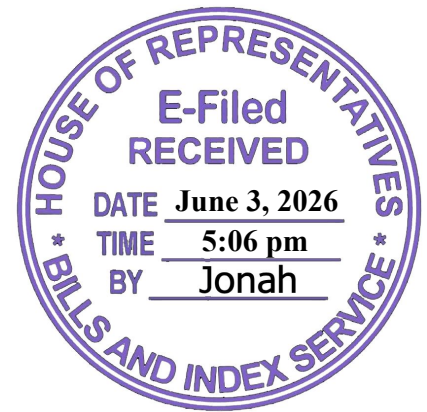


1 Republic of the Philippines
2 **HOUSE OF REPRESENTATIVES**
3 Batasan Hills, Quezon City

4
5
6 **TWENTIETH CONGRESS**
7 First Regular Session
8

9
10 **HOUSE BILL No. 9750**
11



12 -----
13 Introduced by
14 **ACT Teachers Party-List Rep. ANTONIO L. TINIO,**
15 **Gabriela Women's Party Rep. SARAH JANE I. ELAGO,**
16 **and KABATAAN Party-List Rep. RENEE LOUISE M. CO**
17 -----

18
19 **AN ACT**
20 **WITHHOLDING OPERATIONAL FUNDS OF UNITS OF THE ARMED**
21 **FORCES OF THE PHILIPPINES AND THE PHILIPPINE NATIONAL**
22 **POLICE IMPLICATED IN GROSS HUMAN RIGHTS VIOLATIONS**
23

24
25 **EXPLANATORY NOTE**
26

27 Under the Arroyo administration, the Armed Forces of the Philippines (AFP)
28 gained international notoriety for its alleged involvement in a significant number of
29 extrajudicial killings and involuntary disappearances of citizens, many of whom were
30 activists opposed to the administration's policies and programs. Such gross violations
31 drew the attention not only of human rights organizations such as Amnesty International
32 (AI) and Human Rights Watch (HRW), but also the United Nations Special Rapporteur
33 on Summary and Extrajudicial Killings, Philip Alston, and even the United States
34 Senate Defense Committee led by Sen. Barbara Boxer. All acknowledged a link
35 between human rights violations and the AFP's counterinsurgency program, then known
36 as Oplan *Bantay Laya*. Many noted that the so-called "climate of impunity" enabled
37 perpetrators to commit violations on such a scale.
38

39 The passage of the years and changing of administrations saw only the worsening
40 of the human rights climate in the country. The HRW noted that, under the Aquino
41 administration, "several key institutions, including law enforcement agencies and the
42 justice system, remain weak and the military and police commit human rights violations
43 with impunity" (*Human Rights Watch World Report 2011*). Until now, only a few
44 military and police personnel have been criminally charged, least of all convicted, for
45 human rights violations.
46

1 Duterte—who made no secret of his contempt for human rights and human rights
2 defenders with statements such as “I don’t care about human rights”—has been
3 repeatedly scored for systemic violations of the people’s rights, state terror, violence,
4 and repression under his reign by the United Nations and local and international rights
5 monitors. Under his administration’s bloody anti-illegal drugs campaign, thousands of
6 civilians, including minors, were killed by state forces, particularly by members of the
7 Philippine National Police (PNP). Worse, only three policemen were convicted by local
8 courts for murdering Kian delos Santos, a minor. The majority of perpetrators and
9 masterminds behind the anti-people war on drugs campaign still remain at large without
10 any case filed against them.

11
12 Furthermore, laws passed during President Duterte’s term, such as the Anti-
13 Terrorism Act, the establishment of the National Task Force to End Local Communist
14 Armed Conflict, and red-tagging as a state policy, only foreshadow the country
15 becoming a killing field in the coming years—a figurative one, with the death of human
16 rights protection, and a literal killing field, with state agents and paramilitaries
17 emboldened to threaten, harass, then kill citizens.

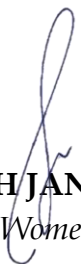
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19 The government should use every tool at its disposal to promote respect for
20 human rights and end impunity, particularly within the ranks of the military and the
21 police. The national budget is one such tool. Experience shows that the release or non-
22 release of funds can be a powerful instrument for promoting reforms and modifying
23 behavior in the ranks of government. This Bill proposes the introduction of a “no
24 impunity provision” in our laws, one that would link the release of operational funds of
25 units of the AFP and the PNP to their compliance with human rights standards.

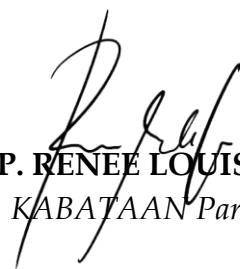
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27 Such a provision will encourage the AFP and PNP chain of command to ensure
28 that their units uphold and respect human rights at all times in the discharge of their
29 duties, even during counterinsurgency operations. Furthermore, it will encourage AFP
30 commanders and PNP chiefs to promptly identify perpetrators and make sure that the
31 proper charges are filed. It also underscores the responsibility of the Secretary of
32 National Defense and the Secretary of Interior Local Government in ensuring that
33 charges are filed against individual perpetrators. For its part, the Commission on
34 Human Rights is given the role of vetting complaints and weeding out spurious
35 allegations.

36
37 The proposed amendment draws some inspiration from the Leahy Law in the
38 United States, a provision in US foreign aid appropriations legislation introduced by
39 Senator Patrick Leahy that prohibits the granting of US military aid to foreign security
40 forces units with a known track record of gross human rights violations.

1 Approval of this Bill is earnestly sought.
2


REP. ANTONIO L. TINIO
ACT Teachers Party-list


REP. SARAH JANE I. ELAGO
Gabriela Women's Party


REP. RENEE LOUISE M. CO
KABATAAN Party-list

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24
25 *Be it enacted by the Senate and House of Representatives of the Philippines in Congress*
26 *assembled:*
27

28 **SECTION 1. State Policies.** The State shall value the dignity of every human being
29 and guarantee full respect for human rights. Civilian authority shall always be supreme
30 over the military, and the Armed Forces of the Philippines and the Philippine National
31 Police shall stand as the protector of the people and the State. The State shall therefore
32 take steps to ensure that mechanisms designed towards the genuine exercise of civilian
33 supremacy and the full promotion, protection, and realization of human rights are in
34 place.
35

36 **SEC. 2. No impunity provision.** Upon a determination by the Commission on Human
37 Rights (CHR) of credible evidence that a unit of the Armed Forces of the Philippines or
38 the Philippine National Police has committed a gross violation of human rights, the
39 maintenance and other operating expenses of the unit concerned shall be withheld until
40 the CHR determines and reports to the President of the Philippines that the Secretary of
41 the Department of National Defense and the Secretary of the Department of the Interior
42 Local Government have taken effective measures to identify the responsible member or
43 members of the unit and ensured that the appropriate charges are filed.
44

45 The determination provided for in this Section may be done *motu proprio* by the
46 CHR initiated either through a complaint filed by aggrieved party or by any concerned

1 citizen, organization, association, or institution. In the latter case, no form or fee shall
2 be required in the filing of the complaint, after which, the CHR shall make the
3 determination within five (5) calendar days.

4
5 **SEC. 3. *Implementing Rules and Regulations.*** The CHR, upon consultation with
6 human rights advocates and organizations, shall promulgate, within fifteen (15) days
7 from the effectivity of this Act, the rules and regulations necessary for its
8 implementation.

9
10 **SEC. 4. *Repealing Clause.*** All laws, decrees, resolutions, orders, or ordinances or
11 parts thereof inconsistent with this Act are hereby repealed, amended, or modified
12 accordingly.

13
14 **SEC. 5. *Separability Clause.*** If any provision of this Act is declared unconstitutional,
15 the same shall not affect the validity and effectivity of the other provisions hereof.

16
17 **SEC. 6. *Effectivity.*** This Act shall take effect fifteen (15) days after its publication in
18 the *Official Gazette* or in one newspaper of general circulation.

19
20
21 *Approved,*