

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

23 NOV 14 P3:20

SENATE

RECEIVED BY: 

S. No. 2486

Introduced by Senator Manuel "Lito" M. Lapid

**AN ACT
ESTABLISHING 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 declares it a State policy of the Republic of the Philippines to value the dignity of every human person and to guarantee full respect for human rights. In line with this policy, the Republic of the Philippines either is a State Party to or, in the case of the Universal Declaration of Human Rights (UDHR), adopted, various international human rights instruments and conventions that prohibit the use of torture and other cruel, inhuman, or degrading treatment or punishment. These include the International Convention on Civil and Political Rights (ICCPR), and the United Nations Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (UNCAT).

Furthermore, the Republic of the Philippines acceded to the Optional Protocol to the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (OPCAT) on April 17, 2012, which requires under Part I, Article 3 thereof, that each State Party thereto "shall 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." More specifically, Part IV, Article 17 stated that "[e]ach 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 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).

It has been more than 15 years since the Philippines acceded to the OPCAT, but the Philippines still does not have an NPM. Consequently, the Philippines is on the list of States whose compliance with Part IV, Article 17 of the OPCAT is substantially overdue. Ultimately, this Bill will ensure risks to the commission of torture and other cruel, inhumane, and degrading treatment or punishment are eliminated.

This bill seeks to establish an NPM that is a separate but an attached agency of the Commission on Human Rights (CHR). As the country’s National Human Rights Institution (NHRI), established in accordance with the Paris Principles, and as befitting its visitorial mandate under the 1987 Constitution, Executive Order No. 163, s. 1987, and other related laws, is the independent body best suited to oversee the performance of the functions of the NPM of the Philippines vis-à-vis the OPCAT.

The CHR has been conducting unannounced, unhampered and unrestricted visits to places of deprivation of liberty pursuant to its visitorial mandate under 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. However, such visits are mainly investigative or monitoring in nature, not preventive as is required of an NPM.

Establishing an NPM as a separate but an attached agency of the CHR will enhance the CHR’s mandate 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, and help develop policies that will prevent the occurrence of torture and other cruel, inhumane treatment or punishment. It also seeks to provide support in the improvement of places of deprivation of liberty that respect the basic

human rights of persons deprived of liberty. This is because while the CHR initially focused only on monitoring visits to places of deprivation of liberty, it has come to realize that torture prevention needs a different and more holistic approach. Torture prevention entails understanding the various causes of torture, whether institutional, normative, political, cultural, or socio-economical, and, correspondingly, addressing such causes through a wide range of actions, such as legal reform, ensuring criminal responsibility and safeguards in detention, fighting against impunity, and ensuring remedies and reparations.

Furthermore, by establishing the NPM as a separate but an attached agency of the CHR with its own budget and personnel, this bill 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 establishment of an NPM as a separate but attached agency of the CHR aims to complement, not replace, the CHR's current visitorial mandate by extending its visitorial powers to places of deprivation of liberty outside of its current jurisdiction, such hospitals and psychiatric institutions.

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


MANUEL "LITO" M. LAPID
Senator 

1 intimidation, or any act that impairs his/her free will or in any manner demeans
2 or degrades human dignity;

3 d. Adopt a human rights-based approach in the prevention of torture and
4 other cruel, inhuman, and degrading treatment or punishment;

5 e. Ensure that secret detention places, solitary, incommunicado, or other
6 similar forms of detention where torture and other cruel, inhuman, or degrading
7 treatment and punishment may be carried out with impunity are prohibited;
8 and

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

21 **Sec. 3. Definition of Terms.** – For the purposes of this Act, the following
22 terms shall mean:

23 a. **Agent of a person in authority** refers to any person who, by direct
24 provision of law, election, or by appointment or employment by a competent
25 authority, whether public or private, is charged with the maintenance of public
26 order and the protection and security of life and property, including any person
27 who acts for or on behalf of, assists, represents, or comes to the aid of persons
28 in authority;

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

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

10 d. ***Person deprived of liberty (PDL)*** refers to any person placed in any
11 form of detention or imprisonment or in a public or private custodial setting
12 where the said person is not permitted to leave at will by order of any judicial,
13 administrative, or other authority;

14 e. ***Person in authority*** refers to any person directly vested with
15 jurisdiction, whether as an individual or as a member of a court or government
16 corporation, board, or commission or any person in charge of, managing, or
17 with administrative supervision and/or control over a place of deprivation of
18 liberty;

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

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

- 29 1) Municipal jails;

- 1 2) City jails;
- 2 3) District jails;
- 3 4) Sub-provincial jails;
- 4 5) Provincial jails
- 5 6) Police custodial centers;
- 6 7) Detention facilities;
- 7 8) Correctional facilities;
- 8 9) Barangay holding centers;
- 9 10) National penitentiaries;
- 10 11) Penal colonies;
- 11 12) Youth homes;
- 12 13) Rehabilitation centers for the youth or Bahay Pag-Asa;
- 13 14) Bahay Silangan;
- 14 15) International ports and airports;
- 15 16) Immigration detention centers;
- 16 17) Psychiatric mental health facilities/institutions;
- 17 18) Care homes for older persons;
- 18 19) Security or intelligence service facilities;
- 19 20) Military forts and camps;
- 20 21) Other facilities under military jurisdiction;
- 21 22) Places of administrative detention;

1 23) Means of transport for the transfer of persons deprived of liberty;

2 24) Hospitals / Health facilities;

3 25) Home-based or medical/health-related detention facilities;

4 26) Drug rehabilitation centers; and

5 27) Other similar or makeshift places of confinement or detention
6 where persons confined or detained thereat are not permitted to leave at
7 will;

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

12 h. **Subcommittee on the Prevention of Torture (SPT)** refers to the
13 United Nations Subcommittee on the Prevention of Torture and Other Cruel,
14 Inhuman, or Degrading Treatment or Punishment established under the
15 OPCAT. It has a preventive mandate focused on a proactive approach to
16 preventing torture and ill treatment.

17 i. **Torture** refers to an act by which severe pain or suffering, whether
18 physical or mental, is intentionally inflicted on a person for such purposes as
19 obtaining from him/her or a third person information or a confession, punishing
20 him/her for an act he/she or a third person has committed or is suspected of
21 having committed, or intimidating or coercing him/her or a third person, or for
22 any reason based on discrimination of any kind, when such pain or suffering is
23 inflicted by or at the instigation of or with the consent or acquiescence of a
24 person in authority or agent of a person in authority. It does not include pain
25 or suffering arising only from, inherent in, or incidental to lawful sanctions;

26 j. **Unannounced visits** refer to visits that may be conducted at any time
27 and without prior notice or authorization; and

1 k. **Unrestricted access** refers to free access to the following, unless
2 specifically prohibited by a court:

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

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

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

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

12 5) All information concerning the number of persons deprived of
13 their liberty in places of deprivation of liberty, as well as the number
14 of such places and their locations;

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

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

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

22 **Sec. 4. National Preventive Mechanism.** – There is hereby created a
23 Special Committee on National Preventive Mechanism (NPM) for the purpose of
24 preventing torture and other cruel, inhuman or degrading treatment or punishment.
25 The NPM shall be a separate but attached agency of the Commission on Human Rights
26 (CHR). It shall function separately and independently from the operations of the CHR.

1 **Sec. 5. Powers and Functions of the NPM.** – The NPM, whose visiting
2 mandate is specifically aimed at the prevention of torture and other cruel, inhuman,
3 or degrading treatment or punishment, and proactive and non-adversarial in its
4 approach, shall have the following powers and functions:

5 a. To conduct regular and unannounced visits to places of
6 deprivation of liberty in order to prevent torture and other cruel,
7 inhuman, or degrading treatment or punishment.

8 In conducting such visits, the NPM may consider requests for visits
9 by civil society groups or any other entities or individuals recommending
10 policy, procedural, or practical reforms in places of deprivation of liberty;

11 b. To undertake preventive monitoring visits and coordinate with
12 relevant authorities to examine and assess the custodial policies,
13 procedures, practices, and all other aspects relevant to the treatment and
14 living conditions of persons deprived of liberty in order to identify the
15 risks that give rise to torture and other cruel, inhuman, or degrading
16 treatment or punishment in accordance with the UN Standard Minimum
17 Rules on the Treatment of Prisoners (SMRTP) and existing international
18 principles, obligations, and standards;

19 c. To examine and review national laws, policies, and procedures
20 that relate to the treatment, well-being, and rights of persons deprived
21 of liberty;

22 d. To submit to Congress and to the President its annual NPM report
23 which shall contain its observations, advisories and other policy
24 recommendations, and proposals relating to the rights and protection of
25 persons deprived of their liberty and provide other relevant authorities.
26 The NPM report, which shall include a report to Congress its annual
27 budget and expenditures, shall be published and disseminated to all
28 stakeholders;

1 e. To refer any factual incident of torture and other cruel, inhuman,
2 or degrading treatment or punishment or other human rights violations
3 or abuses it may discover during its visits to appropriate authorities within
4 places of deprivation of liberty.

5 f. To work, where appropriate, in cooperation or consultation with
6 any person or entity, whether public or private, in connection with the
7 discharge of any of its functions under this Act and the OPCAT;

8 g. To publish information relative to its preventive monitoring
9 functions, specifically on matters mentioned in Paragraphs (a), (b), (c),
10 (d), and (e) of this Section, when circumstances so warrant and with due
11 prudence: ***Provided***, That the NPM, having high regard for its rules and
12 regulations relative to confidentiality and informed consent, may
13 determine what information shall be considered confidential; ***Provided***
14 ***further***, That the NPM shall not publish or make known any sensitive
15 personal data relating to any person without that person's express
16 consent.

17 h. To submit independent reports to the SPT regarding the
18 implementation of the Republic of the Philippines' obligations under the
19 UNCAT and the OPCAT;

20 i. To promote public awareness, through the publication and
21 dissemination of information, and education materials, on its work as the
22 NPM;

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

26 k. To ensure the protection and uphold the principle of non-
27 refoulement for persons deprived of liberty in the performance of its
28 mandate in coordination with relevant agencies; and

1 i. To establish its own rules and procedures in carrying out its
2 mandate and to create line offices necessary and relevant for the
3 execution of its functions.

4 ***Sec. 6. Guarantees for the NPM.*** – All branches, subdivisions, departments,
5 and agencies or instrumentalities of the Government and relevant private institutions
6 shall guarantee the NPM the following:

7 a. Full and unrestricted access to all information concerning the
8 number of persons deprived of liberty in places of deprivation of liberty,
9 as well as the number of such places and their respective locations:

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

12 c. Full and unrestricted access to all places of deprivation of liberty
13 and their installations and facilities.

14 d. Liberty to conduct private interviews with persons deprived of
15 liberty without recording or monitoring by the persons in authority, or
16 agents thereof;

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

19 f. Liberty for NPM officers and duly- authorized personnel to visit all
20 places of deprivation of liberty;

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

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

1 i. That the relevant authorities shall enter into appropriate
2 agreements with the NPM to address the recommendations of the latter.
3 Should the authorities fail to act upon the recommendation, the NPM
4 shall forward its findings to the Department of Justice and other
5 concerned government agencies for appropriate actions;

6 j. That the relevant authorities shall immediately file and pursue the
7 appropriate administrative, civil, and/or criminal cases against
8 individuals and/or authorities who refuse to cooperate with the NPM as
9 it undertakes its mandate under both this Act and the OPCAT;

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

13 l. The NPM shall be allowed to receive foreign grants for the
14 establishment of NPM premises and implementation of its functions
15 specified in this Act.

16 **Sec. 7. Composition of the NPM.** – The NPM, which shall be an independent
17 and collegial body, shall be composed of the Chairperson of the Commission on Human
18 Rights or his/her representative Commissioner, sitting as ex-officio member, and ten
19 (10) other members with the following qualifications:

20 1. Five (5) experts each representing one of the following professions or other
21 related fields such as:

- 22 a. Criminal Law;
- 23 b. Medicine;
- 24 c. Psychiatry;
- 25 d. Psychology;
- 26 e. Social Work;

1 f. Architecture; and

2 g. Engineering;

3 2. Four (4) representatives from non-governmental organizations (NGOs)
4 operating in the Philippines for at least five (5) years and advocating for human
5 rights, preferably focusing on anti-torture work and/or upholding the rights of
6 persons deprived of liberty; and

7 3. One (1) person with prior professional experience of at least five (5) years
8 concerning the administration of places of deprivation of liberty.

9 The NPM shall, as much as practicable, have balanced gender representation
10 and have adequate representation of ethnic and minority groups in its membership on
11 the basis of the principles of equality and non-discrimination.

12 The NPM shall organize itself within thirty (30) days from the completion of the
13 appointment of all ten (10) members.

14 ***Sec. 8. Qualifications of the members of the NPM.*** - Except for the the
15 Chairperson or his/her representative Commissioner, all members of the NPM shall
16 have the following qualifications:

17 a) Be Filipino citizens;

18 b) Have been practicing their respective professions for at least five (5)
19 years;

20 c) Have no record of any human rights violation(s).

21 Preference will be given to members of the aforementioned professions who
22 are knowledgeable about matters related to deprivation of liberty, the Bangkok
23 Rules, the Beijing Rules, detention and the administration of justice.

24 Furthermore, each of the members shall possess the following additional
25 qualifications:

- 1 1) The five (5) experts, shall:
- 2 a) Be recognized and respected members of their respective
- 3 professional organizations;
- 4 b) Possess high moral character, recognized probity, competence,
- 5 and integrity;
- 6 c) Be defenders and promoters of human rights in both their
- 7 professional and personal capacities; and

8 Special consideration will also be given to members of the aforementioned

9 professions who understand the penal situation in the Philippines, particularly

10 penal structural conditions, organizational processes, culture, and the effects

11 of imprisonment.

- 12 2) The four (4) representatives from the NGOs shall:
- 13 a) Be recognized human rights defenders nominated by NGOs
- 14 operating in the Philippines for at least five (5) years and advocating for
- 15 human rights, preferably focusing on anti-torture work and/or upholding
- 16 the rights of persons deprived of liberty; or
- 17 b) Be human rights experts with experience working on both the
- 18 issues of torture and the rights of persons deprived of liberty and visiting
- 19 places of deprivation of liberty;
- 20 3) The member with prior professional experience regarding administration
- 21 of places of deprivation of liberty shall have:
- 22 a) a Bachelor's Degree; and
- 23 b) experience in detention facility administration, with a good track
- 24 record in administration of places of deprivation of liberty; and

1 c) an understanding of the penal situation in the Philippines,
2 particularly penal structural conditions, organizational processes, culture,
3 and the effects of imprisonment.

4 **Sec. 9. Term of Office, Appointments.** - The Chairperson of the Commission
5 on Human Rights or his/her representative Commissioner, sitting as ex officio member
6 of the NPM, shall serve as a member of the NPM for the entirety of his/her respective
7 tenure in the CHR.

8 The ten (10) members shall be appointed by the CHR *Commission En Banc*.
9 The selection and appointment process shall be open and transparent, ensuring
10 participative engagements with all relevant stakeholders. To ensure that the NPM is a
11 continuing body, the first batch of appointments shall serve on a staggered basis. Of
12 the first appointment of the ten (10) members, three (3) experts and two (2)
13 representatives from the NGOs shall serve for two (2) years. All subsequent
14 appointments shall serve for a period of three (3) years with the possibility of one (1)
15 reappointment.

16 In no case shall the members of the NPM be appointed, reappointed, or
17 designated in a temporary or acting capacity. Appointment or designation to any
18 vacancy shall be only for the unexpired term of the predecessor.

19 **Sec. 10. Salaries, Emoluments, and Benefits.** – The members of the NPM
20 shall have the rank, salary, emoluments, and allowances equivalent to a Commissioner
21 of the CHR.

22 **Sec. 11. Organization and Staffing.** – The NPM is hereby authorized to
23 prepare and adopt the organizational structure and staffing pattern for the national
24 and regional offices of the NPM in such manner or form as they may deem most suited
25 and responsive to national and regional administration, subject, however, to existing
26 laws and regulations prescribing position classification, rankings and pay ranges for
27 national departments and offices.

1 The NPM shall establish a regional office in each of the regions in the country
2 with the corresponding staff complement that will be responsible for implementing the
3 NPM functions in their areas of jurisdiction.

4 **Sec. 12. Independence of Members of the NPM.** - All members of the
5 NPM shall act independently and impartially. With the exception of the CHR
6 Chairperson or his/her representative Commissioner, all other members of the NPM
7 shall serve in their personal capacity. They shall conduct themselves in accordance
8 with the following guidelines:

9 1) No member of the NPM shall participate in activities which may imply, or
10 may seem to imply, a conflict of interest with his/her capacity as an
11 independent and impartial member; and

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

15 3) If for any reason a member of the NPM considers that he/she is in a situation
16 involving a potential conflict of interest, he/she shall promptly inform the
17 Executive Director, who shall then advise the rest of the members the NPM on
18 the potential conflict of interest. Ultimately, the NPM, shall take all measures
19 necessary to safeguard the requirements of independence and impartiality of
20 its respective members.

21 **Sec. 13. Fiscal autonomy.** – To ensure the NPM’s independence, it shall
22 enjoy full fiscal autonomy. Appropriations for the NPM shall not be reduced and shall
23 be automatically and regularly released.

24 **Sec. 14. Confidentiality.** – Subject to the requirements of national security
25 and the interests of justice, all documentation and information collected by the NPM
26 shall be kept strictly confidential, unless the NPM decides otherwise in relation to a
27 particular documents and information: Provided, That no sensitive information,
28 whether personal or otherwise, shall be published without the express consent of the
29 individual or authority concerned: Provided further, that this provision shall be in

1 accordance with all existing laws on confidentiality and security of sensitive personal
2 information and data, such as but not limited to the Data Privacy Act of 2012.

3 ***Sec. 15. Relationship and Cooperation with Government Agencies,***
4 ***Civil Society Organizations (CSOs) and Other Groups.*** – The NPM, shall apply
5 a human rights-based approach in the performance of its mandate, maintain direct
6 regular contact with and encourage open dialogues with the relevant UN agencies
7 working against torture, including the Committee Against Torture, SPT, and the Office
8 of the High Commissioner for Human Rights (OHCHR). It shall also encourage and
9 maintain participation and coordination with the CSOs, media organizations, and other
10 regional, national, and international human rights mechanisms for the effective and
11 full implementation of this Act.

12 Government authorities and private organizations or entities mandated to
13 protect and promote the rights of persons deprived of liberty shall cooperate with and
14 promptly respond to and monitor the implementation of the recommendations,
15 proposals, and other requests of the NPM in the performance of its mandate.

16 The competent authorities shall take into consideration the recommendations
17 of the NPM and enter into a dialogue with it, on possible implementation measures.

18 ***Sec. 16. Protection from Criminal Liability, Other Sanctions, and***
19 ***Reprisals.***

20 a. No authority or official shall order, apply, permit, or tolerate any sanction
21 against any person or organization for having communicated to the NPM,
22 including its officers and staff, any information and no such person or
23 organization shall be otherwise prejudiced in any way;

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

1 c. No criminal, administrative, or disciplinary sanction shall be taken against
2 any person or organization for having communicated in good faith any
3 information to the NPM, including its officers and staff;

4 d. Anything done in good faith and pursuant to the functions and powers
5 conferred upon the NPM under this Act or in respect of any publication by, or
6 under the authority of, the NPM of any report, proceeding, or any other matter
7 under this Act shall not be a ground for action, suit, or other legal proceeding
8 against any member of the NPM, its officers, staff or employees, or any other
9 person who assisted the NPM in the performance of the its mandate; and

10 e. Any legal action filed to harass, vex, exert undue pressure against any
11 member of the NPM, including its officers and staff, in the performance of their
12 functions under this Act shall, if proven in court to have been filed for any of
13 the aforementioned purposes, be immediately dismissed with prejudice and the
14 court may award damages, attorney's fees and costs of suit.

15 ***Sec. 17. Information Sheets on Persons Deprived of Liberty and***
16 ***Places of Deprivation of Liberty.*** – The NPM shall be entitled to receive copies of
17 the lists as provided under Sec. 7 of Republic Act No. 9745 otherwise known as the
18 “Anti-Torture Act of 2009” and as provided under Sec. 10 of Republic Act No. 10353
19 otherwise known as the “Anti-Enforced or Involuntary Disappearance Act of 2012”.

20 ***Sec. 18. Public Education, Information, and Awareness Campaign.*** –
21 The NPM, in partnership with the Philippine Information Agency (PIA), Department of
22 Justice (DOJ), Bureau of Corrections (BUCOR), National Bureau of Investigation (NBI),
23 Bureau of Immigration (BI), Department of Interior and Local Government (DILG),
24 Bureau of Jail Management and Penology (BJMP), the Philippine National Police (PNP),
25 the Department of National Defense (DND), Armed Forces of the Philippines (AFP),
26 Department of Social Welfare and Development (DSWD), Department of Health
27 (DOH), and other agencies with jurisdiction, control and/or oversight of places of
28 deprivation of liberty, CSOs, and such other concerned parties and entities in both the
29 public and private sectors, shall inform the public, as well as persons in authority and
30 their agents, of the existence of the NPM, the rights of persons deprived of liberty,

1 the importance of preventive visits, the need for cooperation during such visits, and
2 for implementing measures based on recommendations of the NPM.

3 **Sec. 19. Periodic Review.** – Within five (5) years after the effectivity of this
4 Act, and every five (5) years thereafter or as the need arises, the NPM shall conduct
5 a comprehensive review of its implementation and a systematic evaluation of its
6 performance and functioning in order to highlight its accomplishments and impact on
7 the protection of the rights of persons deprived of their liberty.

8 To carry out this task, the NPM shall ensure participative and multi-sectoral
9 dialogues with stakeholders, the CSOs, survivors of torture and their families, and the
10 relevant government authorities involved in the treatment of persons deprived of their
11 liberty and the administration of places of deprivation of liberty.

12 The NPM shall submit its review and evaluation report to both the Senate
13 Committees on Justice and Human Rights and the House Committee on Human Rights
14 for their consideration.

15 **Sec. 20. Appropriations.** – The NPM shall have an initial budget of Nine
16 Hundred Million Pesos (PhP900,000,000.00). The amount necessary for the
17 implementation of this Act shall be charged against the current year's appropriations
18 of the CHR. Thereafter, the amount necessary for the continuous implementation of
19 this Act shall be included in the annual General Appropriations Act (GAA).

20 **Sec. 21. Implementing Rules and Regulations (IRR).** – The CHR shall
21 formulate the IRR of this Act within ninety (90) days from its effectivity. The CHR shall
22 consult with the DOJ, BUCOR, NBI, BI, DILG, BJMP, PNP, DND, AFP, DSWD, DOH,
23 JJWC, ULAP and other relevant government agencies and CSOs working in various
24 fields relevant to the treatment of persons deprived of liberty.

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

1 **Sec. 22. Separability Clause.** – If any provision of this Act is declared invalid
2 or unconstitutional, the other provisions not affected thereby shall remain valid and
3 subsisting.

4 **Sec. 23. Repealing Clause.** – All laws, decrees, executive orders, rules and
5 regulations, memorandum orders, memorandum circulars, administrative orders,
6 ordinances, and other issuances, or any part thereof, which are inconsistent with this
7 Act, are hereby revoked, amended, or modified accordingly.

8 **Sec. 24. Effectivity.** – This Act shall take effect fifteen (15) days after its
9 publication in at least two (2) newspapers of general circulation.

10 *Approved,*