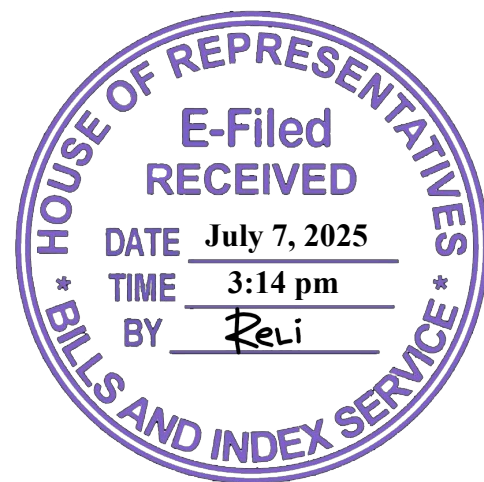




Republic of the Philippines
HOUSE OF REPRESENTATIVES
Batasan Hills, Quezon City

TWENTIETH CONGRESS
First Regular Session

HOUSE BILL NO. 1461



Introduced by

HON. ATTY. GERVILLE “JINKY BITRICS” R. LUISTRO

AN ACT CLASSIFYING AND PENALIZING EXTRAJUDICIAL KILLING AS A HEINOUS CRIME, PROVIDING REPARATION FOR THE VICTIMS, AND STRENGTHENING THE MECHANISM FOR ITS PREVENTION

EXPLANATORY NOTE

This proposed legislation aims to formally define extrajudicial killing (EJK) as a heinous offense and to establish a concrete legal framework for holding perpetrators accountable.

The Constitution of 1987 upholds the intrinsic worth of every individual and enshrines the full protection of human rights as a fundamental state policy. It guarantees the right to life, liberty, and property, and prohibits deprivation of such rights without the due process of law. In line with these constitutional guarantees, the State bears the duty to proactively prevent and decisively address violations—especially those committed outside the legal system.

Extrajudicial killings, which involve taking a person’s life without the sanction of judicial proceedings or lawful authority, represent a profound affront to human rights and the rule of law. These acts circumvent established legal procedures, erode public faith in the justice system, and trample upon constitutional protections, particularly the rights to life and due process. A persistent absence of accountability in such cases fuels a culture of impunity where offenders are emboldened by the perception that they will face no repercussions.

This legislative measure proposes to categorically criminalize EJK, imposing appropriate penalties on anyone who commits, orders, or permits such acts, regardless of their status or office. By doing so, it aims to reinforce the legal mechanisms necessary to investigate, prosecute, and penalize those responsible for unlawful killings.

The bill is also consistent with the Philippines’ obligations under international human rights treaties, such as the International Covenant on Civil and Political Rights, which mandates State parties to safeguard the right to life and prohibit arbitrary deprivation thereof.

Designating EJK as a heinous crime is a critical reform to restore faith in legal institutions and reaffirm the government’s commitment to upholding justice. It reinforces the principle that no one is above the law, and that all victims of unlawful killings deserve redress.

To complement this, the bill also proposes the creation of the Extrajudicial Killing Claims Board, which will be tasked with providing reparations to victims' families and establishing mechanisms to prevent and investigate future incidents of EJK.

As detailed in the Commission on Human Rights' 2022 Report on Killings Related to the Anti-Illegal Drug Campaign, 846 incidents of drug-related extrajudicial killings were investigated from 2016 to 2022. Of these, 577 were attributed to state security forces, while 269 were carried out by unidentified individuals and other actors.

Providing reparations acknowledges the harm inflicted by these unlawful acts and serves as a form of symbolic justice to the families left behind.

Given the urgent need to address impunity and to ensure accountability for grave human rights violations, the immediate enactment of this measure is strongly urged.



HON. ATTY. GERVILLE "JINKY BITRICS" R. LUISTRO



Republic of the Philippines
HOUSE OF REPRESENTATIVES
Batasan Hills, Quezon City

TWENTIETH CONGRESS
Third Regular Session

HOUSE BILL NO. 1461

Introduced by
HON. ATTY. GERVILLE "JINKY BITRICS" R. LUISTRO

**AN ACT CLASSIFYING AND PENALIZING EXTRAJUDICIAL KILLING AS A HEINOUS
CRIME, PROVIDING REPARATION FOR THE VICTIMS, AND STRENGTHENING THE
MECHANISM FOR ITS PREVENTION**

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

SEC. 1. *Short Title.* - This Act shall be known as the "Anti-Extrajudicial Killing
Act."

SEC. 2. *Declaration of Policy.* - It is the policy of the State to value the dignity of
every human person and guarantee full respect for human rights. The State likewise
guarantees that no person shall be deprived of life, liberty, and property without due process
of law. The State honors its solemn obligation under the Universal Declaration of Human
Rights, the International Covenant on Civil and Political Rights and the European Covenant
on Civil and Political Rights to respect, promote and protect human rights. Toward this end,
the State shall classify and penalize extrajudicial killing as a heinous crime, provide
reparations for the victims, and strengthen the mechanisms for the prevention of extrajudicial
killing.

SEC. 3. *Definition of Terms.* -

a) Extrajudicial killing (EJK) refers to any killing other than that imposed by the State
pursuant to the provisions of the Constitution on heinous crimes or a deliberate and arbitrary
killing of any person not authorized by a previous judgment pronounced by a competent court
affording all the judicial guarantees which are recognized as indispensable by civilized
peoples. It may be committed a public officer, person in authority, agent of a person in
authority, or any person who is acting under the actual or apparent authority of the State.

b) Administrative Negligence refers to the inaction of any public officer, person in
authority or agent of a person in authority to prevent the commission of extrajudicial killing
in one's area of responsibility.

SEC. 4. *Extrajudicial Killing as a Heinous Crime.* - Extrajudicial killing committed by a public officer, person in authority, agent of a person in authority, or any person who is acting under the actual or apparent authority of the State, is hereby classified as a heinous crime. The penalty of life imprisonment shall be imposed upon a public officer, person of authority, agent of a person in authority, or any person who is acting under the actual or apparent authority of the State, who commits an extrajudicial killing or who orders the extrajudicial killing. Any superior military, police or law enforcement officer or senior government official who issued an order to any lower ranking personnel to commit an extrajudicial killing for whatever purpose shall be equally liable as principals.

SEC. 5. *Monetary Reparation for Victims.* - In addition to any right of the legal heirs of victims of EJK to claim for monetary compensation and reparation as provided for under Republic Act No. 7309, or "An Act Creating a Board of Claims Under the Department of Justice for Victims of Unjust Imprisonment or Detention and Victims of Violent Crimes and for Other Purposes,* the legal heirs may also claim for compensation under this Act in the amount of Two hundred fifty thousand pesos (P250,000.00) to Five hundred thousand pesos (PS00,000.00) per victim, depending on the circumstances of each death.

SEC. 6. *Nonmonetary Reparation.* - The Department of Health, Department of Social Welfare and Development, the Department of Education, the Commission on Higher Education, the Technical Education and Skills Development Authority, and other government agencies shall render the necessary services as nonmonetary reparation to the victims and or their families, as may be determined by the Extrajudicial Killings Claims Board, hereinafter created.

SEC. 7. *Extrajudicial Killings Claims Board.* - There is hereby created a body to be known as the Extrajudicial Killings Claims Board, hereinafter referred to as the Board, under the Commission on Human Rights (CHR). It shall be composed of nine (9) members who possess the following qualifications:

- (a) Must be of known probity, competence, and integrity;
- (b) Must have a deep and thorough understanding and knowledge of human rights and involvement in efforts against human rights violations;
- (c) At least three (3) of them must be members of the Philippine Bar who have been engaged in the practice of law for at least ten (10) years; and
- (d) Must have a clear and adequate understanding and commitment to human rights protection, promotion, and advocacy.

The Board shall organize itself within thirty days from the effectivity of this Act. You sent The President shall appoint the nine (9) members of the Board from a list of nominees recommended by human rights organizations and the CHR. The members of the Board shall have a term of office of six (6) years.

SEC. 8. *Powers and Functions of the Board.* - The Board shall act as a claims board to victims of EJKs and exercise the following powers and functions:

- (a) Receive, evaluate, process, and investigate applications for claims under this Act;
- (b) Conduct independent administrative proceedings and resolve disputes over claims;
- (c) Approve with finality all eligible claims under this Act;
- (d) Deputize appropriate government agencies to assist in the performance of its functions;

(e) Refer family members of the EJK victims to the proper government agency such as the Department of Social Welfare and Development and the National Center for Mental Health for psycho-social rehabilitation;

(f) Promulgate such rules as may be necessary to carry out the purposes of this Act, including rules of procedure in the conduct of its proceedings, with the Revised Rules of Court of the Philippines having suppletory application.

SEC. 9. *Presumption of Administrative Negligence.* - Except in areas declared by the proper government authority as areas of conflict or combat zones, any public officer in charge of public order and safety and the local chief executive are presumed administratively negligent if there is an increase in the number of extrajudicial killings in their area of responsibility, as determined by the CHR, despite the continuous allocation and disbursement of peace and order, intelligence funds or other similar allocations to such public officer. You sent Public officials in charge of investigating or prosecuting cases who fail to prevent, investigate, or file necessary actions in court against those suspected of having committed an EJK shall be administratively liable under applicable laws.

SEC. 10. *Preventive Suspension.* - The proper disciplining authority may, pending investigation, preventively suspend the public officer or any person under one's command for a period of one hundred twenty (120) days if the charges against such officer involve inaction to prevent the commission of extrajudicial killing.

SEC. 11. *Imprescriptibility.* - The prosecution for EJK shall not prescribe.

SEC.12. *Suppletory Applications.* - The pertinent provisions of the Revised Penal Code shall have suppletory application.

SEC. 13. *Appropriations.* The amount necessary for the initial implementation of this Act shall be charged to the current year's appropriations of the Commission on Human Rights. Thereafter, such sum as may be necessary for the effective implementation of this Act shall be included in the annual General Appropriations Act.

SEC. 14. *Implementing Rules and Regulations.* - Within sixty (60) days from the formation of the Board, the Board shall, in coordination with the CHR, issue the necessary rules and regulations for the effective implementation of this Act.

SEC. 15. *Separability Clause.* - If, for any reason, any section or provision of this Act is declared unconstitutional or invalid, such other sections or provisions not affected thereby shall remain in full force and effect.

SEC. 16. *Repealing Clause.* - All other laws, decrees, orders, rules, and regulations or other issuances or parts thereof inconsistent with the provisions of this Act are hereby repealed or modified accordingly.

SEC. 17. *Effectivity.* - This Act shall take effect fifteen (15) days after its publication in the Official Gazette or in a newspaper of general circulation.

Approved,