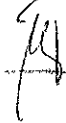


FOURTEENTH CONGRESS OF THE)  
REPUBLIC OF THE PHILIPPINES )  
*Second Regular Session* )

8 JUL 22 AM 11:14

RECEIVED BY: 

SENATE

S. No. 2458

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Introduced by Senator Juan Miguel F. Zubiri

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#### EXPLANATORY NOTE

What began in the battlefields at Solferino in 1859 where human suffering was met with care and compassion without distinction of nationality, the work of the International Red Cross and Red Crescent Movement has since expanded worldwide. In a diplomatic conference in Geneva, Switzerland on August 22, 1864, it was unanimously agreed to diminish the evils inherent in war by approving the First Geneva Convention. Thus, the Red Cross emblem was also born – an internationally recognized emblem purposely used to protect humanitarian workers, vehicles and medical facilities in times of armed conflict and other situations of violence, and identify the members of the Movement.

The Philippines, after the Second World War, proclaimed on February 14, 1947 its adherence to the Geneva Conventions and to participate with the nations of the world in mitigating suffering caused by war and to establish a voluntary organization for that purpose as contemplated by the Geneva Conventions. In two months, the Philippine National Red Cross (PNRC) was established with the promulgation of Republic Act 95.

This bill draws on the 1949 Geneva Conventions and their 1977 and 2005 Protocols, the Regulations on the Use of the Emblem of the Red Cross or the Red Crescent by the National Societies, as adopted by the 20<sup>th</sup> International Conference of the Red Cross, and subsequent amendments, and Resolution 1 of the 29<sup>th</sup> International Conference of the Red Cross and Red Crescent, among others.

Currently, 194 nations have ratified or adhered to the Four Geneva Conventions of August 12, 1949 making it the most widely accepted and recognized treaty in the world. It was ratified by the Philippines in 1952.

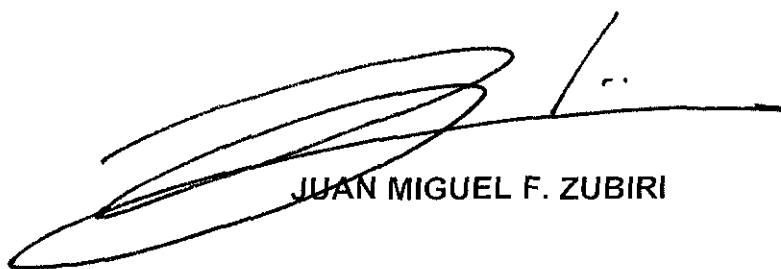
The Philippines has likewise ratified the 1977 Additional Protocol II and the 2005 Additional Protocol III. It has signed but not yet ratified the 1977 Additional Protocol. While this treaty has yet to be ratified, it does not bar our sovereign Congress from adopting certain provisions thereof as part of our national legislation including those governing the use and protection of the emblem of the red cross or red crescent which occupies a very important place in international humanitarian law.

To date, only Sections 14, 15 and 16 of Presidential Decree No. 1264 (as amended) penalize the unlawful use of any other person or entity, aside from the Medical Services of the Armed Forces of the Philippines and the PNRG, of the words "Red Cross" or "Geneva Cross" or use the emblem of the red Greek cross on a white ground or any designation, design, sign or insignia constituting an imitation thereof for any purpose whatsoever. There is no provision for the unlawful use of the Red Crescent symbol and the new Red Crystal.

In view of the Philippines' obligation to take measures to prevent and repress at all times any misuse of the emblem, a stricter and broader national legislative regime should be put in place.

Finally, this bill is a result of the collaboration of the Philippine National Red Cross National IHL Committee led by Justice Leonor Ines Luciano with the technical assistance of the International Committee of the Red Cross.

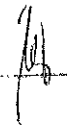
The approval of this bill is therefore most earnestly sought.



**JUAN MIGUEL F. ZUBIRI**

FOURTEENTH CONGRESS OF THE)  
REPUBLIC OF THE PHILIPPINES )  
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AN ACT  
DEFINING THE USE AND PROTECTION  
OF THE RED CROSS, RED CRESCENT AND  
RED CRYSTAL EMBLEMS

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

3  
4 CHAPTER I  
5 PRELIMINARY PROVISIONS  
6

7 SECTION 1. *Short Title.* This Act shall be known as "The Red Cross and  
8 Other Related Emblems Bill."

9  
10 SECTION 2. *Declaration of Principles and State Policies:*

11  
12 a) The Philippines renounces war as an instrument of national policy,  
13 adopts the generally accepted principles of international law as part of the law of  
14 the land and adheres to a policy of peace, justice, freedom, cooperation, and amity  
15 with all nations.

16  
17 b) The State adopts the provisions of the Hague Conventions and the 1949  
18 Geneva Conventions and their Protocols insofar as they have been ratified or have  
19 become part of generally accepted principles of international law.

20  
21 c) The misuse of the red cross, red crescent or red crystal emblem and of  
22 the words "Red Cross", "Red Crescent" or "Red Crystal" or their translation in any  
23 official language and dialect shall not go unpunished. Their effective prosecution  
24 shall be ensured by taking measures at the national level.

25  
26 SECTION 3. *Definition of Terms.* As used in this Act, the following terms  
27 shall apply:

- 28  
29 a) *AFP* means the Armed Forces of the Philippines;  
30 b) *DND* means the Department of National Defense;  
31 c) *DOH* means the Department of Health;  
32 d) *DTI* means Department of Trade and Industry;

- 1 e) *Emblems* mean the Red Cross, Red Crescent and Red Crystal Emblems;
- 2 f) *LGU* means Local Government Unit;
- 3 g) *PNRC* means Philippine National Red Cross;
- 4 h) *Red Crescent* means a red crescent or quarter moon on a white background;
- 5 i) *Red Cross Emblem* means the red Greek cross on a white background;
- 6 j) *Red Crystal Emblem* means the third protocol emblem

7  
8  
9 **CHAPTER II**  
10 **USE OF THE RED CROSS, THE RED CRESCENT AND THE RED CRYSTAL**  
11 **EMBLEMS**

12  
13 **SECTION 4.** *Use of the Emblems.* No person may use the Red Cross, Red  
14 Crescent, and Red Crystal Emblems, except in cases herein provided.

15  
16 **SECTION 5.** *Protective Use and Indicative Use.*

17  
18 The protective use of the Emblems is meant to mark medical and religious  
19 personnel and equipment which must be respected and protected in time of armed  
20 conflicts. The dimensions of the Emblems shall therefore be as large as possible.

21  
22 The indicative use of the Emblems serves to show that persons or objects  
23 are linked to the International Movement of the Red Cross and Red Crescent and  
24 may be used both in peacetime and during armed conflicts. The Emblems shall be  
25 small in size.

26  
27 **SECTION 6.** *Protective Use by the Medical and Religious Services of the*  
28 *Armed Forces of the Philippines.* Under the control of the DND, the medical  
29 service of the AFP shall, both in peacetime and during armed conflict, use the Red  
30 Cross emblem to identify its medical personnel, medical units and transports on  
31 the ground, sea and air.

32  
33 Medical personnel shall wear armlets and carry identity cards displaying the  
34 Red Cross emblem. These armlets and identity cards shall be issued exclusively  
35 by the DND.

36  
37 Religious personnel attached to the AFP shall be afforded the same  
38 protection as medical personnel and shall likewise be similarly identified with  
39 armlets and identity cards.

40  
41 Where this may enhance protection, medical and religious personnel  
42 attached to the AFP may, without prejudice to the use of their present respective  
43 emblems, make temporary use of any of the other distinctive emblems recognized  
44 by, and enjoying equal status under the Geneva Conventions and their Additional  
45 Protocols.

46  
47 **SECTION 7.** *Protective Use by Hospitals and Other Civilian Medical Units.*  
48 The DOH or the LGU, whichever is exercising control over the hospitals, civilian  
49 medical personnel, civilian and civilian medical transports, assigned in particular to  
50 the transportation and treatment of the wounded, sick and shipwrecked, shall be  
51 authorized to use the Red Cross emblem as a protective device in time of armed  
52 conflict, in consultation with the Philippine National Red Cross.

1 Civilian medical personnel shall wear armlets and carry identity cards  
2 displaying the Red Cross emblem. These armlets and identity cards shall be  
3 issued by the DOH or LGU, as the case may be.  
4

5 Civilian religious personnel attached to hospitals and other medical units  
6 shall be afforded the same protection as medical personnel and shall likewise be  
7 similarly identified with armlets and identity cards.  
8

9 **SECTION 8.** *Protective Use by the Philippine National Red Cross.* The  
10 PNRC is authorized to place medical personnel and medical units and transports  
11 at the disposal of the medical service of the AFP.  
12

13 Such personnel, units and transportation shall be subject to military laws  
14 and regulations and may be authorized by the DND to display as a protective  
15 device the emblem of the red cross or where this may enhance protection, to  
16 make temporary use of any other distinctive emblems recognized by, and enjoying  
17 equal status, under the Geneva Conventions and their Additional Protocols.  
18

19 Such personnel shall wear armlets and carry identity cards, in accordance  
20 with Section 6, paragraph 2 of this Act.  
21

22 The PNRC is authorized to use the emblem as a protective device for its  
23 medical personnel and medical units in accordance with Section 7 of this Act .  
24

25 **SECTION 9.** *Indicative Use by the Philippine National Red Cross and*  
26 *National Societies.* The Philippine National Red Cross is authorized to use the  
27 emblem as an indicative device. It may, in exceptional circumstances and to  
28 facilitate its work, make temporary use of the Red Crystal Emblem. It shall apply  
29 the "Regulations on the Use of the Emblem of the Red Cross or the Red Crescent  
30 by the National Societies."  
31

32 National Societies of other countries present in the territory of the Republic  
33 of the Philippines shall, with the consent of the Philippine National Red Cross, be  
34 entitled to use the emblem under the same conditions.  
35

36 **SECTION 10.** *Indicative Use by the International Organizations of the*  
37 *International Red Cross and Red Crescent Movement.* The International  
38 Committee of the Red Cross and the International Federation of Red Cross and  
39 Red Crescent Societies may make use of the emblems of the Red Cross or the  
40 Red Crescent Emblems at any time and for all their activities.  
41

42 The International Committee of the Red Cross and the International  
43 Federation of Red Cross and Red Crescent Societies, and their duly authorized  
44 personnel, may make use of the Red Crystal in exceptional circumstances and to  
45 facilitate their work.  
46

47 **SECTION 11.** *Use of the Emblems by other persons authorized by PNRC.*  
48 *In accordance with Article 44 of the Geneva Conventions, the PNRC may*  
49 *authorize the use of the Red Cross Emblem by institutions whose purpose is not*  
50 *commercial but to make known or to promote the activities of PNRC.*  
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**CHAPTER III**  
**PROHIBITED ACTS AND PENALTIES**

**SECTION 12.** *Unauthorized and Misuse of any of the Emblems as an Indicative Device in Peacetime and in Time of Armed Conflict.*

An imprisonment of not more than one (1) year and/or a fine of not less than Twenty Thousand Pesos (P20,000.00) or both shall be imposed on any person who, without authority, willfully:

- a) uses of the red cross, red crescent or red crystal emblem ;
- b) uses the words "Red Cross", "Red Crescent" or "Red Crystal" or their translation in any official language and dialect;
- c) uses a distinctive signal, insignia or any other designation which constitutes an imitation of any of the Emblems that will likely cause confusion, mistake and/or deception of the general public, irrespective of the purpose of such use;
- d) displays any of the Emblems or words "Red Cross", "Red Crescent" and/or "Red Crystal" on signs, posters, announcements, leaflets or commercial documents;
- e) affixes the Emblems and the words "Red Cross", "Red Crescent" and/or "Red Crystal" to goods or packaging, and/or has sells, offers for sale or places in circulation goods thus marked.

In case the violation is committed by a corporation or association, the penalty shall be imposed on the persons who committed the crime or ordered the commission of the offense. If the person convicted is a foreigner, he may be ordered deported upon service of his penalty.

Any proceeds, property, and other assets used, directly or indirectly in the commission of the offense, shall further be forfeited in favor of PNRC, without prejudice to the rights of bona fide third parties.

**SECTION 13.** *Prohibited and Unauthorized Uses of the Emblems as Protective Device in Time of Armed Conflict.*

- a) *Perfidious Use of the Emblems, distinctive signals or designations meant to imitate the Emblems, of the words "Red Cross", "Red Crescent", "Red Crystal".*

Any person who shall use the Emblems, distinctive signals or designations meant to imitate the Emblems, words "Red Cross", "Red Crescent", "Red Crystal", to appeal to the good faith of the adversary, with the intention to deceive him and make him believe that he was entitled to receive or was obliged to confer the protection provided for by the rules of international humanitarian law shall be guilty of the act of Perfidious Use which is punishable with the following penalties:

(1) Imprisonment ranging from twenty (20) years and one (1) day to forty (40) years and a fine of not less than Two Hundred Thousand Pesos (P200,000.00) shall be imposed if the Perfidious Use resulted to the death of an adversary;

(2) Imprisonment ranging from twelve (12) years and one (1) day to twenty (20) years and a fine of not less than One Hundred Thousand Pesos (P100,000.00) shall be imposed if the Perfidious Use resulted to physical injuries as defined in the Revised Penal Code;

1  
2 (3) Imprisonment ranging from six (6) years and one (1) day to twelve  
3 (12) years and a fine of not less than Fifty Thousand Pesos (P50,000.00)  
4 shall be imposed if the Perfidious Use did not result to any of the  
5 abovementioned cases;  
6

7 The penalties herein provided are imposable to any person who willfully  
8 commits the violation and to the person who gave the order to commit such  
9 violation.  
10

11 The corresponding accessory penalties under the Revised Penal Code  
12 shall be imposed especially where the offender is a public officer.  
13

14 **SECTION 14.** Any person who in time of armed conflict willfully uses,  
15 without authority, the Emblems, distinctive signal or any other signal which  
16 constitutes an imitation thereof, and the words "Red Cross", "Red Crescent", "Red  
17 Crystal" shall be punishable by imprisonment ranging from six (6) months to one  
18 (1) year and a fine of not less than Twenty Thousand Pesos (P20,000.00).  
19

20 In case the violation is committed by a corporation or association, the  
21 penalty shall be imposed on the persons who committed the crime or ordered the  
22 commission of the crime.  
23

24 Any proceeds, property, and other assets used, directly or indirectly in the  
25 commission of the offense, shall further be forfeited in favor of PNRC.  
26

27 **SECTION 15.** *Use of the White Cross on a Red Ground.* Owing to the  
28 confusion which may arise between the arms of Switzerland and the emblem of  
29 the red cross, the use of the white cross on a red ground or of any other sign  
30 constituting an imitation thereof, whether as a trademark or commercial mark or as  
31 a component of such marks, or for a purpose contrary to fair trade, or in  
32 circumstances likely to wound Swiss national sentiment, is likewise prohibited at  
33 all times. Any person who shall use such emblem shall be punishable by a fine of  
34 not less than Twenty Thousand Pesos (P20,000.00).  
35

36 **SECTION 16.** *Interim Measures.* The DND, DTI, DOH, DILG and/or LGU  
37 shall take the necessary interim measures such as order the seizure of objects  
38 and materials marked in violation of this Act, demand the removal of the Emblems  
39 or the words "Red Cross" and "Red Crescent" or their translation in any official  
40 language and dialect at the expense of the instigator of the crime and order the  
41 forfeiture or destruction of the instruments used for their reproduction.  
42

43 Persons making use of the red crystal emblem or of any sign constituting an  
44 imitation thereof or the words "Red Crystal" or any translation thereof in any official  
45 language and dialect, prior to the adoption of Additional Protocol III shall be  
46 permitted to continue such use; *Provided*, that the use shall not be such as would  
47 appear, in time of armed conflict, to confer protection under the Geneva  
48 Conventions and their Additional Protocols; and *Provided further*, that such rights  
49 were acquired prior to the effectivity of this Act.  
50

51 Otherwise, persons making use of the red cross, the red crescent or red  
52 crystal or any sign constituting an imitation thereof or the words "Red Cross", "Red  
53 Crescent" or "Red Crystal" or their translation in any official language and dialect  
54 upon entry into force of this Act, shall voluntarily cease and desist from using the

1 same and withdraw from the market any and all products bearing the same within  
2 two (2) months from promulgation of this Act.

3  
4  
5 **CHAPTER IV**  
6 **ROLES OF GOVERNMENT AGENCIES AND THE PNRC**

7  
8 **SECTION 17.** *Control Measures and Enforcement.* The DND, DOH, DILG,  
9 and DTI shall at all times ensure strict compliance with the rules governing the use  
10 of the emblems of the red cross, the red crescent or the red crystal, the name  
11 "Red Cross", "Red Crescent" or "Red Crystal" or their translation in any official  
12 language and dialect or the distinctive signals. They shall exercise strict control  
13 over their respective personnel authorized to use the said emblems, names and  
14 signals.

15  
16 They shall take every appropriate step to prevent misuse, in particular by  
17 disseminating the rules in question as widely as possible among the armed forces,  
18 the police forces, the instrumentalities of the State and the civilian population.  
19 They shall likewise issue instructions to national civilian and military authorities on  
20 the use of the distinctive emblem in accordance with the Geneva Conventions and  
21 their Additional Protocols and by providing for the necessary administrative and  
22 disciplinary sanctions in cases of misuse.

23  
24 **SECTION 18.** *Role of the Philippine National Red Cross.* The Philippine  
25 National Red Cross shall coordinate with the DND, DOH, DILG, and DTI in their  
26 efforts to prevent and repress any misuse and unauthorized use of the Emblems.  
27 It shall be informed of the misuse and authorized use thereof and to participate in  
28 relevant criminal, civil or administrative proceedings.

29  
30  
31 **CHAPTER V**  
32 **MISCELLANEOUS PROVISIONS**

33  
34 **SECTION 19.** *Interpretation.* In the application and interpretation of this  
35 statute, the Philippine courts shall be guided by the following instruments and  
36 developments in international law:

- 37  
38 a) The 1949 Geneva Conventions I-IV and their 1977 Additional Protocols I &  
39 II and 2005 Additional Protocol III;
- 40  
41 b) Regulations on the Use of the Emblem of the Red Cross or the Red  
42 Crescent by the National Societies, as adopted by the 20<sup>th</sup> International  
43 Conference of the Red Cross, and subsequent amendments;
- 44  
45 c) Resolution 1 of the 29<sup>th</sup> International Conference of the Red Cross and Red  
46 Crescent
- 47  
48 d) International criminal law jurisprudence from the international criminal  
49 tribunals, especially as may come from the International Criminal Court in The  
50 Hague;
- 51  
52 e) Relevant and applicable international human rights instruments and  
53 jurisprudence, mainly from the United Nations system; and  
54



1 f) Teachings of the most highly qualified publicists and authoritative  
2 commentaries on the foregoing sources as subsidiary means for the determination  
3 of rules of law.  
4

5 The Revised Penal Code shall be suppletory to this statute for purposes of  
6 criminal investigation, prosecution and trial of crimes under this Act. For these  
7 purposes, in case of conflict, this statute shall prevail over the Revised Penal  
8 Code. The same relationship with this statute applies to the Civil Code of the  
9 Philippines and special laws of a criminal and/or civil nature, such as on matters of  
10 civil liability. This Act is without prejudice to the application of the Uniform Rules  
11 on Administrative Cases in the Civil Service insofar as the administrative liability of  
12 a public officer is concerned.  
13

14 The Revised Rules of Criminal Procedure shall be suppletory to this statute  
15 and to additional special rules of criminal procedure as may be formulated by the  
16 Supreme Court for the investigation, prosecution and trial of crimes under this  
17 statute.  
18

19 **SECTION 20. *Jurisdiction of the Courts.*** The Regional Trial Courts or the  
20 Metropolitan Trial Courts of the Philippines, as the case may be, shall have  
21 original and exclusive jurisdiction over the crimes punishable under this statute.  
22 Their judgments may be appealed or elevated to the Court of Appeals and to the  
23 Supreme Court under the existing system of jurisdiction of Philippine Courts.  
24

25 The Supreme Court and the Department of Justice shall ensure that judges,  
26 prosecutors and investigators receive effective training regarding the crimes  
27 punishable under this statute.  
28

29 **SECTION 21. *Implementing Rules and Regulations.*** In relation to Section  
30 8(2), Part 8 hereof, the DND, DOH, DILG, and DTI in consultation with the  
31 PNRC shall adopt the Implementing Rules and Regulations (IRR) within  
32 five (5) months upon promulgation of this Act.  
33

34 **SECTION 22. *Repealing Clause.*** All laws, presidential decrees and  
35 issuances, executive orders, rules and regulations or parts thereof inconsistent  
36 with the provisions of this Act are hereby repealed or modified accordingly.  
37

38 **SECTION 23. *Separability Clause.*** If, for any reason or reasons, any part  
39 or provision of this Act shall be held to be unconstitutional or invalid, other parts or  
40 provisions hereof which are not affected thereby shall continue to be in full force  
41 and effect.  
42

43 **SECTION 24. *Suppletory Clause.*** This Act shall be suppletory to  
44 additional international humanitarian laws as may be promulgated by the  
45 Congress of the Philippines.  
46

47 **SECTION 25. *Effectivity.*** This Act shall take effect fifteen (15) days after  
48 its publication in two national newspapers of general circulation.  
49

50 Approved,