Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

THIRTEENTH CONGRESS
First Regular Session

HOUSE BILL No. 636

Introduced by Rep. Loretta Ann P. Rosales

EXPLANATORY NOTE

It is the sacred duty of the State to preserve peace and order and to protect society by ensuring the proper enforcement of the Constitution and other national laws. But in the course of performing this mandated duty, military, police and/or other law enforcement agencies' operations to suppress rebellion or to pursue and/or apprehend criminal elements, no matter how cautiously conducted, invariably cause damage and injury upon innocent civilians and non-combatants.

Unfortunately, there is no existing government mechanism that compensates for these damage and injury which come in the form of physical and/or psychological injuries, death and/or destruction of properties.

Hence, the proposed measure seeks to fill in this void in order to prove to the citizenry that such damage and injury are inevitable consequences of the government's duty to defend itself and protect its people.

Enactment of this bill into law is therefore earnestly sought.

Loretta Ann P. Rosales

REP. LORETTA ANN P. ROSALES
Akbayan Party-List Representative

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AN ACT
PROVIDING FOR REASONABLE COMPENSATION AND BENEFITS FOR THE LOSS OF LIVES, INJURIES AND DAMAGES TO PROPERTY SUFFERED BY NON-COMBATANT INDIVIDUALS IN THE COURSE OF OPERATIONS BY THE MILITARY, POLICE AND/OR OTHER LAW ENFORCEMENT AGENCIES AND FOR OTHER PURPOSES

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

SECTION 1. *Declaration of Policy.* It shall be the policy of the State to provide compensation to and rehabilitation of non-combatant individuals caught in the crossfire of operations by the military, police and/or other law enforcement agencies and their families and who suffered damage to property, physical injuries or death.

SEC. 2. *Definition of Terms.* The following terms used in this Act are defined, as follows:

Non-combatant victims shall be those individuals who have not directly and/or actually participated in an armed confrontation or those persons who have not directly or indirectly caused the encounter involving the military, police and/or other law enforcement agencies. Civilian officials and personnel of the government of the Philippines who have not directly and/or actually participated in the aforementioned armed confrontation shall be deemed included in the term non-combatant individuals.

An operation by the military, police and/or other law enforcement agencies shall be deemed unlawful when it is conducted in such a way that there is absolutely no justification for its undertaking and/or it is a clear violation of the constitution, existing laws and basic human rights of the people in the community. Simulated encounter by the military, police and/or other law enforcement agencies shall also be considered unlawful under this Act.

SEC. 3. *The Board of Compensation and Rehabilitation; Composition, Powers and Functions.* There is hereby created a Board of Compensation and Rehabilitation under the Commission on Human Rights, herein referred to as the Board, to be composed of one (1)

chairman to be appointed by the Chair of the Commission and four (4) members representing the Department of Social Welfare and Development, the Department of National Defense, the Department of Interior and Local Government, and the human rights non-governmental organizations and people's organizations.

The Board shall have the following powers and functions:

1) receive, evaluate, process and investigate applications for claims under this Act;

2) conduct an independent administrative hearing and resolve applications for claims, grant or deny the same; and,

3) deputize appropriate government agencies in order to effectively implement its functions.

SEC. 4. *Compensation and Rehabilitation of Non-combatant Victims.* The law enforcement agency/ies conducting the operation, the Department of Social Welfare and Development, the Department of Health, the corresponding government hospital and the local government unit concerned shall provide immediate relief to non-combatant individuals who are victims of operations of the military, police and/or other law enforcement agencies. However, whatever amount a particular local government unit might shell out to fulfill the intent of this Act shall be reimbursed by the Board.

The Board, upon favorable resolution of the claims, shall award the following:

1) Where death of a non-combatant individual occurs in the course of an operation conducted by the military, police and/or other law enforcement agencies, the amount of Fifty Thousand Pesos (P50,000.00) shall be granted to the legal heirs of the victim by way of a death benefit;

2) Where physical, emotional and/or psychological injury is caused to a non-combatant individual in the course of an operation conducted by the military, police and/or other law enforcement agencies, the Board shall pay the victim the cost of hospitalization and other related and consequential damages resulting from such injury; and,

3) Where loss of or damage to property of a non-combatant individual is caused in the course of an operation conducted by the military, police and/or other law enforcement agencies, the Board shall pay the amount corresponding to the assessed value of the property lost or destroyed or the amount mutually agreed upon by the parties.

SEC. 5. *Liability of Concerned Law Enforcement Agency.* Where the operation conducted by the military, police and/or other law enforcement agencies falls under Section 2, paragraph b of this Act, the concerned military, police and/or other law enforcement agency shall pay jointly and severally the compensation awarded by the Board.

The commanding officers, as well as all elements of the military, police and/or other law enforcement agencies who actually and/or directly participated in the operation shall be prosecuted, charged and held liable before a criminal court.

SEC. 6. *Appropriations Clause.* The amount necessary to carry out the provision of this Act shall be charged against the current year's savings of the law enforcement agencies concerned. Thereafter, such sums as may be needed for the continued implementation of this Act shall be included in the annual general appropriations.

SEC. 7. *Implementing Rules and Regulations.* The Commission on Human Rights, in consultation, coordination and collaboration with the Department of Social Welfare and Development, the Department of National Defense, the Department of Interior and Local Government, and human rights non-governmental organizations and people's organizations, shall prepare the implementing rules and regulations necessary to carry out the provisions of this Act.

SEC. 8. *Repealing Clause.* All laws or any part thereof, inconsistent herewith are deemed repealed or modified accordingly.

SEC. 9. *Effectivity.* This Act shall take effect fifteen (15) days upon its publication in at least two (2) newspapers of national circulation.

Approved,