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REPUBLIC OF THE PHILIPPINES)
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HOUSE OF REPRESENTATIVES

*Introduced by Representative Rufus B. Rodriguez and
Representative Maximo B. Rodriguez, Jr.*

House Bill No. **6662**

EXPLANATORY NOTE

Article II, Section 11 of the 1987 Constitution declares it a State policy of the Republic of the Philippines to value the dignity of every human person and to guarantee full respect for human rights. In line with this policy, the Republic of the Philippines either is a State Party to or, in the case of the Universal Declaration of Human Rights (UDHR), adopted, various international human rights instruments and conventions that prohibit the use of torture and other cruel, inhuman, or degrading treatment or punishment. These include the International Convention on Civil and Political Rights (ICCPR), and the United Nations Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (UNCAT).

Furthermore, the Republic of the Philippines acceded to the Optional Protocol to the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (OPCAT) on April 17, 2012, which requires under Part I, Article 3 thereof, that each State Party thereto “shall set up, designate or maintain at the domestic level one or several visiting bodies for the prevention of torture and other cruel, inhuman or degrading treatment or punishment.” More specifically, Part IV, Article 17 stated that “[e]ach State Party shall maintain, designate or establish, at the latest one year after the entry into force of the present Protocol or of its ratification or accession, one or several independent national preventive mechanisms for the prevention of torture at the domestic level. Mechanisms established by decentralized units may be designated as national preventive mechanisms for the purposes of the present Protocol if they are in conformity with its provisions.” This mechanism is referred to as a National Preventive Mechanism (NPM).

It has been more than 15 years since the Philippines acceded to the OPCAT, but the Philippines still does not have an NPM. Consequently, the Philippines is on the list of States whose compliance with Part IV, Article 17 of the OPCAT is substantially overdue. Ultimately, this Bill will ensure risks to the commission of torture and other cruel, inhumane, and degrading treatment or punishment are eliminated.

This bill seeks to establish an NPM that is a separate but an attached agency of the Commission on Human Rights (CHR). As the country’s National Human Rights Institution (NHRI), established in accordance with the Paris Principles, and as befitting its visitorial mandate under the 1987 Constitution, Executive Order No. 163, s. 1987, and other related laws, is the independent body best suited to oversee the performance of the functions of the NPM of the Philippines vis-à-vis the OPCAT.

The CHR has been conducting unannounced, unhampered and unrestricted visits to places of deprivation of liberty pursuant to its visitorial mandate under Article XIII, Section 18 (4) of the 1987 Constitution; Section 3 (4) of Executive Order No. 163, s. 1987; Section 11 of the Implementing Rules and Regulations of Republic Act No. 9745, otherwise known as the Anti- Torture Act of 2009; and Section 13 of Republic Act No. 10353, otherwise known as the Anti-Enforced or Involuntary Disappearance Act of 2012. However, such visits are mainly investigative or monitoring in nature, not preventive as is required of an NPM.

Establishing an NPM as a separate but an attached agency of the CHR will enhance the CHR’s mandate as it will now look into the preventive aspect against torture and other cruel, inhuman, or degrading treatment or punishment in places of deprivation of liberty, and help develop policies that will prevent the occurrence of torture and other cruel, inhumane

treatment or punishment. It also seeks to provide support in the improvement of places of deprivation of liberty that respect the basic human rights of persons deprived of liberty. This is because while the CHR initially focused only on monitoring visits to places of deprivation of liberty, it has come to realize that torture prevention needs a different and more holistic approach. Torture prevention entails understanding the various causes of torture, whether institutional, normative, political, cultural, or socio-economical, and, correspondingly, addressing such causes through a wide range of actions, such as legal reform, ensuring criminal responsibility and safeguards in detention, fighting against impunity, and ensuring remedies and reparations.

Furthermore, by establishing the NPM as a separate but an attached agency of the CHR with its own budget and personnel, this bill would also help delineate between the investigative and preventive aspects of visits to places of deprivation of liberty by the CHR. However, it should be noted that this delineation and establishment of an NPM as a separate but attached agency of the CHR aims to complement, not replace, the CHR's current visitorial mandate by extending its visitorial powers to places of deprivation of liberty outside of its current jurisdiction, such hospitals and psychiatric institutions.

As of now, the CHR is developing a possible template of the NPM with the CHR as the lead with representatives from experts and civil society organizations (CSOs) as members. This initiative aims to create a model and a Manual of Operations on how an NPM should be structured and operationalized. Such a structure and operations are embodied in this proposed bill.

In view of the foregoing, the immediate passage of this bill is earnestly sought.



RUFUS B. RODRIGUEZ



MAXIMO B. RODRIGUEZ, JR.

HOUSE OF REPRESENTATIVES

*Introduced by Representative Rufus B. Rodriguez and
Representative Maximo B. Rodriguez, Jr.*

House Bill No. **6662**

AN ACT

ESTABLISHING NATIONAL PREVENTIVE MECHANISM (NPM) IN COMPLIANCE WITH THE OPTIONAL PROTOCOL TO THE CONVENTION AGAINST TORTURE AND OTHER CRUEL, INHUMAN OR DEGRADING TREATMENT OR PUNISHMENT (OPCAT) AND FOR OTHER PURPOSES

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

Section 1. Short Title. – This Act shall be known as the “National Preventive Mechanism (NPM) Act”.

Sec. 2. Statement of Policy. – It is hereby declared the policy of the State to:

- a. Adopt the generally accepted principles of international law, which include the prohibition of torture and other cruel, inhumane degrading treatment or punishment, as part of the law of the land;
- b. Value the dignity of every human person and guarantee full respect for human rights;
- c. Ensure that the human rights of all persons, especially persons deprived of liberty, are respected at all times and that no person placed under investigation or held in custody by any person in authority or his/her agent shall be subjected to physical, psychological, or mental harm, force, violence, threat, intimidation, or any act that impairs his/her free will or in any manner demeans or degrades human dignity;
- d. Adopt a human rights-based approach in the prevention of torture and other cruel, inhuman, and degrading treatment or punishment;
- e. Ensure that secret detention places, solitary, incommunicado, or other similar forms of detention where torture and other cruel, inhuman, or degrading treatment and punishment may be carried out with impunity are prohibited; and
- f. Fully adhere to the principles and standards on the absolute condemnation and prohibition of torture as provided for in the 1987 Constitution, Republic Act (RA) No. 9745 (the Anti-Torture Act of 2009), and the various international human rights instruments and conventions to which the Philippines either is a State Party to or voted in favor of, such as, but not limited to, the Universal Declaration on Human Rights (UDHR), the International Covenant on Civil and Political Rights (ICCPR), the Convention on the Rights of the Child (CRC), the Convention on the Rights of Persons with Disabilities (CRPD), the United Nations Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (UNCAT), and the Optional Protocol to the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (OPCAT).

Sec. 3. Definition of Terms. – For the purposes of this Act, the following terms shall mean:

- a. **Agent of a person in authority** refers to any person who, by direct provision of law, election, or by appointment or employment by a competent authority, whether public or private, is charged with the maintenance of public order and the protection and security of life and property, including any person who acts for or on behalf of, assists, represents, or comes to the aid of persons in authority;

- b. **Deprivation of liberty** refers to any form of detention or imprisonment or the placement of a person in a public or private custodial setting which that person is not permitted to leave at will by order of any judicial, administrative, or other authority;
- c. **Other cruel, inhuman, or degrading treatment or punishment** refers to a deliberate or aggravated treatment or punishment inflicted by a person in authority or agent of a person in authority against a person under his/her custody which attains a level of severity causing suffering, gross humiliation or debasement to the latter;
- d. **Person deprived of liberty** (PDL) refers to any person placed in any form of detention or imprisonment or in a public or private custodial setting where the said person is not permitted to leave at will by order of any judicial, administrative, or other authority;
- e. **Person in authority** refers to any person directly vested with jurisdiction, whether as an individual or as a member of a court or government corporation, board, or commission or any person in charge of, managing, or with administrative supervision and/or control over a place of deprivation of liberty;
- f. **Place of deprivation of liberty** refers to any place of detention, imprisonment, or the placement of a person in a public or private custodial setting under or within the jurisdiction and control of the Philippines, where persons are or may be deprived of their liberty by virtue of an order given by a public authority, at his/her instigation, or with his/her consent or acquiescence.

The term shall also encompass traditional and non-traditional physical spaces of detention, whether moving or stationary, temporary or permanent, formally or informally used as detention facilities, or maintained or managed by public or private authorities under regulation by the Government. The term shall include, but shall not be limited to, the following examples:

- 1) Municipal jails;
 - 2) City jails;
 - 3) District jails;
 - 4) Sub-provincial jails;
 - 5) Provincial jails
 - 6) Police custodial centers;
 - 7) Detention facilities;
 - 8) Correctional facilities;
 - 9) Barangay holding centers;
 - 10) National penitentiaries;
 - 11) Penal colonies;
 - 12) Youth homes;
 - 13) Rehabilitation centers for the youth or Bahay Pag-Asa;
 - 14) Bahay Silangan;
 - 15) International ports and airports;
 - 16) Immigration detention centers;
 - 17) Psychiatric mental health facilities/institutions;
 - 18) Care homes for older persons;
 - 19) Security or intelligence service facilities;
 - 20) Military forts and camps;
 - 21) Other facilities under military jurisdiction;
 - 22) Places of administrative detention;
 - 23) Means of transport for the transfer of persons deprived of liberty;
 - 24) Hospitals / Health facilities;
 - 25) Home-based or medical/health-related detention facilities;
 - 26) Drug rehabilitation centers; and
 - 27) Other similar or makeshift places of confinement or detention where persons confined or detained thereat are not permitted to leave at will;
- g. **Reprisal** refers to an act or omission attributable to authorities or officials of a State who order, carry out, permit or tolerate any sanction against any person or organization for

having communicated with the NPM or for having provided the NPM with any information, irrespective of its accuracy;

h. **Subcommittee on the Prevention of Torture (SPT)** refers to the United Nations Subcommittee on the Prevention of Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment established under the OPCAT. It has a preventive mandate focused on a proactive approach to preventing torture and ill treatment.

i. **Torture** refers to an act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person for such purposes as obtaining from him/her or a third person information or a confession, punishing him/her for an act he/she or a third person has committed or is suspected of having committed, or intimidating or coercing him/her or a third person, or for any reason based on discrimination of any kind, when such pain or suffering is inflicted by or at the instigation of or with the consent or acquiescence of a person in authority or agent of a person in authority. It does not include pain or suffering arising only from, inherent in, or incidental to lawful sanctions;

j. **Unannounced visits** refer to visits that may be conducted at any time and without prior notice or authorization; and

k. **Unrestricted access** refers to free access to the following, unless specifically prohibited by a court:

1) All persons deprived of their liberty, with the opportunity to have private interviews with them without witnesses, either personally or with a translator, if deemed necessary;

2) All custodial personnel involved in or relevant to the treatment of persons deprived of their liberty;

3) Any other person involved in or relevant to the treatment of persons deprived of their liberty;

4) Any other person or source which the NPM believes to have relevant information;

5) All information concerning the number of persons deprived of their liberty in places of deprivation of liberty, as well as the number of such places and their locations;

6) All information referring to the treatment and conditions of persons deprived of their liberty; and

7) All places of deprivation of liberty and their installations and facilities.

Unrestricted access includes the liberty on the part of the NPM to choose the places that it may want to visit and the persons that it may wish to interview.

Sec. 4. National Preventive Mechanism. – There is hereby created a National Preventive Mechanism (NPM) for the purpose of preventing torture and other cruel, inhuman or degrading treatment or punishment. The NPM shall be a separate but attached agency of the Commission on Human Rights (CHR). It shall function separately and independently from the operations of the CHR.

Sec. 5. Powers and Functions of the NPM. – The NPM, whose visiting mandate is specifically aimed at the prevention of torture and other cruel, inhuman, or degrading treatment or punishment, and proactive and non-adversarial in its approach, shall have the following powers and functions:

a. To conduct regular and unannounced visits to places of deprivation of liberty in order to prevent torture and other cruel, inhuman, or degrading treatment or punishment.

In conducting such visits, the NPM may consider requests for visits by civil society groups or any other entities or individuals recommending policy, procedural, or practical reforms in places of deprivation of liberty;

b. To undertake preventive monitoring visits and coordinate with relevant authorities to examine and assess the custodial policies, procedures, practices, and all other aspects relevant to the treatment and living conditions of persons

deprived of liberty in order to identify the risks that give rise to torture and other cruel, inhuman, or degrading treatment or punishment in accordance with the UN Standard Minimum Rules on the Treatment of Prisoners (SMRTP) and existing international principles, obligations, and standards;

c. To examine and review national laws, policies, and procedures that relate to the treatment, well-being, and rights of persons deprived of liberty;

d. To submit to Congress and to the President its annual NPM report which shall contain its observations, advisories and other policy recommendations, and proposals relating to the rights and protection of persons deprived of their liberty and provide other relevant authorities. The NPM report, which shall include a report to Congress its annual budget and expenditures, shall be published and disseminated to all stakeholders;

e. To refer any factual incident of torture and other cruel, inhuman, or degrading treatment or punishment or other human rights violations or abuses it may discover during its visits to appropriate authorities within places of deprivation of liberty.

f. To work, where appropriate, in cooperation or consultation with any person or entity, whether public or private, in connection with the discharge of any of its functions under this Act and the OPCAT;

g. To publish information relative to its preventive monitoring functions, specifically on matters mentioned in Paragraphs (a), (b), (c), (d), and (e) of this Section, when circumstances so warrant and with due prudence: **Provided**, That the NPM, having high regard for its rules and regulations relative to confidentiality and informed consent, may determine what information shall be considered confidential; **Provided further**, That the NPM shall not publish or make known any sensitive personal data relating to any person without that person's express consent.

h. To submit independent reports to the SPT regarding the implementation of the Republic of the Philippines' obligations under the UNCAT and the OPCAT;

i. To promote public awareness, through the publication and dissemination of information, and education materials, on its work as the NPM;

j. To train and capacitate the relevant authorities charged with the treatment of persons deprived of liberty and management of places of deprivation of liberty;

k. To ensure the protection and uphold the principle of non-refoulement for persons deprived of liberty in the performance of its mandate in coordination with relevant agencies; and

l. To establish its own rules and procedures in carrying out its mandate and to create line offices necessary and relevant for the execution of its functions.

Sec. 6. Guarantees for the NPM. – All branches, subdivisions, departments, and agencies or instrumentalities of the Government and relevant private institutions shall guarantee the NPM the following:

a. Full and unrestricted access to all information concerning the number of persons deprived of liberty in places of deprivation of liberty, as well as the number of such places and their respective locations:

b. Full and unrestricted access to all information referring to the treatment and conditions of persons deprived of liberty:

c. Full and unrestricted access to all places of deprivation of liberty and their installations and facilities.

The guarantees in subparagraph a, b, and c shall be subject to Section 12 of this Act;

d. Liberty to conduct private interviews with persons deprived of liberty without recording or monitoring by the persons in authority, or agents thereof;

- e. Liberty to choose the places to visit and persons to interview and when these should take place;
- f. Liberty for NPM officers and duly- authorized personnel to visit all places of deprivation of liberty;
- g. Freedom to determine its own rules and procedures, including its program of visits;
- h. That the relevant authorities shall be required to examine its recommendations as the NPM and to enter into dialogues with the same to discuss and agree on possible implementation and the corresponding reporting measures;
- i. That the relevant authorities shall be required to fulfill recommendations of the NPM by implementing the agreed upon measures accordingly. Should the authorities fail to act upon the recommendation, the NPM shall forward its findings to the Department of Justice and other concerned government agencies for appropriate actions;
- j. That the relevant authorities shall immediately file and pursue the appropriate administrative, civil, and/or criminal cases against individuals and/or authorities who refuse to cooperate with the NPM as it undertakes its mandate under both this Act and the OPCAT;
- k. That the NPM shall enjoy complete financial and operational autonomy and independence when carrying out its functions under both this Act and the OPCAT; and
- l. The NPM shall be allowed to receive foreign grants for the establishment of NPM premises and implementation of its functions specified in this Act.

Sec. 7. Composition of the NPM. – The NPM, which shall be an independent and collegial body, shall be composed of the Chairperson of the Commission on Human Rights or his/her representative Commissioner, sitting as ex-officio member, and ten (10) other members with the following qualifications:

1. Five (5) experts each representing one of the following professions or other related fields such as:
 - a. Criminal Law;
 - b. Medicine;
 - c. Psychiatry;
 - d. Psychology;
 - e. Social Work;
 - f. Architecture; and
 - g. Engineering;
2. Four (4) representatives from non-governmental organizations (NGOs) operating in the Philippines for at least five (5) years and advocating for human rights, preferably focusing on anti-torture work and/or upholding the rights of persons deprived of liberty; and
3. One (1) person with prior professional experience of at least five (5) years concerning the administration of places of deprivation of liberty.

The NPM shall have balanced gender representation and have adequate representation of ethnic and minority groups in its membership on the basis of the principles of equality and non-discrimination.

The NPM shall organize itself within thirty (30) days from the completion of the appointment of all ten (10) members.

Sec. 8. Qualifications of the members of the NPM. -

Except for the the Chairperson or his/her representative Commissioner, all members of the NPM shall have the following qualifications:

- a) Be Filipino citizens;
- b) Have been practicing their respective professions for at least five (5) years;
- c) Have no record of any human rights violation(s).

Preference will be given to members of the aforementioned professions who are knowledgeable about matters related to deprivation of liberty, the Bangkok Rules, the Beijing Rules, detention and the administration of justice.

Furthermore, each of the members shall possess the following additional qualifications:

- 1) The five (5) experts, shall:
 - a) Be recognized and respected members of their respective professional organizations;
 - b) Possess high moral character, recognized probity, competence, and integrity;
 - c) Be defenders and promoters of human rights in both their professional and personal capacities; andSpecial consideration will also be given to members of the aforementioned professions who understand the penal situation in the Philippines, particularly penal structural conditions, organizational processes, culture, and the effects of imprisonment.
- 2) The four (4) representatives from the NGOs shall:
 - a) Be recognized human rights defenders nominated by NGOs operating in the Philippines for at least five (5) years and advocating for human rights, preferably focusing on anti-torture work and/or upholding the rights of persons deprived of liberty; or
 - b) Be human rights experts with experience working on both the issues of torture and the rights of persons deprived of liberty and visiting places of deprivation of liberty;
- 3) The member with prior professional experience regarding administration of places of deprivation of liberty shall:
 - a) Have a Bachelor's Degree;
 - b) Have experience in detention facility administration, with a good track record in administration of places of deprivation of liberty; and
 - c) Have an understanding of the penal situation in the Philippines, particularly penal structural conditions, organizational processes, culture, and the effects of imprisonment.

Sec. 9. Term of Office, Appointments. - The Chairperson of the Commission on Human Rights or his/her representative Commissioner, sitting as ex officio member of the NPM, shall serve as a member of the NPM for the entirety of his/her respective tenure in the CHR.

The ten (10) members shall be appointed by the CHR *Commission En Banc*. The selection and appointment process shall be open and transparent, ensuring participative engagements with all relevant stakeholders. To ensure that the NPM is a continuing body, the first batch of appointments shall serve on a staggered basis. Of the first appointment of the ten (10) members, three (3) experts and two (2) representatives from the NGOs shall serve for two (2) years. All subsequent appointments shall serve for a period of three (3) years with the possibility of one (1) reappointment.

In no case shall the members of the NPM be appointed, reappointed, or designated in a temporary or acting capacity. Appointment or designation to any vacancy shall be only for the unexpired term of the predecessor.

Sec. 10. Salaries, Emoluments, and Benefits. – The members of the NPM shall have the rank, salary, emoluments, and allowances equivalent to a Commissioner of the CHR.

Sec. 11. Organization and Staffing. – The NPM is hereby authorized to prepare and adopt the organizational structure and staffing pattern for the national and regional offices of the NPM in such manner or form as they may deem most suited and responsive to national and regional administration, subject, however, to existing laws and regulations prescribing position classification, rankings and pay ranges for national departments and offices.

The NPM shall establish a regional office in each of the regions in the country with the corresponding staff complement that will be responsible for implementing the NPM functions in their areas of jurisdiction.

Sec. 12. Independence of Members of the NPM.

a. All members of the NPM shall act independently and impartially. With the exception of the CHR Chairperson or his/her representative Commissioner, all other members of the NPM shall serve in their personal capacity. They shall conduct themselves in accordance with the following guidelines:

- 1) No member of the NPM shall participate in activities which may imply, or may seem to imply, a conflict of interest with his/her capacity as an independent and impartial member; and
- 2) Members of the NPM shall avoid any action which might give the impression that any given agency or facility is receiving more or less favorable treatment than that accorded to others; and
- 3) If for any reason a member of the NPM considers that he/she is in a situation involving a potential conflict of interest, he/she shall promptly inform the Executive Director, who shall then advise the rest of the members the NPM on the potential conflict of interest. Ultimately, the NPM, shall take all measures necessary to safeguard the requirements of independence and impartiality of its respective members.

Sec. 13. Fiscal autonomy. – To ensure the NPM's independence, it shall enjoy full fiscal autonomy. Appropriations for the NPM shall not be reduced and shall be automatically and regularly released.

Sec. 14. Confidentiality. – All documentation and information collected by the NPM shall be kept strictly confidential, unless the NPM decides otherwise in relation to a particular document: Provided, That no sensitive information, whether personal or otherwise, shall be published without the express consent of the individual or authority concerned: Provided further, that this provision shall be in accordance with all existing laws on confidentiality and security of sensitive personal information and data, such as but not limited to the Data Privacy Act of 2012.

Sec. 15. Relationship and Cooperation with Government Agencies, Civil Society Organizations (CSOs) and Other Groups. – The NPM, shall apply a human rights-based approach in the performance of its mandate, maintain direct regular contact with and encourage open dialogues with the relevant UN agencies working against torture, including the Committee Against Torture, SPT, and the Office of the High Commissioner for Human Rights (OHCHR). It shall also encourage and maintain participation and coordination with the CSOs, media organizations, and other regional, national, and international human rights mechanisms for the effective and full implementation of this Act.

Government authorities and private organizations or entities mandated to protect and promote the rights of persons deprived of liberty shall cooperate with and promptly respond to and monitor the implementation of the recommendations, proposals, and other requests of the NPM in the performance of its mandate.

The competent authorities shall take into consideration the recommendations of the NPM and enter into a dialogue with it, on possible implementation measures.

Sec. 16. Protection from Criminal Liability, Other Sanctions, and Reprisals.

a. No authority or official shall order, apply, permit, or tolerate any sanction against any person or organization for having communicated to the NPM, including its officers and staff, any information and no such person or organization shall be otherwise prejudiced in any way;

b. The relevant authorities shall take effective steps to prevent and promptly respond to any sanction or act of reprisal stemming from communications to or cooperation by other persons or organizations with the NPM;

c. No criminal, administrative, or disciplinary sanction shall be taken against any person or organization for having communicated in good faith any information to the NPM, including its officers and staff;

- d. Anything done in good faith and pursuant to the functions and powers conferred upon the NPM under this Act or in respect of any publication by, or under the authority of, the NPM of any report, proceeding, or any other matter under this Act shall not be a ground for action, suit, or other legal proceeding against any member of the NPM, its officers, staff or employees, or any other person who assisted the NPM in the performance of the its mandate; and
- e. Any legal action filed to harass, vex, exert undue pressure against any member of the NPM, including its officers and staff, in the performance of their functions under this Act shall, if proven in court to have been filed for any of the aforementioned purposes, be immediately dismissed with prejudice and the court may award damages, attorney's fees and costs of suit.

Sec. 17. Information Sheets on Persons Deprived of Liberty and Places of Deprivation of Liberty. – The NPM shall be entitled to receive copies of the lists as provided under Sec. 7 of Republic Act No. 9745 otherwise known as the “Anti-Torture Act of 2009” and as provided under Sec. 10 of Republic Act No. 10353 otherwise known as the “Anti-Enforced or Involuntary Disappearance Act of 2012”.

Sec. 18. Public Education, Information, and Awareness Campaign. – The NPM, in partnership with the Philippine Information Agency (PIA), Department of Justice (DOJ), Bureau of Corrections (BUCOR), National Bureau of Investigation (NBI), Bureau of Immigration (BI), Department of Interior and Local Government (DILG), Bureau of Jail Management and Penology (BJMP), the Philippine National Police (PNP), the Department of National Defense (DND), Armed Forces of the Philippines (AFP), Department of Social Welfare and Development (DSWD), Department of Health (DOH), and other agencies with jurisdiction, control and/or oversight of places of deprivation of liberty, CSOs, and such other concerned parties and entities in both the public and private sectors, shall inform the public, as well as persons in authority and their agents, of the existence of the NPM, the rights of persons deprived of liberty, the importance of preventive visits, the need for cooperation during such visits, and for implementing measures based on recommendations of the NPM.

Sec. 19. Periodic Review. – Within five (5) years after the effectivity of this Act, and every five (5) years thereafter or as the need arises, the NPM shall conduct a comprehensive review of its implementation and a systematic evaluation of its performance and functioning in order to highlight its accomplishments and impact on the protection of the rights of persons deprived of their liberty.

To carry out this task, the NPM shall ensure participative and multi-sectoral dialogues with stakeholders, the CSOs, survivors of torture and their families, and the relevant government authorities involved in the treatment of persons deprived of their liberty and the administration of places of deprivation of liberty.

The NPM shall submit its review and evaluation report to both the Senate Committees on Justice and Human Rights and the House Committee on Human Rights for their consideration.

Sec. 20. Appropriations. – The NPM shall have an initial budget of Nine Hundred Million Pesos (PhP900,000,000.00). The amount necessary for the implementation of this Act shall be charged against the current year's appropriations of the CHR. Thereafter, the amount necessary for the continuous implementation of this Act shall be included in the annual General Appropriations Act (GAA).

Sec. 21. Implementing Rules and Regulations (IRR). – The CHR shall formulate the IRR of this Act within ninety (90) days from its effectivity. The CHR shall consult with the DOJ, BUCOR, NBI, BI, DILG, BJMP, PNP, DND, AFP, DSWD, DOH, JJWC, ULAP and other relevant government agencies and CSOs working in various fields relevant to the treatment of persons deprived of liberty.

The IRR of this Act shall be effective within fifteen (15) days following its publication in two (2) newspapers of general circulation.

Sec. 22. Separability Clause. – If any provision of this Act is declared invalid or unconstitutional, the other provisions not affected thereby shall remain valid and subsisting.

Sec. 23. Repealing Clause. – All laws, decrees, executive orders, rules and regulations, memorandum orders, memorandum circulars, administrative orders, ordinances, and other issuances, or any part thereof, which are inconsistent with this Act, are hereby revoked, amended, or modified accordingly.

Sec. 24. Effectivity. – This Act shall take effect fifteen (15) days after its publication in at least two (2) newspapers of general circulation.

Approved,