

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

FIFTEENTH CONGRESS

First Regular Session

COMMITTEE REPORT NO. 691

Submitted by the Committee on Justice and the Committee on Human Rights on
02 MAR 1981

Re: House Bill No. **4314**

Recommending its approval in substitution of House Bill Nos. 307, 440 and 628

Sponsors: Representatives Niel C. Tupas, Jr., Rene L. Relampagos, Roilo Golez, Juan
Edgardo "Sonny" Angara, and Simeon A. Datumanong

Mr. Speaker:

The Committee on Justice and the Committee on Human Rights, to which were referred
House Bill No. 307, introduced by Representative Roilo Golez, entitled:

**"AN ACT
DEFINING THE USE AND PROTECTION OF THE RED CROSS, RED
CRESCENT, RED CRYSTAL AND RED LION AND SUN EMBLEMS,
PROVIDING PENALTIES FOR VIOLATIONS THEREOF AND FOR
OTHER PURPOSES"**

House Bill No. 440, introduced by Representative Juan Edgardo "Sonny" M. Angara, entitled:

**"AN ACT
DEFINING THE USE AND PROTECTION OF THE RED CROSS, RED
CRESCENT AND RED CRYSTAL EMBLEMS"**

and House Bill No. 628, introduced by Representative Simeon A. Datumanong, entitled:

**"AN ACT
DEFINING THE USE AND PROTECTION OF THE RED CROSS, THE
RED CRESCENT, THE RED CRYSTAL AND THE RED LION AND SUN
EMBLEMS, PROVIDING PENALTIES FOR VIOLATIONS THEREOF
AND FOR OTHER PURPOSES"**

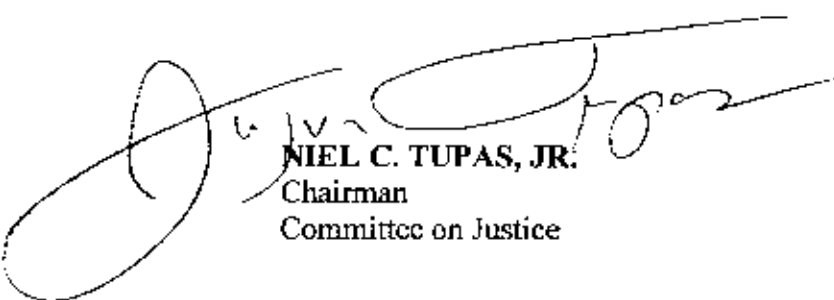
have considered the same and recommend that the attached House Bill No. 5314,
entitled:

**"AN ACT
"DEFINING THE USE AND PROTECTION OF THE RED CROSS, RED
CRESCENT, RED CRYSTAL AND RED LION AND SUN EMBLEMS,
PROVIDING PENALTIES FOR VIOLATIONS THEREOF AND FOR
OTHER PURPOSES"**

be approved in substitution of HIB Nos. 307, 440 and 628 with Representatives Golez, Angara,
Datumanong, Tupas, Jr., and Relampagos as authors thereof.

Respectfully submitted,


RENE L. RELAMPAGOS
Chairman
Committee on Human Rights


NIEL C. TUPAS, JR.
Chairman
Committee on Justice

The Honorable
The Speaker
House of Representatives
Quezon City

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City, Metro Manila

FIFTEENTH CONGRESS

First Regular Session

House Bill No. 4314

Introduced by Representatives Golez, Angara, Darumanong, Tupas, Jr., and Relampagos

AN ACT
DEFINING THE USE AND PROTECTION OF THE RED CROSS, RED
CRESCENT, RED CRYSTAL AND RED LION AND SUN EMBLEMS,
PROVIDING PENALTIES FOR VIOLATIONS THEREOF, AND FOR OTHER
PURPOSES

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

PART 1
INTRODUCTORY PROVISIONS

SECTION 1. *Short Title.* This Act shall be known as "The Red Cross and Other Emblems Act of 2011."

SEC. 2. *Declaration of Principles and State Policies*

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

(b) The State adopts the provisions of the Hague Convention IV of 1907 and the 1949 Geneva Conventions and their Additional Protocols on the protection of victims of war insofar as they have been ratified or have become part of generally accepted principles of international law.

(c) The State shall secure the protective use and indicative use of the emblems both in times of peace and in times of armed conflict in accordance with the standards and guidelines set forth under the Hague Conventions of 1907 and the 1949 Geneva Conventions and their Additional Protocols on the protection of victims of war.

1 (d) The misuse of the emblem of the Red Cross, Red Crescent, Red Crystal and
2 Red Lion and Sun of the words Red Cross, Red Crescent, Red Crystal, and Red Lion and
3 Sun, or their translation in any official language and dialect shall not go unpunished. Its
4 effective prosecution shall be ensured by taking measures at the national level.

5
6 **SEC. 3. Definition of Terms:** For purposes of this Act, the term:

- 7
8 (a) **Armed Conflict** means any use of force or armed violence which gives rise, or
9 may give rise, to a situation to which the Geneva Conventions of 1949 and their
10 additional Protocols, including their common Article 3 (Conflicts not of an
11 International Character), apply. It does not include situations of internal
12 disturbances and tensions, such as riots, isolated and sporadic acts of violence or
13 other acts of a similar nature.
14
15 (b) **Distinctive signals** mean any of the distinctive signals specified in Chapter III of
16 Annex I to the Protocol Additional to the Geneva Conventions of 12 August
17 1949, and relating to the Protection of Victims of International Armed Conflicts
18 (Protocol I), being the signals of identification for medical units and transport,
19 namely, the blue light signal, the radio signal and electronic means of
20 identification.
21
22 (c) **Emblem** means the Red Cross, Red Crescent, Red Crystal, and Red Lion and Sun
23 emblem.
24
25 (d) **Indicative use** means the use of the emblem showing that a person or an object is
26 linked to an institution of the International Movement of the Red Cross and Red
27 Crescent. The emblem shall be small in size.
28
29 (e) **Perfidious use** means the use of the emblem by a person with intent to appeal to
30 the good faith of an adversary in order to deceive and make the latter believe that
31 the person is entitled to receive or is to be conferred the protection provided for
32 by the rules of international humanitarian law.
33
34 (f) **Protective use** means the visible sign of the protection conferred by the Geneva
35 Conventions and their Additional Protocols on medical personnel and medical
36 units and transports in time of armed conflict. The dimensions of the emblem
37 shall therefore be as large as possible.
38
39 (g) **Red Crescent** when used to signify a heraldic emblem, means an emblem
40 depicting a red crescent moon, on and completely surrounded by, a white
41 ground, as illustrated in Article 4 Chapter IV of Annex I of the Additional
42 Protocol I to the Geneva Conventions.
43

1 (h) *Red Cross* when used to signify a heraldic emblem, means an emblem depicting a
2 red cross with branches of equal length on, and completely surrounded by, a
3 white ground, formed by reversing the colours of the Swiss Confederation, as
4 illustrated in Article 4 Chapter IV of Annex I of the Additional Protocol I to the
5 Geneva Conventions.

6
7 (i) *Red Crystal* when used to signify a heraldic emblem, means any emblem
8 depicting a red frame in the shape of a square on edge, and completely
9 surrounded by, a white ground, as illustrated in Additional Protocol III to the
10 Geneva Conventions.

11
12 (j) *Red lion and sun* when used to signify a heraldic emblem, means an emblem
13 depicting a red lion passing from right to left, completely surrounded by a white
14 background, with its face turned towards the observer, holding erect in its raised
15 right forepaw a scimitar, with the upper half of the sun shooting forth rays
16 appearing above the lion's back, as illustrated in Article 4 Chapter IV of Annex I
17 of the Additional Protocol I to the Geneva Conventions.

18 19 PART 2

20 RULES ON THE USE OF THE RED CROSS, THE RED CRESCENT, THE RED 21 CRYSTAL AND THE RED LION AND SUN EMBLEMS

22
23 SEC. 4. *Protective Use by the Medical Service of the Armed Forces of the*
24 *Philippines.* Under the control of the Department of National Defense (DND), the
25 medical service of the Armed Forces of the Philippines (AFP) shall, both in peacetime
26 and during armed conflict, use the Red Cross emblem to identify its medical personnel,
27 medical units and transports on the ground, sea and air.

28
29 Medical personnel of the AFP shall wear armlets and carry identity cards
30 displaying the Red Cross emblem. These armlets and identity cards shall be issued by the
31 DND.

32
33 Religious personnel attached to the armed forces shall be afforded the same
34 protection as medical personnel and shall likewise be similarly identified with armlets
35 and identity cards.

36
37 Where this may enhance protection, medical and religious personnel attached to
38 the armed forces may, without prejudice to the use of their present emblems make
39 temporary use of any of the other distinctive emblems recognized by, and enjoying equal
40 status under the Geneva Conventions and their Additional Protocols.

41
42 SEC. 5. *Protective Use by Hospitals and Other Civilian Medical Units.* The
43 Department of Health (DOH), exercising control over the hospitals, civilian medical
44 personnel, civilian and civilian medical transports assigned in particular to the transport

1 and treatment of the wounded, sick and shipwrecked, shall authorize the marking of the
2 Red Cross emblem used as a protective device in time of armed conflict, in consultation
3 with the Philippine Red Cross (PRC). In this regard, the DOH shall coordinate and work
4 together with the DND, which may, if necessary, give advice and assistance. The DND
5 shall authorize medical personnel, units and transports of uniformed personnel in
6 government other than the armed forces to be marked with the emblem used as a
7 protective device in time of armed conflict

8
9 Civilian medical personnel shall wear armlets and carry identity cards displaying
10 the Red Cross emblem. These armlets and identity cards shall be issued by the DOH.

11
12 Civilian religious personnel attached to hospitals and other medical units shall be
13 afforded the same protection as medical personnel and shall likewise be similarly
14 identified with armlets and identity cards

15
16 **SEC. 6. *Protective Use by the Philippine Red Cross.*** The PRC shall be
17 authorized to place medical personnel and medical units and transports at the disposal of
18 the medical service of the armed forces

19
20 Such personnel, units and transportation shall be subject to military security
21 regulations and may be authorized by the DND to display as a protective device the
22 emblem of the Red Cross or where this may enhance protection, to make temporary use
23 of any of the distinctive emblems recognized by, and enjoying equal status, under the
24 1949 Geneva Conventions and their Additional Protocols

25
26 Such personnel shall wear armlets and carry identity cards displaying the Red
27 Cross emblem. These armlets and identity cards shall be issued by the DND.

28
29 The PRC may be authorized to use the emblem as a protective device for its
30 medical personnel and medical units in accordance with Section 5 of this Act.

31
32 **SEC. 7. *Indicative Use by the Philippine Red Cross and National Societies.***
33 The PRC is authorized to use the emblem as an indicative device. It may, in exceptional
34 circumstances as determined by the PRC, and to facilitate its work, make temporary use
35 of the Red Crystal emblem. It shall apply the "Regulations on the Use of the Emblem of
36 the Red Cross or the Red Crescent by the National Societies".

37
38 National societies of other countries present in the territory of the Republic of the
39 Philippines shall, with the consent of the PRC, be entitled to use the emblem under the
40 same conditions.

41
42 **SEC. 8. *Indicative Use by the International Organizations of the International***
43 ***Red Cross and Red Crescent Movement.*** The International Committee of the Red Cross

1 and the International Federation of Red Cross and Red Crescent Societies may make use
2 of the Red Cross or the Red Crescent emblems at any time and for all their activities.

3
4 The International Committee of the Red Cross and the International Federation of
5 Red Cross and Red Crescent Societies, and their duly authorized personnel, may make
6 use of the Red Crystal emblem in exceptional circumstances and to facilitate their work.

7
8 **PART 3**
9 **CONTROL AND PENALTIES**

10
11 **SEC. 9. Control Measures and Enforcement.** The DND, the DOH, and the
12 Department of Trade and Industry (DTI) shall at all times ensure strict compliance with
13 the rules governing the use of the emblems of the Red Cross, the Red Crescent, the Red
14 Crystal and the Red Lion and Sun; the name of the Red Cross, Red Crescent, Red Crystal
15 or Red Lion and Sun; or their translation in any official language and dialect or the
16 distinctive signals. They shall exercise strict control over their respective personnel
17 authorized to use the emblems, names and signals.

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

25
26 **SEC. 10. Role of the Philippine Red Cross** The PRC shall cooperate with the
27 DND, DOH, and the DTI in their efforts to prevent and repress any misuse. It shall be
28 entitled to information on such misuse and to participate in relevant criminal, civil or
29 administrative proceedings.

30
31
32 **SEC. 11. Misuse of Emblems and Names of the Red Cross, the Red Crescent,**
33 **the Red Crystal or the Red Lion and Sun Emblem as an Indicative Device in Peacetime**
34 **and In Time of Armed Conflict.** Any person who willfully and without entitlement,
35 make use of the emblems of the Red Cross, Red Crescent, Red Crystal or Red Lion
36 and Sun; the names of the Red Cross, Red Crescent, Red Crystal and Red Lion and Sun;
37 or their translation in any official language and dialect, a distinctive signal or any
38 other sign, designation or signal which constitutes an imitation thereof or likely to cause
39 confusion or mistake or to deceive the general public, irrespective of the purpose of
40 such use, as well as any person who has displayed the said emblems or words on signs,
41 posters, announcements, leaflets or commercial documents, or has affixed them to goods
42 or packaging, or has sold, offered for sale or placed in circulation goods thus marked
43 shall be punished by *arresto mayor*, and a fine of not less than Twenty Thousand Pesos

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City, Metro Manila

FIFTEENTH CONGRESS
First Regular Session

House Bill No. 307

Introduced by Honorable Rollo Golez

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 20th International Conference of the Red Cross, and subsequent amendments, and Resolution 1 of the 29th 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 PNRC, 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.



ROLLO GOLEZ

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City, Metro Manila

FIFTEENTH CONGRESS
First Regular Session
House Bill No. 307

Introduced by **Honorable Roilo Golez**

AN ACT DEFINING THE USE AND PROTECTION OF THE RED CROSS, RED CRESCENT, RED CRYSTAL AND RED LION AND SUN EMBLEMS, PROVIDING PENALTIES FOR VIOLATIONS THEREOF AND FOR OTHER PURPOSES

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

PART 1
INTRODUCTORY PROVISIONS

SECTION 1. Short Title. – This Act shall be known as "The Red Cross and Other Emblems Act of 2009".

SEC. 2. Declaration of Principles and State Policies. –

- (a) The Philippines renounces war as an instrument of national policy, adopts the generally accepted principles of international law as part of the law of the land and adheres to a policy of peace, justice, freedom, cooperation and amity with all nations.
- (b) The State adopts the provisions of the Hague Convention IV of 1907 and the 1949 Geneva Conventions and their Additional Protocols on the protection of victims of war insofar as they have been ratified or have become part of generally accepted principles of international law.
- (c) The State shall secure the protective use and indicative use of the emblems both in times of peace and in times of armed conflict in accordance with the standards and guidelines set forth under the Hague Conventions of 1907 and the 1949 Geneva Conventions and their Additional Protocols on the protection of victims of war.
- (d) The misuse of the Red Cross, Red Crescent, Red Crystal and Red Lion and Sun emblems and of the words "Red Cross", "Red Crescent", "Red Crystal" and "Red Lion and Sun" or

their translation in any official language and dialect shall not go unpunished. Its effective prosecution shall be ensured by taking measures at the national level.

SEC. 3. Definition of Term. – For purposes of this Act, the term:

(a) "Armed conflict" means any use of force or armed violence which gives rise or may give rise, to a situation to which the Geneva Conventions of 1949 and their Additional Protocols, including their common Article 3 (Conflicts not of an International Character), apply. It does not include situations of internal disturbances and tensions, such as riots, isolated and sporadic acts of violence or other acts of a similar nature.

(b) "Distinctive signals" means any of the distinctive signals specified in Chapter III of Annex I to the Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts (Protocol I), being the signals of identification for medical units and transport, namely: the blue light signal, the radio signal and electronic means of identification.

(c) "Emblem" means the Red Cross, Red Crescent, Red Crystal and Red Lion and Sun emblem.

(d) "Indicative use" means the use of the emblem showing that a person or an object is linked to an institution of the International Movement of the Red Cross and Red Crescent. The emblem shall be small in size.

(e) "Perfidious use" means the use of the emblem by a person with intent to appeal to the good faith of his/her adversary in order to deceive and make the latter believe that he or she is entitled to receive or is to be conferred the protection provided for by the rules of international humanitarian law.

(f) "Protective use" means the visible sign of the protection conferred by the 1949 Geneva Conventions and their Additional Protocols on medical personnel and medical units and transports in time of armed conflict. The dimensions of the emblem shall therefore be as large as possible.

(g) "Red Crescent", when used to signify a heraldic emblem, means an emblem depicting a red crescent moon on, and completely surrounded by, a white background, as illustrated in Article 4, Chapter IV of Annex I of the Additional Protocol I to the Geneva Conventions.

(h) "Red Cross", when used to signify a heraldic emblem, means an emblem depicting a red cross with branches of equal length on, and completely surrounded by, a white background, formed by reversing the colours of the Swiss Confederation, as illustrated in Article 4, Chapter IV of Annex I of the Additional Protocol I to the Geneva Conventions.

(i) "Red Crystal", when used to signify a heraldic emblem, means any emblem depicting a red frame in the shape of a square on edge, and completely surrounded by, a white background, as illustrated in Additional Protocol III to the Geneva Conventions.

(j) "Red Lion and Sun", when used to signify a heraldic emblem, means an emblem depicting a red lion passing from right to left, completely surrounded by a white background, with its face turned towards the observer, holding erect in its raised right forepaw a scimitar, with the upper

half of the sun shooting forth rays appearing above the lion's back, as illustrated in Article 4, Chapter IV of Annex I of the Additional Protocol I to the Geneva Conventions.

PART 2
RULES ON THE USE OF THE RED CROSS, THE RED CRESCENT,
THE RED CRYSTAL AND THE RED LION AND SUN EMBLEMS

SEC. 4. Protective Use by the Medical Service of the Armed Forces of the Philippines.

– Under the control of the Department of National Defense (DND), the medical service of the Armed Forces of the Philippines (AFP) shall, both in peacetime and during armed conflict, use the Red Cross emblem to identify its medical personnel, medical units and transports on the ground, sea and air.

Medical personnel of the AFP shall wear armlets and carry identity cards displaying the Red Cross emblem. These armlets and identity cards shall be issued by the DND.

Religious personnel attached to the armed forces shall be afforded the same protection as medical personnel and shall likewise be similarly identified with armlets and identity cards.

Where this may enhance protection, medical and religious personnel attached to the armed forces may, without prejudice to the use of their present emblems, make temporary use of any of the other distinctive emblems recognized by, and enjoying equal status under the 1949 Geneva Conventions and their Additional Protocols.

SEC. 5. Protective Use by Hospitals and Other Civilian Medical Units. – The Department of Health (DOH), exercising control over hospitals, civilian medical personnel, civilian and civilian medical transports assigned in particular to the transport and treatment of the wounded, the sick and the shipwrecked, shall authorize the marking of the Red Cross emblem used as a protective device in time of armed conflict, in consultation with the Philippine National Red Cross (PNRC). In this regard, the DOH shall coordinate and work together with the DND which may, if necessary, give advice and assistance. The DND shall authorize medical personnel, units and transports of uniformed personnel in government other than the armed forces to be marked with the emblem used as a protective device in time of armed conflict.

Civilian medical personnel shall wear armlets and carry identity cards displaying the Red Cross emblem. These armlets and identity cards shall be issued by the DOH.

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

SEC. 6. Protective Use by the Philippine National Red Cross. – The PNRC shall be authorized to place medical personnel and medical units and transports at the disposal of the medical service of the armed forces.

Such personnel, units and transportation shall be subject to military security regulations and may be authorized by the DND to display, as a protective device, the emblem of the Red Cross or where this may enhance protection, to make temporary use of any of the distinctive emblems recognized by, and enjoying equal status, under the 1949 Geneva Conventions and their Additional Protocols.

Such personnel shall wear armlets and carry identity cards displaying the Red Cross emblem. These armlets and identity cards shall be issued by the DND.

The PNRC may be authorized to use the emblem as a protective device for its medical personnel and medical units in accordance with Section 5 of this Act.

SEC. 7. Indicative Use by the Philippine National Red Cross and National Societies. – The PNRC is authorized to use the emblem as an indicative device. It may, in exceptional circumstances as determined by the PNRC, and to facilitate its work, make temporary use of the Red Crystal emblem. It shall apply the "Regulations on the Use of the Emblem of the Red Cross or the Red Crescent by the National Societies".

National societies of other countries present in the territory of the Republic of the Philippines shall, with the consent of the PNRC, be entitled to use the emblem under the same conditions.

SEC. 8. Indicative Use by the International Organizations of the International Red Cross and Red Crescent Movement. – The International Committee of the Red Cross and the International Federation of Red Cross and Red Crescent Societies may make use of the Red Cross or the Red Crescent emblems at any time and for all their activities.

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

PART 3 CONTROL AND PENALTIES

SEC. 9. Control Measures and Enforcement. – The DND, the DOH and the DTI shall at all times ensure strict compliance with the rules governing the use of the emblems of the Red Cross, the Red Crescent, the Red Crystal and the Red Lion and Sun; the name "Red Cross", "Red Crescent", "Red Crystal" or "Red Lion and Sun", or their translation in any official language and dialect or the distinctive signals. They shall exercise strict control over their respective personnel authorized to use the said emblems, names and signals.

They shall take every appropriate step to prevent misuse, in particular by disseminating the rules on their usage as widely as possible, among the armed forces, the police forces, the instrumentalities of the State and the civilian population. They shall likewise issue instructions to national, civilian and military authorities on the use of the distinctive emblem in accordance with the

1949 Geneva Conventions and their Additional Protocols and by providing appropriate sanctions in cases of misuse.

SEC. 10. Role of the Philippine National Red Cross. – The PNRC shall cooperate with the DND, the DOH, and the DTI in their efforts to prevent and repress any misuse. It shall be entitled to information on such misuse and to participate in relevant criminal, civil or administrative proceedings.

SEC. 11. Misuse of the Red Cross, the Red Crescent, the Red Crystal or the Red Lion and Sun Emblem as an Indicative Device in Peacetime and in Times of Armed Conflict. – Any person who willfully, and without entitlement, make use of the Red Cross, Red Crescent, Red Crystal or Red Lion and Sun emblem; the words "Red Cross", "Red Crescent", "Red Crystal" and "Red Lion and Sun", or their translation in any official language and dialect; a distinctive signal or any other sign, designation or signal which constitutes an imitation thereof or likely to cause confusion or mistake or to deceive the general public, irrespective of the purpose of such use; as well as any person who has displayed the said emblems or words on signs, posters, announcements, leaflets or commercial documents, or has affixed them to goods or packaging; or has sold, offered for sale or placed in circulation goods thus marked shall be punished by arresto mayor, and a fine of not less than twenty thousand pesos (P20,000.00) but not more than Forty thousand pesos (P40,000.00) at the discretion of the court.

If the misuse is committed by a partnership, corporation, association or any juridica entity, the partner, president, director, manager, trustee, estate administrator or officer who consents to or knowingly tolerates such misuse shall be held criminally liable as a co-principal. If the person convicted is a foreigner, he or she may be ordered deported and blacklisted after serving his or her sentence.

In addition, the court may order the forfeiture in favor of the PNRC of any proceeds, or property or assets upon which an emblem, designation, design, wording or sign was used directly or indirectly in violation of this Act, without prejudice to the rights of bona fide third parties.

SEC. 12. Misuse of the Red Cross, the Red Crescent, the Red Crystal or the Red Lion and Sun Emblem as a Protective Device in Time of Armed Conflict. – (a) Any person who willfully commits or gives the order to commit acts resulting in the death of, or causing serious harm to the body or health of an adversary by making perfidious use of the Red Cross, the Red Crescent, the Red Crystal or the Red Lion and Sun emblem, or a distinctive signal shall be deemed to have committed a war crime. If the act results in the death of an adversary, the penalty shall be reclusion perpetua and a fine of not less than Two hundred thousand pesos (P200,000.00) but not more than Five hundred thousand pesos (P500,000.00) at the discretion of the court, or reclusion temporal and a fine of not less than One hundred thousand pesos (P100,000.00) but not more than Two hundred thousand pesos (P200,000.00) at the discretion of the court, if the act results in serious harm to the body or health of an adversary.

Perfidious use of the Red Cross, the Red Crescent, the Red Crystal or the Red Lion and Sun emblem, or a distinctive signal which does not result in death or serious harm to the body or health of an adversary, shall be punished by prison correccional and a fine of not less than Fifty thousand pesos (P50,000.00) but not more than One hundred thousand pesos (P100,000.00) at the discretion of the court.

The court may also impose the corresponding accessory penalties under the Revised Penal Code, especially where the offender is a public officer.

(b) Any person who, in time of armed conflict and without entitlement, has wilfully used the Red Cross, the Red Crescent or the Red Crystal emblem, or a distinctive signal or any other signal which constitutes an imitation thereof or which might lead to confusion, shall be punished by prison correccional in its medium period and a fine of not less than Forty thousand pesos (P40,000.00) but not more than Eighty thousand pesos (P80,000.00) at the discretion of the court.

If the misuse is committed by a partnership, corporation, association or any juridical entity, the partner, president, director, manager, trustee, estate administrator or officer who consents to or knowingly tolerates such misuse shall be held criminally liable as a co-principal. If the person convicted is a foreigner, he or she may be ordered deported and blacklisted after serving his or her sentence.

In addition, the court may order the forfeiture in favor of the PNRC of any proceeds, property or assets upon which an emblem, designation, design, wording or sign was used directly or indirectly in violation of this Act, including any identity cards, insignia or uniforms used in connection therewith.

SEC. 13. Interim Measures. – The DND, the DTI and the DOH shall take the necessary interim measures such as order the seizure of objects and materials marked in violation of this Act, demand the removal of the Red Cross, the Red Crescent or the Red Lion and Sun emblem or the words "Red Cross", "Red Crescent" and "Red Lion and Sun", or their translation in any official language and dialect at the expense of the instigator of the crime and order the forfeiture or destruction of the instruments used for their reproduction.

Persons making use of the Red Crystal emblem or of any sign constituting an imitation thereof or the words "Red Crystal" or any translation thereof in any official language and dialect, prior to the adoption of Additional Protocol III (Adoption of an Additional Distinctive Emblem) shall be permitted to continue such use: Provided, That the use shall not be such as would appear, in time of armed conflict, to confer protection under the 1949 Geneva Conventions and their Additional Protocols: Provided, further, That such rights were acquired prior to the effectivity of this Act.

Otherwise, persons making use of the Red Cross, the Red Crescent, the Red Crystal or the Red Lion and Sun emblem or any sign constituting an imitation thereof, or the words "Red Cross", "Red Crescent", "Red Crystal" or "Red Lion and Sun" or their translation in any official language and dialect upon entry into force of this Act, shall voluntarily cease and desist from using the same and

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

Objects, materials and products abovementioned shall be disposed of by the PNRC accordingly.

SEC. 14. Prohibition on the Registration of Partnership, Corporation, Association and Other Juridical Entity, and Tradenames, Trademarks, Etc. – The Securities and Exchange Commission, the Intellectual Property Office and the DTI shall refuse, respectively, the registration of a partnership, corporation, association and other juridical entity; and the registration of tradenames, trademarks, service marks, collective marks, other marks of ownership, utility models and industrial designs, making use of the emblem of the Red Cross, the Red Crescent, the Red Crystal or the Red Lion and Sun and of the words "Red Cross", "Red Crescent", "Red Crystal" or "Red Lion and Sun" or their translation in any official language and dialect in violation of this Act.

PART 4 RELATIONSHIP WITH OTHER LAWS

SEC. 15. Relationship with the Constitution. – This Act shall supplement the Constitution, especially its Bill of Rights, its relevant provisions on international law and human rights and jurisprudence thereon.

SEC. 16. Relationship with International Law. – In the application and interpretation of this statute, the Philippine courts shall be guided by the following instruments and developments in international law:

(a) The 1949 Geneva Conventions IV and their 1977 Additional Protocols I and II and the 2005 Additional Protocol III;

(b) Regulations on the Use of the Emblem of the Red Cross or the Red Crescent by the National Societies, as adopted by the 20th International Conference of the Red Cross, and subsequent amendments;

(c) Resolution 1 of the 29th International Conference of the Red Cross and Red Crescent;

(d) International criminal law jurisprudence from the international criminal tribunals, especially as may come from the International Criminal Court in The Hague;

(e) Relevant and applicable international human rights instruments and jurisprudence, mainly from the United Nations system; and

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

SEC. 17. Relationship with the Revised Penal Code and Other Relevant Laws. – The Revised Penal Code shall be suppletory to this statute for purposes of criminal investigation,

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

SEC. 18. Relationship with the Revised Rules on Criminal Procedure. – The Revised Rules of Criminal Procedure shall be supplementary to this statute, as well as the additional special rules of criminal procedure as may be formulated by the Supreme Court for the investigation, prosecution and trial of crimes under this statute.

SEC. 19. Relationship with the Intellectual Property Code, the Corporation Code and the Department of Trade and Industry's Rules and Regulations. – The Intellectual Property Code, the Corporation Code and the DTI's rules and regulations shall be supplementary to this statute for purposes of registration of partnerships, corporations, associations and other juridical entities; and tradenames, trademarks, service marks, collective marks, other marks of ownership, utility models and industrial designs making use of the emblem of the Red Cross, the Red Crescent, the Red Crystal or the Red Lion and Sun and of the words "Red Cross", "Red Crescent", "Red Crystal" and "Red Lion and Sun" or their translation in any official language and dialect under this Act. For these purposes, in case of conflict, this statute shall prevail over the Intellectual Property Code, the Corporation Code and the DTI rules and regulations.

PART 5 FINAL PROVISIONS

SEC. 20. Implementing Rules and Regulations. – The DND, the DOH and the DTI, in consultation with the PNRC shall adopt the implementing rules and regulations (IRR) within five (5) months after the effectivity of this Act.

SEC. 21. Supplementary Effect. – This Act shall be supplementary to other international humanitarian laws as may be promulgated by Congress.

SEC. 22. Separability Clause. – If, for any reason or reasons, any part or provision of this Act shall be held to be unconstitutional or invalid, other parts or provisions hereof which are not affected thereby shall continue to be in full force and effect.

SEC. 23. Repealing Clause. – All laws, presidential decrees and issuances, executive orders, rules and regulations or parts thereof inconsistent with the provisions of this Act are hereby repealed or modified accordingly.

SEC. 24. Effectivity. – This Act shall take effect fifteen (15) days after its publication in any newspaper of general circulation.

Approved,

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

FIFTEENTH CONGRESS
First Regular Session

H. B. No. **440**

Introduced by HONORABLE JUAN EDGARDO "SONNY" M. ANGARA

EXPLANATORY NOTE

The country's enduring commitment to international efforts mitigating the adverse effects caused by war can be traced back to the post-World War II era, when the Philippines proclaimed its adherence to the 1864 Geneva Conventions on February 14, 1947.

In this diplomatic conference held in Geneva, Switzerland, an internationally recognized humanitarian symbol was born – the Red Cross. This internationally recognized emblem is 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.

It then only took two months for the country to establish its National Red Cross (PNRC) through promulgation of Republic Act No. 95 in 1947.

Also, the Philippines joined 193 other nations that 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 country 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 the country's legislature 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.

In view of the Philippines' obligation to take measures to prevent any misuse of the emblem and uphold international humanitarian efforts, a stricter and broader national legislative regime should be put in place.

Thus, the provisions of this bill seek to define the use and protection of the Red Cross, Red Crescent and Red Crystal emblems, to wit:

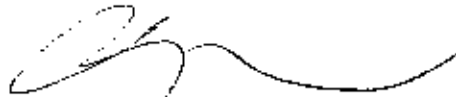
- Defining the emblems' use:

Protective Use – The emblem used as a protective device during armed conflict is the visible sign of the protection conferred by the Geneva Conventions and their Additional Protocols on medical personnel and medical units and transports in time of armed conflict.

Indicative Use -- The emblem shows that a person or an object is linked to an institution of the International Movement of the Red Cross and Red Crescent.

- The bill also penalizes misuse of the Red Cross, the Red Crescent or the Red Crystal emblem as an Indicative Device in Peacetime and In Time of Armed Conflict.

The approval of this bill is earnestly sought.



JUAN EDGARDO "SONNY" M. ANGARA
Representative
Lone District, Province of Aurora

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

H.B. No. **440**

Introduced by Honorable JUAN EDGARDO "SONNY" M. ANGARA

AN ACT
DEFINING THE USE AND PROTECTION OF THE RED CROSS,
RED CRESCENT AND RED CRYSTAL EMBLEMS

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

PART 1. INTRODUCTORY PROVISIONS

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

SEC. 2. *Declaration of Principles and State Policies.*

- (A) The Philippines renounces war as an instrument of national policy, adopts the generally accepted principles of international law as part of the law of the land and adheres to a policy of peace, justice, freedom, cooperation, and amity with all nations.
- (B) The State adopts the provisions of the Hague Conventions and the 1949 Geneva Conventions and their Protocols insofar as they have been ratified or have become part of generally accepted principles of international law.
- (C) The misuse of the red cross, red crescent or red crystal emblem and of the words "Red Cross", "Red Crescent" or "Red Crystal" or their translation in any official language and dialect shall not go unpunished. Their effective prosecution shall be ensured by taking measures at the national level.

PART 2. RULES ON THE USE OF THE RED CROSS, THE RED CRESCENT AND THE RED CRYSTAL EMBLEMS

SEC. 3. *Definition of Protective Use and Indicative Use.* The emblem used as a protective device during armed conflict is the visible sign of the protection conferred by the Geneva Conventions and their Additional Protocols on medical personnel and medical units and

transports in time of armed conflict. The dimensions of the emblem shall therefore be as large as possible.

Indicative use of the emblem shows that a person or an object is linked to an institution of the International Movement of the Red Cross and Red Crescent. The emblem shall be small in size.

SEC. 4. *Protective Use by the Medical Service of the Armed Forces of the Philippines.* Under the control of the Department of National Defense, the medical service of the Armed Forces of the Philippines (AFP) shall, both in peacetime and during armed conflict, use the Red Cross emblem to identify its medical personnel, medical units and transports on the ground, sea and air.

Medical personnel shall wear armlets and carry identity cards displaying the Red Cross emblem. These armlets and identity cards shall be issued exclusively by the Department of National Defense.

Religious personnel attached to the armed forces shall be afforded the same protection as medical personnel and shall likewise be similarly identified with armlets and identity cards.

Where this may enhance protection, medical and religious personnel attached to the armed forces may, without prejudice to the use of their present respective emblems, make temporary use of either of the other distinctive emblems recognized by, and enjoying equal status under the Geneva Conventions and their Additional Protocols.

SEC. 5. *Protective Use by Hospitals and Other Civilian Medical Units.* The Department of Health or the local government unit (LGU), whichever is exercising control over the hospitals, civilian medical personnel, civilian and civilian medical transports, assigned in particular to the transport and treatment of the wounded, sick and shipwrecked, shall authorize the same to be marked with the Red Cross emblem used as a protective device in time of armed conflict, in consultation with the Philippine National Red Cross

The Department of Health and local government units (LGUs) in this regard, shall work together with the Department of National Defense, which may, if necessary, give advice and assistance.

Civilian medical personnel shall wear armlets and carry identity cards displaying the Red Cross emblem. These armlets and identity cards shall be issued by the Department of Health and local government units (LGUs).

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

SEC. 6. *Protective Use by the Philippine National Red Cross.* The Philippine National Red Cross is authorized to place medical personnel and medical units and transports at the disposal of the medical service of the armed forces.

Such personnel, units and transportation shall be subject to military laws and regulations and may be authorized by the Department of National Defense to display as a protective device the emblem of the red cross or where this may enhance protection, to make temporary use of either of the distinctive emblems recognized by, and enjoying equal status, under the Geneva Conventions and their Additional Protocols.

Such personnel shall wear armlets and carry identity cards, in accordance with Section 4, paragraph 2 of this Act.

The Philippine National Red Cross may be authorized to use the emblem as a protective device for its medical personnel and medical units in accordance with Section 5 of this Act.

SEC. 7. *Indicative Use by the Philippine National Red Cross and National Societies.* The Philippine National Red Cross is authorized to use the emblem as an indicative device. It may, in exceptional circumstances and to facilitate its work, make temporary use of the red crystal. It shall apply the "Regulations on the Use of the Emblem of the Red Cross or the Red Crescent by the National Societies."

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

SEC. 8. *Indicative Use by the International Organizations of the International Red Cross and Red Crescent Movement.* The International Committee of the Red Cross and the International Federation of Red Cross and Red Crescent Societies may make use of the emblems of the red cross or the red crescent at any time and for all their activities.

The International Committee of the Red Cross and the International Federation of Red Cross and Red Crescent Societies, and their duly authorized personnel, may make use of the red crystal in exceptional circumstances and to facilitate their work.

PART 3. CONTROL AND PENALTIES

SEC. 9. *Control Measures and Enforcement.* The Department of National Defense, the Department of Health, the Department of Interior and Local Government and the Department of Trade and Industry shall at all times ensure strict compliance with the rules governing the use of the emblems of the red cross, the red crescent or the red crystal, the name "Red Cross", "Red Crescent" or "Red Crystal" or their translation in any official language and dialect or the distinctive signals. They shall exercise strict control over their respective personnel authorized to use the said emblems, names and signals.

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

SEC. 10. *Role of the Philippine National Red Cross.* The Philippine National Red Cross shall cooperate with the Department of National Defense, the Department of Health, the Department of Interior and Local Government and the Department of Trade and Industry in their efforts to prevent and repress any misuse. It shall be entitled to inform them of such misuse and to participate in relevant criminal, civil or administrative proceedings.

SEC. 11. *Misuse of the Red Cross, the Red Crescent or the Red Crystal Emblem as an Indicative Device in Peacetime and in Time of Armed Conflict.* Any person who willfully and without entitlement, make use of the red cross, red crescent or red crystal emblem; the words "Red Cross", "Red Crescent" or "Red Crystal" or their translation in any official language and dialect; a distinctive signal or any other sign, designation or signal which constitutes an imitation thereof or likely to cause confusion or mistake or to deceive the general public, irrespective of the purpose of such use; any person who, in particular, has displayed the said emblems or words on signs, posters, announcements, leaflets or commercial documents, or has affixed them to goods or packaging, or has sold, offered for sale or placed in circulation goods thus marked; shall be punished by imprisonment of not more than one (1) year and/or a fine of not less than Twenty Thousand Pesos (P20,000.00).

If the misuse is committed by the management of a corporate body, the punishment shall apply to 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.

In addition, the court may order the forfeiture in favor of the Philippine National Red Cross of any proceeds, property, assets upon or directly or indirectly in connection with which

an emblem, designation, design, wording or sign which was used in the commission of the offense without prejudice to the rights of bona fide third parties.

SEC. 12. Misuse of the Red Cross, the Red Crescent or the Red Crystal Emblem as a Protective Device in Time of Armed Conflict. (1) Any person who willfully commits or gives the order to commit acts resulting in the death of, or causing serious harm to the body or health of an adversary by making perfidious use of the red cross, red crescent or red crystal emblem, or a distinctive signal shall be deemed to have committed a war crime and shall be punished by *reclusion perpetua* or imprisonment of twenty (20) years to one (1) day to forty (40) years and a fine not less than One Hundred Thousand Pesos (P100,000.00) at the discretion of the court if years and one (1) day to twenty (20) years and a fine not less than One Hundred Thousand Pesos (P100,000.00) at the discretion of the court if the act results in serious harm to the body or health of an adversary.

Perfidious use of the red cross, red crescent or red crystal emblem, or a distinctive signal which does not result in death or serious harm to the body or health of an adversary shall be punished by *prision correccional* in its minimum and medium periods or imprisonment of not less than (6) years and one (1) day to ten (10) years and a fine not less than One Hundred Thousand Pesos (P100,000.00) at the discretion of the court.

The court may also impose the corresponding accessory penalties under the Revised Penal Code, especially where the offender is a public officer.

Perfidious use means appealing 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.

(2) Any person who in time of armed conflict has willfully used and without entitlement the red cross, red crescent or red crystal emblem, or a distinctive signal or any other signal which constitutes an imitation thereof or which might lead to confusion, shall be punished by imprisonment of not more than one (1) year and/or a fine of not less than Twenty Thousand Pesos (P20,000.00).

If the crime is committed by the management of a corporate body, the punishment shall apply to persons who committed the crime or ordered the commission of the crime.

In addition, the court may order the forfeiture in favor of the Philippine National Red Cross of any proceeds, property, assets upon or directly or indirectly in connection with which an emblem, designation, design, wording or sign was used in the commission of the crime: and any identity cards, insignia or uniforms used in the commission of the crime.

SEC. 13. *Misuse of the White Cross on a Red Ground.* Owing to the confusion which may arise between the arms of Switzerland and the emblem of the red cross, the use of the white cross on a red ground or of any other sign constituting an imitation thereof, whether as a trademark or commercial mark or as a component of such marks, or for a purpose contrary to fair trade, or in circumstances likely to wound Swiss national sentiment, is likewise prohibited at all times. Offenders shall be punished by a fine not less than Twenty Thousand Pesos (P20,000.00).

SEC. 14. *Interim Measures.* The Department of National Defense, the Department of Trade and Industry, the Department of Health and the Department of Interior and Local Government shall take the necessary interim measures such as order the seizure of objects and materials marked in violation of this Act, demand the removal of the red cross and red crescent emblem or the words "Red Cross" and "Red Crescent" or their translation in any official language and dialect at the expense of the instigator of the crime and order the forfeiture or destruction of the instruments used for their reproduction.

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

Otherwise, persons making use of the red cross, the red crescent or red crystal or any sign constituting an imitation thereof or the words "Red Cross", "Red Crescent" or "Red Crystal" or their translation in any official language and dialect upon entry into force of this Act, shall voluntarily cease and desist from using the same and withdraw from the market any and all products bearing the same within two (2) months from promulgation of this Act.

Objects, materials and products abovementioned shall be disposed of by the Philippine National Red Cross accordingly.

SEC. 15. *Registration of Associations, Tradenames and Trademarks.* The Securities and Exchange Commission, the Intellectual Property Office and the Department of Trade and Industry, shall refuse respectively, the registration of associations, and the registration of tradenames and the filing of trademarks, commercial marks and industrial models and designs making use of the emblem of the red cross, red crescent or red crystal and of the words "Red Cross", "Red Crescent" or "Red Crystal" or their translation in any official language and dialect in violation of this Act.

PART 4. RELATIONSHIP WITH OTHER LAWS

SEC. 16. *Relationship with the Constitution.* This Act shall supplement the Constitution, specially its Bill of Rights, its relevant provisions on international law and human rights and jurisprudence thereon.

SEC. 17. *Relationship with International Law.* In the application and interpretation of this statute, the Philippine courts shall be guided by the following instruments and developments in international law:

- (A) The 1949 Geneva Conventions I-IV and their 1977 Additional Protocols I & II and 2005 Additional Protocol III;
- (B) Regulations on the Use of the Emblem of the Red Cross or the Red Crescent by the National Societies, as adopted by the 20th International Conference of the Red Cross, and subsequent amendments;
- (C) Resolution 1 of the 29th International Conference of the Red Cross and Red Crescent
- (D) International criminal law jurisprudence from the international criminal tribunals, specially as may come from the International Criminal Court in The Hague;
- (E) Relevant and applicable international human rights instruments and jurisprudence, mainly from the United Nations system; and
- (F) Teachings of the most highly qualified publicists and authoritative commentaries on the foregoing sources as subsidiary means for the determination of rules of law.

SEC. 18. *Relationship with the Revised Penal Code and Other Relevant Laws.* The Revised Penal Code shall be suppletory to this statute for purposes of criminal investigation, prosecution and trial of crimes under this Act. For these purposes, in case of conflict, this statute shall prevail over the Revised Penal Code. The same relationship with this statute applies to the Civil Code of the Philippines and special laws of a criminal and/or civil nature, such as on matters of civil liability. This Act is without prejudice to the application of the Uniform Rules on Administrative Cases in the Civil Service insofar as the administrative liability of a public officer is concerned.

SEC. 19. *Relationship with the Revised Rules on Criminal Procedure.* The Revised Rules of Criminal Procedure shall be suppletory to this statute and to additional special rules of

criminal procedure as may be formulated by the Supreme Court for the investigation, prosecution and trial of crimes under this statute.

SEC. 20. *Relationship with the Intellectual Property Code, the Corporation Code and the Department of Trade and Industries Rules and Regulations.* The Intellectual Property Code, the Corporation Code and the Department of Trade and Industry Rules and Regulations shall be supplementary to this statute for purposes of registration of corporations, associations, partnerships, single proprietorships; and tradenames and the filing of trademarks, commercial marks and industrial models and designs making use of the emblem of the red cross, red crescent or red crystal and of the words "Red Cross", "Red Crescent" or "Red Crystal" or their translation in any official language and dialect under this Act. For these purposes, in case of conflict, this statute shall prevail over the Intellectual Property Code, the Corporation Code and the Department of Trade and Industry's Rules and Regulations.

PART 5. COURTS, PROSECUTORS AND INVESTIGATORS

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

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

PART 6. FINAL PROVISIONS

SEC. 22. *Implementing Rules and Regulations.* In relation to Section 8(2), Part 8 hereof, the Department of National Defense, the Department of Interior and Local Government, the Department of Health and the Department of Trade and Industry in consultation with the Philippine National Red Cross shall adopt the Implementing Rules and Regulations (IRR) within five (5) months upon promulgation of this Act.

SEC. 23. *Repealing Clause.* All laws, presidential decrees and issuances, executive orders, rules and regulations or parts thereof inconsistent with the provisions of this Act are hereby repealed or modified accordingly.

SEC. 24. *Separability Clause.* If, for any reason or reasons, any part or provision of this Act shall be held to be unconstitutional or invalid, other parts or provisions hereof which are not affected thereby shall continue to be in full force and effect.

SEC. 25. *Supplementary Clause.* This Act shall be supplementary to additional international humanitarian laws as may be promulgated by Congress.

SEC. 26. *Effectivity.* This Act shall take effect fifteen (15) days after its publication in two national newspapers of general circulation. This publication shall not be later than seven (7) days after the approval hereof.

Approved,

Republic of the Philippines
House of Representatives
Quezon City, Metro Manila

Fifteenth Congress
First Regular Session

6000 - 628
House Bill No. _____

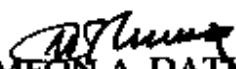
Introduced by the Honorable Simeon A. Datumanong

Explanatory Note

The international organizations that render emergency assistance, disaster relief, charitable endowments, and humanitarian efforts in times of peace and armed conflict deserve the definitive safeguard of all peace-loving States in which they operate to ensure the continuation of their impartial functions therein. Their contributions to society are unmistakably grand and their endeavours are unparalleled.

In this light, this Bill seeks to define the use and protection of the Red Cross, the Red Crescent, the Red Crystal and the Red Lion and Sun emblems, and provide penalties for violations therefor. It will not only protect the integrity of these humanitarian organizations but will also deter the abusive and invalid usages of their emblems and insignias to advance any ends in times of conflicts and emergencies.

The passage of this Bill is long overdue considering that we adhere to the Hague Convention IV of 1907 and the 1949 Geneva Convention and their Additional Protocols on the protection of victims of war. Our government should endeavour to honor its international commitment by expeditiously enacting this Bill into law to show the community of nations that we are truly a bastion of democracy and the rule of law.


SIMEON A. DATUMANONG
2nd District, Maguindanao

Republic of the Philippines
House of Representatives
Quezon City, Metro Manila

Fifteenth Congress
First Regular Session

628
House Bill No. _____

Introduced by the Honorable Simeon A. Datumanong

AN ACT
DEFINING THE USE AND PROTECTION OF THE RED CROSS, THE RED
CRESCENT, THE RED CRYSTAL AND THE RED LION AND SUN EMBLEMS,
PROVIDING PENALTIES FOR VIOLATIONS THEREOF AND FOR OTHER
PURPOSES

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

PART 1

INTRODUCTORY PROVISIONS

SECTION 1. *Short Title.* - This Act shall be known as "The Red Cross and Other Emblems Act of 2009".

SEC. 2. *Declaration of Principles and State Policies.* -

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

(b) The State adopts the provisions of the Hague Convention IV of 1907 and the 1949 Geneva Convention and their Additional Protocols on the protection of victims of war insofar as they have been ratified or have become part of generally

accepted principles of international law.

(c) The State shall secure the protective use and indicative use of the emblems both in times of peace and in times of armed conflict in accordance with the standards and guidelines set forth under the Hague Conventions of 1907 and the 1949 Geneva Conventions and their Additional Protocols on the protection of victims of war.

(d) The misuse of the Red Cross, the Red Crescent, the Red Crystal and the Red Lion and Sun emblems and of the words "Red Cross", "Red Crescent", "Red Crystal" and "Red Lion and Sun" or their translation in any official language and dialect shall not go unpunished. Its effective prosecution shall be ensured by taking measures at the national level.

SEC. 3 *Definition of Terms.* - For purposes of this Act, the term:

(a) "Armed Conflict" means any use of force or armed violence which gives rise, or may give rise, to a situation to which the Geneva Conventions of 1949 and their Additional Protocols, including their common Article 3 (Conflicts not of an International Character), apply. It does not include situations of internal disturbances and tensions, such as riots, isolated and sporadic acts of violence or other acts of a similar nature.

(b) "Distinctive signals" means any of the distinctive signals specified in Chapter III of Annex I to the Additional Protocol to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts (Protocol I), being the signals of identification for medical units and transport, namely: the blue light signal, the radio signal and electronic means of identification.

(c) "Emblem" means the Red Cross, the Red Crescent, the Red Crystal and the Red Lion and Sun emblem.

(d) "Indicative use" means the use of the emblem showing that a person or an object is linked to an institution of the International Movement of the Red Cross and the Red Crescent. The emblem shall be small in size.

(e) "Perfidious use" means the use of the emblem by a person with intent to appeal to the good faith of his/her adversary in order to deceive and make the

latter believe that he/she is entitled to receive or is to^{be} conferred the protection provided for by the rules of international humanitarian law.

(f) "Protective use" means the visible sign of the protection conferred by the 1949 Geneva Conventions and their Additional Protocols on medical personnel and medical units and transports in time of armed conflict. The dimensions of the emblem shall therefore be as large as possible.

(g) "Red Crescent", when used to signify a heraldic emblem, means an emblem depicting a red crescent moon on, and completely surrounded by, a white ground, as illustrated in Article 4, Chapter IV of Annex I of the Additional Protocol I to the Geneva Conventions.

(h) "Red Cross", when used to signify a heraldic emblem, means an emblem depicting a red cross with branches of equal length on, and completely surrounded by, a white ground, formed by reversing the colours of the Swiss Confederation, as illustrated in Article 4, Chapter IV of Annex I of the Additional Protocol I to the Geneva Conventions.

(i) "Red Crystal", when used to signify a heraldic emblem, means any emblem depicting a red frame in the shape of a square on edge, and completely surrounded by, a white ground, as illustrated in Additional Protocol III to the Geneva Conventions.

(j) "Red Lion and Sun", when used to signify a heraldic emblem, means an emblem depicting a red lion passing from right to left, completely surrounded by a white background, with its face turned towards the observer, holding erect in its raised right forepaw a scimitar, with the upper half of the sun shooting forth rays appearing above the lion's back, as illustrated in Article 4, Chapter IV of Annex I of the Additional Protocol I to the Geneva Conventions.

PART 2

RULES ON THE USE OF THE RED CROSS, THE RED CRESCENT, THE RED CRYSTAL AND THE RED LION AND SUN EMBLEMS

SEC. 4 *Protective Use by the Medical Service of the Armed Forces of the Philippine.* - Under the control of the Department of National Defense (DND), the

medical service of the Armed Forces of the Philippines (AFP) shall, both in peacetime and during armed conflict, use the Red Cross emblem to identify its medical personnel, medical units and transports on the ground, sea and air.

Medical personnel of the AFP shall wear armlets and carry identify cards displaying the Red Cross emblem. These armlets and identify cards shall be issued by the DND.

Religious personnel attached to the armed forces shall be afforded the same protection as medical personnel and shall likewise be similarly identified with armlets and identity cards.

Where this may enhance protection, medical and religious personnel attached to the armed forces may, without prejudice to the use of their present emblems, make temporary use of any of the other distinctive emblems recognized by, enjoying equal status under the Geneva Conventions and their Additional Protocols.

SEC. 5 *Protective Use by Hospitals and Other Civilian Medical Units.* – The Department of Health (DOH), exercising control over hospitals, civilian medical personnel, civilian and civilian medical transports assigned in particular to the transport and treatment of the wounded, the sick and the shipwrecked, shall authorize the marking of the Red Cross emblem used as a protective device in time of armed conflict, in consultation with the Philippine National Red Cross (PNRC). In this regard, the DOH shall coordinate and work together with the DND which may, if necessary, give advice and assistance. The DND shall authorize medical personnel, units and transports of uniformed personnel in government other than the armed forces to be marked with the emblem used as a protective device in time of armed conflict.

Civilian medical personnel shall wear armlets and carry identity cards shall be issued by the DOH.

Civilian religious personnel attached to hospital and other medical units shall likewise be similarly identified with armlets and identity cards.

SEC. 6. *Protective Use by the Philippine National Red Cross* - The Philippine National Red Cross shall be authorized to place medical personnel and medical units

and transports at the disposal of the medical service of the armed forces.

Such personnel, units and transportation shall be subject to military security regulations and may be authorized by the DND to display, as a protective device, the emblem of the Red Cross or where this may enhance protection, to make temporary use of any of the distinctive emblems recognized by, and enjoying equal status, under the Geneva Conventions and their Additional Protocols.

Such personnel shall wear armlets and carry identity cards displaying the Red Cross emblem. These armlets and identity cards shall be issued by the DND.

The Philippine National Red Cross may be authorized to use the emblem as a protective device for its medical personnel and medical units in accordance with Section 5 of this Act.

SEC. 7. *Indicative Use by the Philippine National Red Cross and National Societies.* - The Philippine National Red Cross is authorized to use the emblem as an indicative device. It may, in exceptional circumstances as determined by the Philippine National Red Cross, and to facilitate its work, make temporary use of the Red Crystal Emblem. It shall apply the Regulations on the Use of the Emblem of the Red Cross or the Red Crescent by the National Societies."

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

SEC. 8. *Indicative Use by the International Organizations of the International Red Cross and the Red Crescent Movement.* - The International Committee of the Red Cross and the International Committee of the Red Cross and the International Federation of Red Cross and Red Crescent Societies may make use of the Red Cross or Red Crescent emblems at any time and for all their activities.

The International Committee of the Red Cross and the International Federation of Red Cross and Red Crescent Societies, and their authorized personnel, may make use of the Red Crystal emblem in exceptional circumstances and to facilitate their work.

PART 3

Control and Penalties

SEC. 9. *Control Measures and Enforcement.* - The DND, the DOH and the Department of Trade and Industry (DTI) shall at all times ensure strict compliance with the rules governing the use of the emblems of the Red Cross, the Red Crescent, the Red Crystal, and the Red Lion and Sun; the name Red Cross, Red Crescent, Red Crystal or Red Lion and Sun, or their translation in any official language and dialect or the distinctive signal. They shall exercise strict control over their respective personnel authorized to use the said emblems, names and signals.

They shall take every appropriate step to prevent misuse, in particular by disseminating the rules on their usage as widely as possible, among the armed forces, the police forces, the instrumentalities of the State and the civilian population. They shall likewise issue instructions to national, civilian and military authorities on the use of the distinctive emblem in accordance with the Geneva Conventions and their Additional Protocols, and by providing appropriate sanctions in cases of misuse.

SEC. 10. *Role of the Philippine National Red Cross.* - The Philippine National Red Cross shall cooperate with the DND, the DOH and the DTI in their efforts to prevent and repress any misuse. It shall be entitled to information on such misuse and to participate in relevant criminal, civil or administrative proceedings.

SEC. 11. *Misuse of the Red Cross, the Red Crescent, the Red Crystal or the Red Lion and Sun Emblem as an Indicative Device in Peacetime and in Time of Armed Conflict.* - Any person who willfully, and without entitlement, make use of the Red Cross, the Red Crescent, the Red Crystal and the Red Lion and Sun emblem; the words Red Cross, Red Crescent, Red Crystal and Red Lion and Sun, or their translation in any official language and dialect; a distinctive signal or any other sign, designation or signal which constitutes an imitation thereof or likely to cause confusion or mistake or to deceive the general public, irrespective of the purpose of such use; as well as any person who has displayed the said emblems or word on signs, posters, announcements, leaflets or commercial documents, or has affixed them to goods or

packaging, or has sold, offered for sale or placed in circulation goods thus marked shall be punished by *arresto mayor*, and a fine of not less than Twenty thousand pesos (P20,000.00) but not more than Forty thousand pesos (P40,000.00) at the discretion of the court.

If the misuse is committed by a partnership, corporation, association or any juridical entity, the partner, president, director, manager, trustee, estate administrator or officer who consents to or knowingly tolerates such misuse shall be held criminally liable as a co-principal. If the person convicted is a foreigner, he/she may be ordered deported and blacklisted after serving his/her sentences.

In addition, the court may order the forfeiture in favor of the Philippine National Red Cross of any proceeds, or property or assets upon which an emblem, designation, design, wording or sign was used directly or indirectly in violation of this Act, without prejudice to the rights of bona fide third parties.

SEC. 12. *Misuse of the Red Cross, the Red Crescent, the Red Crystal or the Red Lion and Sun Emblem as a Protective Device in Time of Armed Conflict.* - (a) Any person who willfully commits or gives the order to commit acts resulting in the death of, or causing serious harm to the body or health of an adversary by making perfidious use of the Red Cross, the Red Crescent, the Red Crystal or the Red Lion and Sun emblem, or a distinctive signal shall be deemed to have committed a war crime. If the act results in the death of an adversary, the penalty shall be *reclusion perpetua* and a fine of not less than Two hundred thousand pesos (P200,000.00) but not more than Five hundred thousand pesos (P500,000.00) at the discretion of the court, or *reclusion temporal* and a fine of not less than One hundred thousand pesos (P100,000.00) but not more than Two hundred thousand pesos (P200,000.00) at the discretion of the court, if the act results in serious harm to the body or health of an adversary.

Perfidious use of the Red Cross, the Red Crescent, the Red Crystal or the Red Lion and Sun emblem, or a distinctive signal which does not result in death or serious harm to the body or health of an adversary, shall be punished by *prision correccional* and a fine of not less than Fifty thousand pesos (P50,000.00) but not more than One hundred thousand pesos (P100,000.00) at the discretion of the court.

The court may also impose the corresponding accessory penalties under the

Revised Penal Code, especially where the offender is a public officer.

(b) Any person who, in time of armed conflict and without entitlement, has willfully used the Red Cross, the Red Crescent, the Red Crystal or the Red Lion and Sun emblem, or a distinctive signal or any other signal which constitutes an imitation thereof or which might lead to confusion, shall be punished by *prision correccional* in its medium period and a fine of not less than Forty thousand pesos (P40,000.00) but not more than Eighty thousand pesos (P80,000.00) at the discretion of the court.

If the misuse is committed by a partnership, corporation, association or any juridical entity, the partner, president, director, manager, trustee, estate administrator or officer who consents to or knowingly tolerates such misuse shall be held criminally liable as a co-principal. If the person convicted is a foreigner, he/she may be ordered deported and blacklisted after serving his/her sentence.

In addition, the court may order the forfeiture in favor of the Philippine National Red Cross of any proceeds, property or assets upon which an emblem, designation, design, wording or sign used directly or indirectly in violation of this Act, including any identity cards, insignia or uniforms used in connection therewith.

SEC. 13. *Interim Measures* - The DND, the DTI and the DOH shall take the necessary interim measures such as order the seizure of objects and materials marked in violation of this Act, demand the removal of the Red Cross, the Red Crescent or the Red Lion and Sun emblem or the words "Red Cross", "Red Crescent" and "Red Lion and Sun", or their translation in any official language and dialect at the expense of the instigator of the crime and order the forfeiture or destruction of the instruments used for their reproduction.

Persons making use of the Red Crystal emblem or of any sign constituting an imitation thereof or the words "Red Crystal" or any translation thereof in any official language and dialect, prior to the adoption of Additional Protocol III (Adoption of an Additional Distinctive Emblem)) shall be permitted to continue such use: *Provided*, That the use shall not be such as would appear, in time of armed conflict, to confer protection under the Geneva Conventions and their Additional Protocols: *Provided*, further, That such rights were acquired prior to the effectivity of this Act.

Otherwise, persons making use of the Red Cross, the Red Crescent, the Red Crystal or the Red Lion and Sun emblem or any sign constituting an imitation

thereof, or the words "Red Cross, "Red Crescent", "Red Crystal" or "Red Lion and Sun" or their translation in any official language and dialect upon entry into force of this Act, shall voluntarily cease and desist from using the same and withdraw from the market any and all products bearing the same within two (2) months from the promulgation of this Act.

Objects, materials and products abovementioned shall be disposed of by the Philippine National Red Cross accordingly.

SEC. 14. *Prohibition on the Registration of Partnership, Corporation, Association and Other Juridical Entity, and Tradenames, Trademarks, Etc.* - The Securities and Exchange Commission, the Intellectual Property Office and the DTI shall refuse, respectively, the registration of a partnership, corporation, association and other juridical entity; and the registration of tradenames, trademarks, service marks, collective marks, other marks of ownership, utility models and industrial designs, making use of the emblem of the Red Cross, the Red Crescent, the Red Crystal or the Red Lion and Sun and of the words "Red Cross", "Red Crescent", "Red Crystal" or the "Red Lion and Sun" or their translation in any official language and dialect in violation of this Act.

PART 4

RELATIONSHIP WITH OTHER LAWS

SEC. 15. *Relationship with the Constitution.* - This Act shall supplement the Constitution, especially its Bill of Rights, its relevant provisions on international law and human rights and jurisprudence thereon.

SEC. 16. *Relationship with International Law.* - In the application and interpretation of this statute, the Philippine courts shall be guided by the following instruments and developments in international law:

- (a) The 1949 Geneva Conventions I-IV and their 1977 Additional Protocols I and II and the 2005 Additional Protocol III;
- (b) Regulations on the Use of the Emblem of the Red Cross or the Red

Crescent by the National Societies, as adopted by the 20th International Conference of the Red Cross, and subsequent amendments;

(c) Resolutions 1 of the 29th International Conference of the Red Cross and Red Crescent;

(d) International criminal law jurisprudence from the international criminal tribunals, especially as may come from the International Criminal Court in The Hague;

(e) Relevant and applicable international human rights instruments and jurisprudence, mainly from the United Nations System; and

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

SEC. 17. *Relationship with the Revised Penal Code and Other Relevant Laws.* – The Revised Penal Code shall be suppletory to this statute for purposes of criminal investigation, prosecution and trial of crimes under this Act. For these purposes, in case of conflict, this statute shall prevail over the Revised Penal Code. The same relationship with this statute applies to the Civil Code of the Philippines and special laws of a criminal and/or civil nature, such as on matters of civil liability. This Act shall be without prejudice to the application of the Uniform Rules on Administrative Cases in the Civil Service insofar as the administrative liability of a public officer is concerned.

SEC. 18. *Relationship with the Revised Rules on Criminal Procedure.* – The Revised Rules on Criminal Procedure shall be suppletory to this statute, as well as the additional special rules of criminal procedure as may be formulated by the Supreme Court for the investigation, prosecution and trial of crimes under this statute.

SEC. 19. *Relationship with the Intellectual Property Code, the Corporation Code and the Department of Trade and Industry's Rules and Regulations* – The Intellectual Property Code, the Corporation Code and the DTI's rules and regulations shall be

supplementary to this statute for purposes of registration of partnerships, corporations, associations and other juridical entities; and tradenames, trademarks, service marks, collective marks, other marks of ownership, utility models and industrial designs making use of the emblem of the Red Cross, the Red Crescent, the Red Crystal or the Red Lion and the Sun and of the words "Red Cross", "Red Crescent", "Red Crystal" and "Red Lion and Sun" or their translation in any official language and dialect under this Act. For these purposes, in case of conflict, this statute shall prevail over the Intellectual Property Code, the Corporation Code and the DTI's rules and regulations.

PART 5 FINAL PROVISIONS

SEC. 20. *Implementing Rules and Regulations* - The DND, the DOH and the DTI, in consolidation with the Philippines National Red Cross, shall adopt the implementing rules and regulations (IRR) within (5) months after the effectivity of this Act.

SEC. 21. *Supplementary Effect*. - This Act shall be supplementary to other international humanitarian laws as may be promulgated by Congress.

SEC. 22. *Separability Clause*. - If, for any reason or reasons, any part or provision of this Act shall be held to be unconstitutional or invalid, the other parts or provisions hereof which are not affected thereby shall continue to be in full force and effect.

SEC. 23. *Repealing Clause* - All laws, presidential decrees and issuances, executive orders, rules and regulations or parts thereof inconsistent with the provisions of this Act are hereby repealed or modified accordingly.

SEC. 24. *Effectivity* - This Act shall take effect fifteen (15) days after its publications in any newspaper of general circulation.

Approved,

FACT SHEET
HOUSE BILL NOS. 307, 440 AND 628
(Approved by the Committee on 09 February 2011)

AN ACT DEFINING THE USE AND PROTECTION OF THE RED CROSS, THE RED CRESCENT, THE RED CRYSTAL AND THE RED LION AND SUN EMBLEMS, PROVIDING PENALTIES FOR VIOLATIONS THEREOF AND FOR OTHER PURPOSES

Introduced by: **REPS. GOLEZ, ANGARA AND DATUMANONG**

Committee Referral: **COMMITTEE ON JUSTICE (Primary)**
COMMITTEE ON HUMAN RIGHTS (Secondary)
Committee Chairpersons: **REP. NEIL C. TUPAS, JR.**
REP. RENE L. RELAMPAGOS

OBJECTIVES:

To define the use and protection of the Red Cross, Red Crescent, Red Crystal and Red Lion and Sun emblems and of the words Red Cross, Red Crescent, Red Crystal and Red Lion and Sun in order to protect the same from misuse.

KEY PROVISIONS:

- Allows the use of the Red Cross, Red Crescent, Red Crystal and the Red Lion and Sun emblems by the medical service of the Armed Forces of the Philippines, Hospitals and Other Civilian Medical Units, the Philippine National Red Cross, and the International Organizations of the International Red Cross and Red Crescent Movement.
- Penalizes the unlawful use of the said emblems and words by any other person or entity, aside from those allowed by this bill.
- Mandates the Department of National Defense, Department of Health and the Department of Trade and Industry as the appropriate government and regulating bodies to ensure strict compliance of the law.

RELATED LAWS:

- 1949 Geneva Convention I-IV and their additional Protocols I & II of 1977 and the additional Protocol III of 2005
- Regulations adopted by the 20th International Conference of the Red Cross and Red Crescent and subsequent amendments

- Resolution 1 of the 29th International Conference of the Red Cross and Red Crescent
- R.A. No. 95, as amended by R.A. No. 855, R.A. No. 6373 and Presidential Decree 1264 (An Act to Incorporate the Philippine National Red Cross)
- 1987 Constitution of the Philippines, Article III (Bill of Rights)
- Revised Penal Code of the Philippines
- Intellectual Property Code of the Philippines
- Corporation Code of the Philippines



House of Representatives
Committee Affairs Department

LEGAL CLUSTER

Received by : _____
Date : 2/9/11
Time : 1:45 pm

Republic of the Philippines

HOUSE OF REPRESENTATIVES

Quezon City, Metro Manila
15th Congress
1st Regular Session

COMMITTEE ON JUSTICE

FOR : THE HONORABLE SPEAKER
THRU : THE DEPUTY SECRETARY GENERAL FOR COMMITTEE AFFAIRS
RE : SPOT REPORT OF THE MEETINGS OF THE COMMITTEE ON JUSTICE HELD ON 09
FEBRUARY 2011, TUESDAY, 9:30 A.M. AT CONFERENCE ROOM NO 11, MITRA
BUILDING, HOUSE OF REPRESENTATIVES
DATE : 09 FEBRUARY 2011

A. JOINT WITH THE COMMITTEE ON HUMAN RIGHTS

- The Committee on Justice and the Committee on Human Rights approved the Committee Report on the Substitute Bill to House Bill Nos. 307, 440 and 629, respectively authored by Reps. Roilo Golez, Juan Edgardo Angara and Simeon Datumanong, re: Defining the Use and Protection of the Red Cross, Red Crescent, Red Crystal and Red Lion and Sun Emblems, Providing Penalties for Violations Thereof and for Other Purposes.

B. COMMITTEE ON JUSTICE

- The Committee on Justice approved the Committee Report on the Substitute Bill to House Bill Nos. 214, 237, 1767, 2438, 2681, 2795 and 3834, respectively authored by Reps. Magtanggol Gunigundo I, Pedro Romualdo, Florencio Miraflores, Mercedes Alvarez, Rogelio Espina, George Arnaiz, Rufus Rodriguez and Marino Rodriguez re: Further Authorizing the City or Municipal Civil Registrar or the Consul General to Correct Clerical or Typographical Error in the Date of Birth or Sex of a Person Appearing in the Civil Register Without Need of a Judicial Order, Amending for the Purpose the Pertinent Provisions of Republic Act No. 9048. Reps. Teodoro Casiño and Rene Relampagos, chairman of the Committee on Human Rights, manifested their intention to be made co-authors of the substitute bill.
- The Committee also approved the Committee Report on the various substitute bills to House Bills re: creation of additional court salas, to wit:
 - HB Nos. 60 and 2157 re: 3 RTC branches (Davao City) by Rep. Karlo Nograles
 - HB Nos. 126 re: 2 RTC branches (Municipalities of Compostela and Matini, Province of Compostela Valley) by Rep. Ma. Carmen Zamora-Apsay
 - HB No. 142 re: RTC branch (City of Tanauan, Batangas) by Rep. Nelson Collantes
 - HB No. 163 and 688 re: 6 MeTC branches and 2 RTC branches (Valenzuela City) by Reps. Magtanggol Gunigundo I and Rexlon Gatchalian

- HB No. 335 re: RTC branch (Pili, Camarines Sur) by Rep. Luis Villafuerte
- HB Nos. 525, 526 and 527 re: 2 RTC branches and MTC branch (Naga City and Carcar City, Cebu) by Rep. Eduardo Guillás
- HB No. 1108 re: RTC branch (Municipality of Cajidiocan, Romblon) by Rep. Eleandro Jesus Madrona
- HB No. 1115 re: 2 RTC branches Tacloban) by Rep. Ferdinand Martin Romualdez
- HB No. 1174 re: 2 RTC branches (Barotac Viejo, Iloilo) by Rep. Niel Tupas, Jr.
- HB No. 1315 re: RTC branch (Bislig, Surigao del Sur) by Rep. Florencio Garay
- HB No. 1482 re: RTC branch (Bogo, Cebu City) by Rep. Benhur Salimbangon
- HB Nos. 2049, 2178 and 2179 re: 5 RTC branches (Calamba, Cabuyao and Los Baños, Laguna) by Rep. Justin Chipeco
- HB No. 2226 re: RTC branch (Lubuagan, Kalinga) by Rep. Manuel Agyao
- HB No. 2721 re: RTC branch (Sagay City, Negros Occidental) by Rep. Alfredo Maraño III
- HB No. 619 re: RTC branch (Casiguran, Aurora) by Rep. Juan Edgardo Angara
- HB No. 1407 re: 1407 re: 2 MTC branches (Cagayan de Oro) by Rep. Rufus Rodriguez
- HB Nos. 426 and 1455 re: 4 RTC branches (Zamboanga City) by Rep. Maria Isabelle Climaco and Erico Basilio Fabian
- HB No. 1904 re: RTC branch (Carmona, Cavite) by Rep. Roy Loyola
- HB No. 2720 re: RTC branch (Guimbal, Iloilo) by Rep. Janette Garin
- HB No. 3060 re: 2 RTC branches (Sta. Rosa, Laguna) by Rep. Danilo Ramon Fernandez
- HB No. 3229 re: 5 MeTC branches (Muntinlupa City) by Rep. Rodolfo Blazon
- HB No. 3256 re: 2 RTC branches (La Carlota and Bago, Negros Occidental) by Rep. Jeffrey Ferrer
- HB No. 3459 re: 2 MTC branches (Puerto Princesa) by Rep. Victorino Dennis Socrates
- HB No. 2395 re: 3 RTC branches and 2 MeTC branches (Navotas) by Rep. Tobias Tiangco
- HB No. 3206 re: RTC branch (Isabela) by Rep. Rodolfo Albano

Prepared by:

Noted by:


ATTY. NARCISA H. GUEVARRA
Committee Secretary


ATTY. DAVID ROBERT U. AMORIN
Service Director
Cluster 5 (Legal/Political 1)

cc: The Deputy Speaker
The Honorable Chairman, Committee on Rules
The Secretary General
The Executive Director, Committee Affairs Department
The Deputy Executive Director, Committee Affairs Department
The Service Director, Committee Administrative Support Service