
13 concerned will be dealt with accordingly, which may include, but will not
14 be limited to, being penalized under the Data Privacy Act of 2012.

15 **SEC 15. *Relationship and Cooperation with Civil Society***
16 ***Organizations (CSOs) and Other Groups.*** – The NPM shall apply a
17 human rights-based approach in the performance of its mandate, maintain
18 direct regular contact with and encourage open dialogues with the relevant
19 UN agencies working against torture, including the Committee Against
20 Torture, SPT, and the Office of the High Commissioner for Human
21 Rights (OHCHR), CSOs, media organizations, and other regional,
22 national, and international human rights mechanisms for the effective and
23 full implementation of this Act.

24 Government authorities and private organizations or entities
25 mandated to protect and promote the rights of persons deprived of liberty
26 shall cooperate with and promptly respond to the recommendations,
27 proposals, and other requests of the NPM in the performance of its
28 mandate.

29 **SEC 16. *Protection from Criminal Liability, Other Sanctions,***
30 ***and Reprisals.*** –

31 a. No authority or official shall order, apply, permit, or tolerate
32 any sanction against any person or organization for having
33 communicated to the NPM any information and no such
34 person or organization shall be otherwise prejudiced in any
35 way;

36 b. The relevant authorities shall take effective steps to prevent
37 and promptly respond to any sanction or act of reprisal
38 stemming from communications to or cooperation by other
39 persons or organizations with the NPM;

40 c. No criminal, administrative, or disciplinary sanction shall
41 be taken against any person or organization for having
42 communicated in good faith any information to the NPM;

12 negligence or misconduct in the performance of the
11 authority. Anything done in good faith and pursuant to the functions
12 and powers conferred upon the NPM under this Act or in
13 respect of any publication by, or under the authority of, the
14 NPM of any report, proceeding, or any other matter under
15 this Act shall not be a ground for action, suit, or other legal
16 proceeding against any member of the NPM or any other
17 person who assisted the NPM in the performance of the
18 NPM's mandate; and

19 No protection from criminal liability or disciplinary or
20 administrative sanction shall be given to any member of the NPM where
21 he/she is finally adjudged in any action or proceeding to be liable for gross
22 negligence or misconduct, grave abuse of discretion, or abuse of
23 authority.

24 covering all places of deprivation of liberty and their installations and
25 facilities under their respective jurisdictions with the corresponding data
26 **SEC 17. Information Sheets on Persons Deprived of Liberty and**
27 **Places of Deprivation of Liberty.** – The Department of Justice (DOJ),
28 BUCOR, National Bureau of Investigation (NBI), Bureau of Immigration
29 (BI), Department of the Interior and Local Government (DILG), BJMP,
30 all local government units (LGUs), whether at the provincial, city, or
31 municipal level, with control or supervision of jails, Philippine National
Police (PNP), Department of National Defense (DND), Armed Forces of
the Philippines (AFP), Department of Social Welfare and Development
(DSWD), Department of Health (DOH), and other government or private
institutions with jurisdiction, control, and/or oversight of places
of deprivation of liberty shall make an updated information sheet
covering all places of deprivation of liberty and their installations and
facilities under their respective jurisdictions with the corresponding data
on the persons deprived of liberty under their custody, such as, among
others, their names, the date when their deprivation of liberty began, the
exact reasons for the same, and the conditions of where they are exactly
held.

32 Such information sheet shall be periodically updated by the same
33 agencies and institutions within the first five (5) days of every month at
34 the minimum. The format of the information sheet shall be prescribed by
35 the NPM and transmitted to the said agencies and institutions at

the soonest possible time. The list prescribed by Section 7 of the Anti-Torture Act of 2009 shall also be submitted to the CHR within the first five (5) days of every month at the minimum.

SEC 18. *Other Entities Conducting Visits to Places of Deprivation of Liberty.* – The designation of the CHR as the NPM shall not, in any way, diminish the importance of visits to places of deprivation of liberty regularly undertaken by other groups, such as local and international non-governmental organizations, faith-based and/or lay organizations, and other government mechanisms working for the well-being and protection of persons deprived of liberty.

SEC 19. *Public Education, Information, and Awareness Campaign.*
– The NPM, in cooperation and partnership with the Philippine Information Agency (PIA), Department of Justice (DOJ), Bureau of Corrections (BUCOR), National Bureau of Investigation (NBI), Bureau of Immigration (BI), Department of Interior and Local Government (DILG), Bureau of Jail Management and Penology (BJMP), Philippine National Police (PNP), Department of National Defense (DND), Armed Forces of the Philippines (AFP), Department of Social Welfare and Development (DSWD), Department of Health (DOH), and other agencies with jurisdiction, control and/or oversight of places of deprivation of liberty, CSOs, and such other concerned parties and entities in both the public and private sectors shall inform the public, as well as persons in authority and their agents, of the existence and designation of the CHR as the NPM, the rights of persons deprived of liberty, the importance of preventive visits, the need for cooperation during such visits, and for implementing measures based on the CHR's recommendations as the NPM.

This shall be done through a programmatic nationwide awareness-raising campaign, and, in line with Section 21 of the Anti-Torture Law of 2009, the said campaign shall be included in the training of law enforcement personnel, whether civilian or military, members of the medical profession and allied medical professions, public officials and other persons, whether belonging to the public or private sector, who may be involved in the custody, interrogation, or treatment of any individual

1 subjected to arrest, detention, imprisonment, or any form of deprivation
2 of liberty.

15 effectiveness of this Act, and every five (5) years thereafter or as the need
13 arises. Further, authorities shall make use of popular media, such as, but
14 not limited to, government-owned television and radio stations, and other
15 resources at their disposal in undertaking the public education,
16 information, and awareness campaign. The Department of Education
17 (DepEd), Commission on Higher Education (CHED), and other
18 regulatory agencies on education shall also include information on the
19 UNCATH, OPCAT, the SPT, the NPM, and the preventive monitoring
20 methodology in the integration of human rights education courses in all
21 primary, secondary, and tertiary education institutions nationwide in line
22 with Section 21 of the Anti-Torture Act of 2009.

13
14 **SEC 20. Periodic Review.** – Within five (5) years after the
15 effectivity of this Act, and every five (5) years thereafter or as the need
16 arises, the Oversight Committee created pursuant to Section 20 of the
17 Anti-Torture Act of 2009 shall conduct a comprehensive review of its
18 implementation and a systematic evaluation of the performance and
19 functioning of the NPM in order to highlight its accomplishments and
20 impact on the protection of the rights of persons deprived of their liberty.
21 To carry out these tasks, the aforementioned Oversight Committee shall
22 ensure participative and multi-sectoral dialogues with stakeholders,
23 which shall include CSOs, survivors of torture and their families, and the
24 relevant government authorities involved in the treatment of persons
25 deprived of their liberty and the administration of places of deprivation
26 of liberty.

27
28 **SEC 21. Appropriations.** – The NPM shall have an initial budget of
29 One Hundred Million Pesos (PhP100,000,000.00) for maintenance and
30 other operating expenses (MOOE), personnel service (PS), and capital
31 outlay, which will be sourced from the President's Contingency Fund
32 under the Presidential Social Fund, subject to existing budgetary laws
33 and requirements. Subsequent funding requirements shall be included in
34 the budget of the CHR under the annual General Appropriations Act
35 (GAA).

11
11 **SEC 22. *Implementing Rules and Regulations (IRR).*** – The CHR
12 and the DOJ shall formulate the IRR of this Act within ninety (90) days
3 from its effectivity.

14 The CHR shall consult with the DOJ, BUCOR, NBI, BI, DILG,
15 BJMP, PNP, DND, AFP, DSWD, DOH, and other relevant government
16 agencies and CSOs working in various fields relevant to the treatment
17 of persons deprived of liberty.

18 The IRR of this Act shall be effective within fifteen (15) days
9 following its publication in two (2) newspapers of general circulation.
10

11 **SEC 23. *Separability Clause.*** – If any provision of this Act is
12 declared invalid or unconstitutional, the other provisions not affected
13 thereby shall remain valid and subsisting.

14 **SEC 24. *Repealing Clause.*** – All laws, decrees, executive orders,
15 rules and regulations, memorandum orders, memorandum circulars,
16 administrative orders, ordinances, and other issuances, or any part
17 thereof, which are inconsistent with this Act, are hereby revoked,
18 amended, or modified accordingly.

19 **SEC 25. *Effectivity.*** – This Act shall take effect fifteen (15) days
20 after its publication in the *Official Gazette* or at least two (2) newspapers
21 of general circulation.

22
Approved,