

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

SIXTEENTH CONGRESS

First Regular Session

House Bill No. **1688**



Introduced by Hon. Karlo A. B. Nograles

EXPLANATORY NOTE

Extrajudicial killings or salvaging is abominable and should not be ignored or tolerated. The inaction, inability or unwillingness to solve extrajudicial killings by public officers despite the availability of peace and order and intelligence funds and other resources at their disposal, constitute negligence or dereliction of duty to serve the people.

A public officer is to be presumed administratively negligent for the lack of due diligence to prevent the violation or to respond to extrajudicial killing or salvaging as required by their duty to uphold the law. Accordingly, where gross violations of human rights are committed, public officers, persons in authority or agents of persons in authority must take the necessary and reasonable measures to prevent or punish the perpetrators thereof.

Study shows that extrajudicial killings have become prevalent because of the failure of the key institutions of the government to prosecute and punish the perpetrators. Efforts to investigate these killings have been lacking.

At present, the Philippines, is one of the countries with the highest number of outstanding cases of extrajudicial killings or salvaging which remained unsolved for decades and the perpetrators left unpunished.

A recent United Nations Report of the Special Rapporteur, Philip Alston, further validates the observation that passivity or inaction on the part of the key institutions of the government in preventing and prosecuting extrajudicial killings is the main reason why these crimes of utter disregard to human life continue to be a major problem in the Philippines.

Considering that public funds are being utilized as intelligence budget for the maintenance of peace and order, public officers who have access or control over these funds should be accountable to the people and should exercise due diligence in the administration and management of public funds. Ethical standards with regard spending public money demand that public officers

perform their legal duty and be vigilant on the proper use of public funds.

To secure accountability in spending public money, criminal or administrative liability is imposed on any public officer who allows the illegal, improper, unauthorized use thereof. Thus, if money is taken out from public treasury for peace and order purposes, satisfactory result must be produced not only in the investigation and prosecution of crimes but also in the prevention of extra-judicial killings or salvaging.



HON. KARLO A. B. NOGRALES

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AN ACT
QUALIFYING SALVAGING OR EXTRAJUDICIAL KILLING BY ANY PUBLIC OFFICER, PERSON IN AUTHORITY OR AGENT OF A PERSON IN AUTHORITY AS A HEINOUS CRIME, IMPOSING THE MAXIMUM PENALTY THEREFOR AND FOR OTHER PURPOSES

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

SECTION 1. *Short Title.* - This Act shall be known as the "Anti-Salvaging Law."

SEC. 2. *Statement of Policy.* - It is the policy of the State to recognize and guarantee the human rights of all persons and uphold a person's right to life.

SEC. 3. *Objectives.* - This Act endeavors to qualify the extrajudicial killing by any public officer, person in authority or agent of a person in authority as a heinous crime, and to impose the maximum penalty upon such crime.

SEC. 4. *Definition of Terms.* -

a) Salvaging - The murder or killing committed or ordered by any person, public officer, person in authority or agent of a person in authority.

b) Extrajudicial killing - Any killing other than that imposed by the State pursuant to the provisions of the Constitution on heinous crimes; 'extrajudicial killing' means a deliberated killing not authorized by a previous judgment pronounced by a

regularly constituted court affording all the judicial guarantees which are recognized as indispensable by civilized peoples.

c) Administrative negligence - The inaction of any public officer, person in authority or agent of a person in authority to prevent the commission of extrajudicial killing or salvaging in his area of responsibility.

SEC. 5. *Presumption of Administrative Negligence.* - Except in areas declared by the government as areas of conflict or combat zones, any public officer, person in authority or agent of a person in authority is hereby presumed administratively negligent if there is an increase in the number of extrajudicial killing or salvaging in his area of responsibility, as determined by the Commission on Human Rights, despite the continuous allocation and disbursement of peace and order and intelligence funds or similar allocations from the local government to such public officer, person in authority or agent of a person in authority.

SEC. 6. *Preventive Suspension.* - The proper disciplining authority may, pending investigation, preventively suspend the public officer, the person in authority or agent of a person in authority for a period of one hundred twenty (120) days if the charges against such officer involve inaction to prevent the commission of extrajudicial killing or salvaging.

SEC. 7. *Penalty.* - The penalty of life imprisonment shall be imposed upon any public officer, person in authority or agent of a person in authority for the commission of any salvaging or extrajudicial killing as defined herein.

SEC. 8. *Separability Clause.*- If any part, section or provision of this Act is held invalid or unconstitutional, other provisions not affected thereby shall remain in full force and effect.

SEC. 9. *Repealing Clause.* - All laws, decrees, orders, rules and regulations or other

issuances inconsistent with the provisions of this Act are hereby repealed, amended or modified accordingly.

SEC. 10. *Effectivity.* - This Act shall take effect fifteen (15) days after publication in the Official Gazette or in two (2) national newspapers of general circulation.

Approved,