

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

**TWENTIETH CONGRESS**  
First Regular Session

HOUSE BILL NO. 1432



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Introduced by Representative LEILA M. DE LIMA

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**AN ACT**  
**DEFINING EXTRAJUDICIAL KILLING,**  
**PROVIDING FOR ITS PENALTY AND OTHER PURPOSES**

**EXPLANATORY NOTE**

Article II, Section 11 of the Constitution provides that “[t]he State values the dignity of every human person and guarantees full respect for human rights.”

The above State policy is underscored by the entry of the Philippines to human rights treaties, such as the UN Covenant on Civil and Political Rights, and enactment of laws that integrate promotion and protection of the right to life, and access to effective remedy as articulated in the Universal Declaration of Human Rights.

When the former President Rodrigo Duterte assumed office in July of 2016 up to the end of 2018, the Philippine Drug War has already killed more than 5,000 persons, according to the Philippine Drug Enforcement Agency (PDEA).<sup>1</sup> According to the Commission on Human Rights (CHR), the number could be as high as 27,000 owing to the lack of information being released as well as the reluctance of the victims’ families to come out and speak up due to fear of being exterminated.<sup>2</sup> While the deaths related to anti-drug operations were initially most rampant in Metro Manila, the epicenter of the Drug War eventually seemingly moved north towards neighboring Central Luzon. From the start of December 2017 to February 2019, within the so-called Double Barrel “Resumption” phase, data shows that Central Luzon cops shot down a total of 668 drug personalities compared to Metro Manila police’s 318 kills.<sup>3</sup> Even other regions have not been spared from the carnage. The late, former CHR Chairperson Jose “Chito” Gascon claimed that Central Visayas ranked fourth in the most number

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<sup>1</sup> Tomacruz, S. (31 December 2018). *Duterte gov't tally: 'Drug war' deaths breach 5,000-mark before 2019*. Retrieved from <https://www.rappler.com/nation/220013-duterte-government-tally-killed-war-on-drugs-november-2018>.

<sup>2</sup> Maru, D. (5 December 2018). *CHR chief: Drug war deaths could be as high as 27,000*. Retrieved from <https://news.abs-cbn.com/focus/12/05/18/chr-chief-drug-war-deaths-could-be-as-high-as-27000>.

<sup>3</sup> Talabong, R. (24 February 2019). *Central Luzon: New killing fields in Duterte's drug war*. Retrieved from <https://www.rappler.com/newsbreak/in-depth/224159-central-luzon-new-killing-fields-duterte-drug-war>.

of drug-related killings among the regions in the country early in February 2019.<sup>4</sup> In fact, from January to March 2019, at least 59 persons were reportedly killed in 46 separate incidents that include police anti-drug operations in Cebu.<sup>5</sup> Most of the victims were slain by motorcycle-riding gunmen, while others were killed in a drug bust. By the end of Duterte's term in 2022, police admitted to 6,200 deaths of suspects in anti-drug operations while the Philippine government officially acknowledged 6,248 deaths.<sup>6</sup> However, human rights advocates and the International Criminal Court (ICC) prosecutor estimated about 30,000 killings in relation to Duterte's anti-drug campaign.<sup>7</sup>

Tragically, a significant portion of the victims of these killings are those of innocent men, women, and even children who were either caught in the crossfire or misidentified as drug personalities. Furthermore, despite the Duterte administration's relentless efforts and brutal methods to curb its proliferation in the country, none other than President Duterte himself conceded that the Philippines' illegal drug trade has worsened after almost three years since the beginning of the Drug War,<sup>8</sup> which may be indicative of the methodology's overall ineffectiveness.

However, the killings did not stop at suspected drug-personalities. It has also extended to the murder of peasant farmers and human rights activists as militarization and counterinsurgency operations now share disturbing characteristics with the drug war, namely, killing without due process, planting evidence, and a growing climate of apparent impunity.<sup>9</sup> Since the assumption of President Ferdinand Marcos, Jr. into the presidency in June of 2022, the killings have persisted, with then Amnesty International Philippines director Butch Olano claiming at least 600 killings in the first 19 months of the Marcos, Jr. administration.<sup>10</sup>

These incidences of extrajudicial killings (EJKs) are eerily reminiscent of the country's situation years ago which prompted the mission to the Philippines of the former United Nations Special Rapporteur on Extrajudicial Killings, Mr. Philip Alston in 2007. In his report,<sup>11</sup> he noted the systematic and targeted killings of various "civil society leaders, including human rights defenders, trade unionists, and land reform advocates, as well as many others on the left of the political spectrum." The goal then

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<sup>4</sup> Miasco, M. (8 February 2019). CHR: Drug-related killings in Central Visayas 4th highest in Philippines. Retrieved from <https://www.philstar.com/the-freeman/cebu-news/2019/02/08/1891952/chr-drug-related-killings-centralvisayas-4th-highest-philippines>.

<sup>5</sup> Mondonedo-Ynot, L. (14 May 2019). Interactive map: Cebu killings since January 2019. Retrieved from <https://www.sunstar.com.ph/cebu/local-news/interactive-map-cebu-killings-since-january-2019>.

<sup>6</sup> Reuters (2025). What happened in Philippine drug war that led to Rodrigo Duterte's arrest? Retrieved from <https://www.reuters.com/world/asia-pacific/what-happened-philippine-drug-war-that-led-dutertes-arrest-2025-03-11/>.

<sup>7</sup> Regencia, T. (11 March 2025). Arrested on ICC warrant: What was Duterte's 'war on drugs'? Retrieved from <https://www.aljazeera.com/news/2025/3/11/arrested-on-icc-warrant-what-was-dutertes-war-on-drugs>.

<sup>8</sup> Regalao, E. (27 March 2019). *Duterte: Philippines drug situation has worsened*. Retrieved from <https://www.philstar.com/headlines/2019/03/27/1904945/duterte-philippines-drug-situation-has-worsened>.

<sup>9</sup> Aspinwall, N. (10 June 2019). Duterte turns death squads on political activists. Retrieved from <https://foreignpolicy.com/2019/06/10/duterte-turns-death-squads-on-political-activists/>.

<sup>10</sup> Casilao, J.L. (24 April 2024). EJKs in PH persisted in 2023, says Amnesty International. Retrieved from <https://www.gmanetwork.com/news/topstories/nation/904610/ejks-philippines-amnesty-international/story/>.

<sup>11</sup> United Nations (16 April 2008). Retrieved from <https://docs.un.org/en/A/HRC/8/3/Add.2>.

was to quell political dissent by using the killings as a tool of coercion in order to maintain peace and order. This appears to be the same goal in the ongoing killings of non-drug personalities. In the rampant killings of drug offenders, the message conveyed was that drug personalities have no place in society and thus have to be exterminated while altogether glossing over the circumstances which led them to become drug personalities in the first place – namely, rampant poverty and inequality of opportunity which pervades every layer of Philippine society.

In light of the thousands of deaths, the Filipino as a nation cannot negate that EJK is a clear and present phenomenon of the times, boldly challenging our constitutionally protected human right against the taking of life, and a transgression of due process and the presumption of innocence of criminal suspects. EJK remains a grave threat in our homes, within Philippine shores, and around the world that demands only the most certain effort through legislation, for which the passage of this bill is earnestly sought.

  
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**AN ACT**  
**DEFINING EXTRAJUDICIAL KILLING,**  
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*Be it enacted by the Senate and House of Representatives of the Philippines in Congress assembled:*

1           SECTION 1. *Short Title* — This Act shall be known as "Anti-Extrajudicial  
2 Killing Act of 2025."  
3

4           SEC. 2. *Declaration of Policy*. — It is hereby declared policy, and legally  
5 binding obligation of the State to uphold and protect the non-derogable human right  
6 to life of all, set forth in various provisions of the Constitution, Article 3 of the  
7 Universal Declaration of Human Rights, and Article 6 of the United Nations Covenant  
8 on Civil and Political Rights and other covenants ratified by the Philippines.  
9

10          SEC 3. *Objectives*. —

- 11
- 12          (a) Define and provide penalty for acts that qualify as extrajudicial killings, to  
13 ensure accountability of state and non-state actors.  
14
- 15          (b) Address institutional barriers to efficient, independent, and impartial  
16 investigation of extrajudicial killings (EJKs) through specific measures that will  
17 strengthen agencies of government with investigative functions such as the  
18 Commission on Human Rights (CHR), the National Bureau of Investigation  
19 (NBI), and Philippine National Police (PNP).  
20
- 21          (c) Institutionalize operational intervention guidelines such as but not limited to  
22 arrest, raid, search and seizure, of law enforcement agencies to align with  
23 international human rights standards.

1 (d) Promote human rights of all, and ensure public awareness on the sanctity of  
2 life, respect for the rule of law and established processes, as well as the  
3 corresponding obligation of the public in the maintenance of public order.  
4

5 **SEC. 4. *Definition of Terms.* —**  
6

7 (a) *Absolute necessity test* — refers to the determination of whether or not, in the  
8 apprehension of suspected criminals, the use of force is necessary and if in  
9 the affirmative, whether or not the use of lethal force shall be employed.

10 Lethal force involves use of firearms, other objects and means that can inflict  
11 death on a person.  
12

13 (b) *Extrajudicial killing (EJK)* — refers to the unlawful, and deliberate killing of  
14 targeted individuals or groups thereof, carried out by agents of the State and  
15 under its order or acquiescence in lieu of arrest, investigation, and  
16 prosecution. EJK includes summary killing perpetrated by private individuals  
17 for purposes of carrying out on their own or in the context of vigilantism, a  
18 campaign or policy of the State.  
19

20 (c) *Human rights due diligence* — refers to the measures and initiatives  
21 undertaken by the State, and its instrumentalities to prevent arbitrary taking of  
22 life through EJK as well as actions to investigate, punish, and prosecute  
23 individuals who have committed the criminal acts.  
24

25 (d) *Innocent bystanders* — refer to persons who are present during a law  
26 enforcement operation but are not participants to or are involved in any  
27 ongoing criminal acts or in the said operation.  
28

29 (e) *Inquiry* — refers to the process of examination by the CHR, in the exercise of  
30 its function to monitor human rights due diligence of government, including  
31 the private sector.  
32

33 (f) *Non-state actors* — refer to those who are not formally part of any agency of  
34 government but commit EJK at the behest or acquiescence of state actors.  
35 These include paramilitary groups, private armed groups, and death squads.  
36

37 (g) *Police intervention* — refers to arrest with or without warrant, raid, search,  
38 and seizure.  
39

40 (h) *State actors* — refer to members of the national police or armed forces,  
41 including government officials and employees in law enforcement agencies or  
42 the military.

1 **SEC. 5. Special Mandates. —**  
2

3 (a) **CHR** — It shall have authority to investigate cases of EJK *motu proprio* or on  
4 complaint by an interested party as set forth in its Rules of Procedure. It is  
5 likewise empowered to conduct inquiries on matters that relate to EJKs. For  
6 this purpose and consistent with its constitutional authority, it is empowered  
7 to require services and support of government agencies in the form of  
8 security, shelter, medico-legal, and legal service. The CHR shall, on its own,  
9 subject to availability of resources, provide protection of witnesses, medical  
10 and/or forensic examination, legal counseling, and temporary shelter.  
11

12 (b) **NBI** - It shall make its relevant services available to CHR and/or the PNP in  
13 their inquiries or investigation of EJK cases. In carrying out its own  
14 investigations, it shall observe human rights due diligence by adopting or  
15 integrating, in addition to Constitutional restrictions or safeguards, modalities  
16 and standards that aid in securing independent evidence.  
17

18 (c) **PNP** - In all Police Intervention Operations (PIOs) such as arrest, raid, search,  
19 and seizure, they shall observe the following minimum standards:  
20

- 21 1) In conducting arrest, the arresting officer shall announce his presence  
22 and intent to arrest. Firing of warning shots is absolutely prohibited.  
23 The arresting officer shall take the necessary precautions to ensure  
24 the safety of the arresting team as well as the innocent bystanders.  
25
- 26 2) Necessity of force test shall be the principal rule in PIOs. Use of force  
27 when employed shall be proportionate, and shall be allowed only when  
28 there is clear and convincing attempt to evade arrest.  
29
- 30 3) Alternative non-lethal incapacitating weapons shall be the primary tool  
31 to effect arrest when there is resistance.  
32
- 33 4) It shall be mandatory for the team leader of every PIO, to submit an  
34 after-operation report. The Internal Affairs Service of the PNP shall  
35 maintain a separate reportorial system for cases whereby an individual  
36 die as a result of the police operation. Copies of the report and/or its  
37 latest inventory of cases shall be submitted to the CHR on a quarterly  
38 basis and shall be available whenever the CHR requests or demands it.  
39
- 40 5) Except in cases of warrantless arrest, the arresting officers shall  
41 document the arrest with the use of body cameras and similar devices,  
42 which shall be immediately turned over to representatives of the Anti-  
43 EJK Council, as provided in Section 6 of this Act.

1           **SEC. 6. *Inter-Agency Council Against Extrajudicial Killings.*** — There is hereby  
2 created an "Inter-agency Council Against Extrajudicial Killings", or "Anti-EJK Council",  
3 with the following composition:  
4

- Chairperson:           Secretary, Department of Justice
- Members:               Secretary, Department of National Defense
- Secretary, Department of the Interior and Local Government
- Executive Director, Presidential Human Rights Committee
- Director General, Philippine Drug Enforcement Agency
- Director General, Philippine National Police
- Director, National Bureau of Investigation
- Chairperson, Philippine Commission on Women
- Chairperson, National Youth Commission

5           One representative each from two (2) non-governmental organizations shall  
6 be appointed by the President of the Philippines upon the recommendation of the  
7 Council. These representatives shall serve for two (2) years, unless sooner revoked  
8 also upon recommendation of the Council. Appointment of an NGO shall not be  
9 more than once.

10  
11           The Council shall constitute itself within one (1) month or sooner when this law  
12 takes effect, at the call of the Chairperson.

13  
14           The CHR, with an observer status, shall participate in all meetings of the  
15 Council for policy development and reform.

16  
17           **SEC. 7. *Powers and Functions of the Anti-EJK Council.*** —

- 18           (a) Develop plans and programs to achieve the objectives set forth in this law and  
19 coordinate with member-agencies including the CHR for purposes of public  
20 information and advocacy, policy implementation, monitoring, and reportorial;  
21
- 22           (b) Engage with human rights mechanisms here and abroad, including Mandate  
23 Holders, and Special Procedures of human rights organizations for purposes  
24 of developing or strengthening cooperation in the areas of human rights  
25 education, law enforcement, investigation, and access to justice;
- 26  
27           (c) Recommend ratification of international instruments or cooperation  
28 agreements relating to the legal regime that protects against extra-judicial  
29 killings; and

1 (d) Function as a clearing house for investigation modules, arrest, search and  
2 seizure protocols of the NBI and the PNP, to ensure that these embody the  
3 minimum standards for the prevention of extra-judicial killing or its  
4 investigation.  
5

6 **SEC. 8. *Secretariat to the Council.*** — There shall be a Secretariat to the  
7 Council which shall be headed by an Executive Director to be appointed by the  
8 Secretary of Justice from the list of nominees of the Council.  
9

10 **SEC. 9. *Prohibited Acts.*** — It shall be unlawful for state actors to resort to  
11 EJK as herein defined in furtherance of campaign for public order or in the  
12 enforcement of laws. Killings perpetrated by non-state actors and paramilitary  
13 groups in furtherance or in support of government campaign for public order is also  
14 unlawful and prohibited.  
15

16 The Anti-EJK Council shall establish programs and promulgate measures to  
17 ensure that non-state actors who committed EJK are brought to justice.  
18

19 **SEC. 10. *Presumption of Administrative Negligence.*** — Except in  
20 communities affected by armed conflict, the local chief executive and chief of police  
21 shall be presumed administratively negligent where there is increase in cases of  
22 EJK as determined by CHR.  
23

24 **SEC. 11. *Preventive Suspension.*** — In all police interventions, where death of  
25 suspected criminals or innocent bystanders occur by reason of use of lethal force,  
26 the responsible police officer shall automatically be subjected to investigation and  
27 preventive suspension to be carried out by the Internal Affairs Service of the  
28 Philippine National Police. Pending this process, issued firearms shall be returned  
29 by the police officer concerned.  
30

31 **SEC. 12. *Penalty.*** — The penalty of life imprisonment without the benefit of  
32 parole shall be imposed upon any public officer, person in authority, agent of a  
33 person in authority, or private individual found guilty of EJK as defined herein.  
34

35 Public officials who fail to prevent, investigate, or file necessary actions in  
36 court against those suspected of having committed EJK shall be administratively  
37 liable according to applicable laws.  
38

39 **SEC. 13. *Imprescriptibility.*** — The prosecution for EJK shall not prescribe.  
40

41 **SEC. 14. *Compensation for Victims.*** — The family of the victim of EJK shall  
42 have the right to claim for compensation as provided for under Republic Act No.  
43 7309 or "An Act Creating A Board of Claims Under The Department Of Justice For

1 Victims Of Unjust Imprisonment Or Detention And Victims Of Violent Crimes And For  
2 Other Purposes." Provided, that in no case shall compensation be any lower than  
3 Ten Thousand Pesos (P 10,000.00).

4  
5 SEC. 15. *Implementing Rules and Regulations.* — Within ninety (90) days  
6 from the effectivity of this Act, the Council shall finalize and promulgate the rules and  
7 regulations for the effective implementation of this Act.

8  
9 SEC. 16. *Appropriations.* — The amounts necessary for the implementation  
10 of this Act shall be included in the annual General Appropriations Act (GAA).

11  
12 SEC. 17. *Separability Clause.* — If for any reason, a provision is declared  
13 invalid, other provisions not affected thereby shall remain in full force and effect.

14  
15 SEC. 18. *Repealing Clause.* — All laws, decrees, executive orders, rules and  
16 regulations contrary to or inconsistent with the provisions of this Act are hereby  
17 repealed or modified accordingly.

18  
19 SEC. 19. *Effectivity.* — This Act shall take effect fifteen (15) days after its  
20 publication in the Official Gazette or in two (2) newspapers of general circulation.

Approved,