



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

'17 MAR -8 P3:38

SENATE BILL NO. 1373

RECEIVED BY: \_\_\_\_\_

Introduced by SENATOR LEILA M. DE LIMA

**AN ACT**  
**TO STRENGTHEN THE HUMAN RIGHTS AFFAIRS OFFICE OF THE**  
**PHILIPPINE NATIONAL POLICE AND TO FURTHER AMEND REPUBLIC**  
**ACT NO. 6975, OTHERWISE KNOWN AS "AN ACT ESTABLISHING THE**  
**PHILIPPINE NATIONAL POLICE UNDER A REORGANIZED**  
**DEPARTMENT OF THE INTERIOR AND LOCAL GOVERNMENT, AND**  
**FOR OTHER PURPOSES", AS AMENDED, AND FOR OTHER PURPOSES**

**EXPLANATORY NOTE**

Public order and public safety, these are the two elements of the immortal slogan common in law enforcement around the world. In the Philippines, it is found in the Declaration of Policy of Republic Act No. 6975 or the Department of the Interior and Local Government Act of 1990, which created the Philippine National Police (PNP).

While, certainly, crime prevention is a core function of the police force, its role in society has also evolved such that in the case of the PNP, it is also tasked for example to provide help for victims of domestic violence which is a crime recognized in the Philippines only in 2004, as well as participate in intervention for children in conflict with the law. This means, over and above traditional police work, the times has called for PNP to ***police for people***.

Perhaps recognizing that law enforcement should be people-centered, the National Police Commission, in 2007, through Resolution No. 2007-247, provided for the activation of the Philippine National Police Human Rights Affairs Office or "PNP-HRAO", with the following core functions:

- a. Integrate PNP efforts and come up with holistic approach and systematic implementation of human rights programs and activities;
- b. Review, formulate and recommend policies and programs, as well as administrative and legislative measures to effectively implement human rights laws;
- c. Monitor the conduct of investigation, legal and judicial processes of addressing human rights violations of PNP personnel;

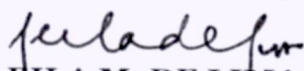
- d. Undertake information campaigns for media (local and foreign) and interested sectors to project government findings and perspectives and measures being implemented relative to human rights violation of personnel;
- e. Establish and maintain linkages with concerned agencies handling human rights violations cases against PNP personnel; and
- f. Perform other duties as directed by the Chief PNP.

Since 2007, PNP-HRAO has accomplished commendable projects, such as Human Rights-Based Policing training with the support of Hans Seidel Foundation,<sup>1</sup> and the publication of its Human Rights Desk Operation Manual. In addition, HRAO also has established itself as a partner of human rights institutions.

However, reports of the alarming involvement of the PNP in the commission and cover-up of heinous crimes, including operations victimizing civilians in the course of the tragically failed “*war on drugs*,” which has claimed more than 7,000 lives to date, and the killing of a South Korean national inside the premises of the PNP itself,<sup>2</sup> raises serious questions about the competence and credibility of Philippine law enforcement officers, particularly in their ability and commitment to discharge their duties in accordance with the constitutionally enshrined protections, including and especially every person’s right to be accorded due process of the law.

This proposed legislation, therefore, seeks to shift the focus from the problematic **output-oriented framework of police work** and offer guidance based on the rule of law and human rights to an **outcome-oriented service** which is faithful to the Constitution, particularly provisions that mandate the civilian nature of the PNP. With the foundational work already commenced by HRAO, it has to be statutorily enabled, in order to allow it to further expand and strengthen its program, and establish itself as an internal human rights center within the organization.

For this reason, the passage of this bill is earnestly sought.

  
LEILA M. DE LIMA

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1 See <<http://www2.hss.de/southeastasia/en/philippines/news-events/2015/npn-human-rights-affairs-office-holds-rights-based-policing-training-for-police-human-rights-officer-trainers-assigned-in-the-eastern-and-central-visayas-regions.html>>, visited on 01 March 2017.


2 See <<http://www.rappler.com/newsbreak/iq/145814-numbers-statistics-philippines-war-drugs>>, visited on 01 March 2017.



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6 **DEPARTMENT OF THE INTERIOR AND LOCAL GOVERNMENT, AND**  
7 **FOR OTHER PURPOSES", AS AMENDED, AND FOR OTHER PURPOSES**

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

8 **Section 1. Short Title.** – This Act shall be known as the "PNP-HRAO Act of 2017".

9 **Sec 2. Declaration of Policy and Principles.** – The State guarantees full respect for  
10 human rights. In furtherance thereof, it is hereby declared a policy of the State to  
11 ensure that the Philippine National Police shall in no circumstance inflict, instigate  
12 or tolerate extra-judicial killings, arbitrary arrests, any act of torture or other cruel,  
13 inhuman or degrading treatment or punishment, and that the PNP commits itself to  
14 have the highest regard for human rights and the rule of law in the exercise of its  
15 mandate to maintain peace, public order and safety.

16 **Sec 3.** A new section is hereby inserted after Section 25, Chapter III of Republic Act  
17 No. 6975, "An Act Establishing the Philippine National Police Under Reorganized  
18 Department of the Interior and Local Government and for other purposes", to read  
19 as follows:

1 Section 25-A. Establishment, Mandate and Functions of the PNP-HRAO. –  
2 There shall be a Human Rights Affairs Office (HRAO) in the PNP, which  
3 shall develop plans and programs on human rights to be integrated in  
4 policies and operational guidelines of the National Police. Its functions shall,  
5 *inter alia*, include:

6 a) Develop plans, policies, and programs to ensure that in the  
7 conduct of its mandate, PNP is compliant with human rights  
8 standards provided in treaties ratified by the Philippines;

9 b) Undertake periodic review of assistance services of PNP which  
10 includes but not limited to Women's Desks and/or Women Children  
11 Protection Desk to ensure that these are client centered, culture and  
12 gender sensitive;

13 c) Integrate into PNP efforts and develop systematic implementation  
14 of human rights programs and activities in relation to laws such as  
15 Republic Act No. 7192, "Women in Development and Nation Building  
16 Act", Republic Act No. 9710, "Magna Carta of Women Act of 2009",  
17 and Republic Act No. 9262, "Anti-Violence Against Women and their  
18 Children Act of 2004".

19 d) Provide policy advisory service to all units of the national police;

20 e) Serve as clearing house for information campaign on social issues  
21 adopted by the PNP. As such, it is empowered to review, revise or  
22 develop a new campaign material for use of the police;

23 f) Serve as project management and planning office of the PNP as  
24 regards all cooperation on human rights with other government  
25 agencies, non-governmental organizations, professional associations,  
26 and international organizations.

27 g) Monitor the conduct of internal investigation of human rights  
28 violations involving its PNP personnel;

29 h) Establish and maintain linkages with concerned agencies and non-  
30 governmental organizations with programs on human rights,  
31 including investigative bodies handling human rights complaints  
32 against PNP personnel; and

1 i) Perform other duties as recommended or directed by the Chief  
2 PNP.

3 **Sec 4. Composition and Member Qualifications.** – The HRAO shall be headed by  
4 the Chief Human Rights Director with the support of two (2) Deputy Human Rights  
5 Directors, one of whom shall have the rank of Police Superintendent, and the other  
6 shall be a civilian; *Provided* that the Head of HRAO shall be a civilian who, at the  
7 time of appointment, must not be less than forty (40) years old, must have a  
8 minimum of five (5) years direct supervisory experience in programme or project  
9 management, and must either be a member of the Philippine Bar in good standing,  
10 or have a postgraduate degree in Human Rights, National Security, Social Science or  
11 related discipline.

12 The HRAO shall have three divisions, namely: (a) Legal, Complaints and  
13 Investigation; (b) Research, Training and Education; and (c) Policy and Advocacy.

14 **Sec 5. Appropriations.** – Funding requirements for all programs shall be charged to  
15 the funds in the National Treasury not otherwise appropriated. Thereafter, funding  
16 requirements shall be included in annual appropriations of the Philippine National  
17 Police.

18 **Sec 6. Implementing Rules and Regulations.** – Within ninety (90) days from the  
19 approval of this Act, the PNP, with the assistance of the Department of Justice (DOJ),  
20 Commission on Human Rights (CHR), Juvenile Justice and Welfare Council (JJWC),  
21 Philippine Commission on Women (PCW), and Philippine Human Rights Committee  
22 (PHRC) shall adopt and issue the rules and regulations for the effective  
23 implementation of this Act.

24 **Sec 7. Repealing Clause.** – All laws, executive orders, presidential decrees,  
25 presidential proclamations, letters of implementation, rules and regulations or parts



1 thereof inconsistent with the provisions of this Act are hereby repealed or modified  
2 accordingly.

3 **Sec 8. Separability Clause.** – If any provision of this Act is declared invalid or  
4 unconstitutional, the provisions not affected thereby shall continue to be in full force  
5 and effect.

6 **Sec 9. Effectivity Clause.** – This Act shall take effect fifteen (15) days following the  
7 completion of its publication in the Official Gazette or in two (2) newspapers of  
8 general circulation in the Philippines.

*Approved,*