

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

SEVENTEENTH CONGRESS
First Regular Session

HOUSE BILL NO. 5452



Introduced by **BAYAN MUNA** Representative **CARLOS ISAGANI T. ZARATE**

AN ACT
MANDATING THE OBSERVANCE OF 23 NOVEMBER OF EVERY YEAR
AS NATIONAL CONSCIOUSNESS DAY TO END IMPUNITY,
AND FOR OTHER PURPOSES

EXPLANATORY NOTE

November 23 is the International Day to End Impunity for Crimes against Journalists as proclaimed by the United Nations General Assembly in 2013 in commemoration of the assassination of two French journalists in Mali on that same day and year.

In the Philippines, November 23 is remembered as one of the grimmest incidents where 58 men and women were massacred in Ampatuan town of Maguindanao province in 2009. It is also the worst attack on press freedom in Philippine history because 32 of the victims were media practitioners. Marking it as a National Consciousness Day to end Impunity will remind us that as long as high crimes remain unpunished, the fight against injustice in the country should continue to broaden and persist.

The Philippines has been tagged this year by international media groups as one of the most dangerous places for journalists being ranked poorly or is placed among the worst worldwide for unsolved journalist murders. Key witnesses end up dead or forever fear for their lives like the ones in the Maguindanao case who were murdered, with one of them even dismembered and mutilated.

The Ampatuan, Maguindanao massacre case is on its 4th year and there is still no positive light for the prosecution of the Ampatuans. More than 100 suspects are already in police custody while around 90 are still at large. Very recent reports say that some of the victims' families have agreed to settle with members of the Ampatuan clan and to sign an affidavit putting the blame for the massacre on Governor Toto Mangudadatu.

Impunity exists whenever perpetrators of a crime are not prosecuted or are not held accountable because of their power or influence in society. Families of the victims of extrajudicial killings, enforced disappearances and other human rights violations point to state security forces but to no avail.

The term "impunity" has attained prominence and common usage during the last administration. Former President Gloria Macapagal-Arroyo's nine-year term suffered from corruption issues, electoral fraud and worsening poverty of its citizens thus the discontent of the populace over her leadership, and increasing calls for her ouster. As a response to this growing dissent, the human rights situation under Arroyo turned to worse. Determined to stay in power, the administration institutionalized a campaign to repress forces critical of the administration through military and police force. A systematized human rights violation then took place and the result: 1,206 victims of extrajudicial killings and 206 victims of enforced disappearance perpetrated against activists and critics from among workers, peasants, women, indigenous people, students, lawyers, church people, and media practitioners.

Under the Aquino administration, no commitments were fulfilled to hold accountable high officials for the massive corruption and fraud under the previous administration, and also for the gross human rights violations that will in turn serve justice to the people especially the victims. Further, killings and enforced disappearance has already reached 137 cases of extrajudicial killings and 14 enforced disappearances (July 2010 to December 2012). The police continue to refuse or stall investigations, the military persists in making blanket denials and arrest warrants against alleged perpetrators have not been executed. The climate of impunity persists.

The killings have continued under the present administration.

Thus, there is a need to instill awareness and spur action on the part of the government and for the people to stand up and fight for justice. The people's clamor and demand for justice should continue to compel the government and the authorities to take action and prosecute those who are blanketed with impunity.

Thus, the approval of this bill is earnestly sought.

Approved,


Rep. CARLOS ISAGANI T. ZARATE
Bayan Muna Party-List

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

Section 1. This Act shall be known as the “National Consciousness Day to End Impunity Act of 2017.”

Section 2. The State shall ensure that the perpetrators of extrajudicial killings and enforced disappearances shall be punished so that justice shall be served to the victims and their families.

The State shall intensify its efforts to curb impunity and bring it to an end. The State recognizes that the participation of all sectors concerned shall ensure the success of the fight against impunity. Towards this end, the State shall endeavor to raise awareness of the people regarding this issue.

Section 3. In memory of the victims of the Maguindanao massacre and as a symbol of the people’s struggle against impunity, the 23rd of November of every year is hereby declared as National Consciousness Day to End Impunity.

Section 4. The implementation of this Act shall be under the Commission of Human Rights (CHR), with the help of the Department of Education and the Department of Interior and Local Government, which shall create programs directed towards educating the people about human rights issues and the need to uphold these rights. In this regard, civil society organizations shall be tapped to assist the CHR in this endeavor.

Section 5. This Act shall take effect fifteen (15) days after its publication in the *Official Gazette* or in at least two (2) newspapers of national circulation.

Approved,