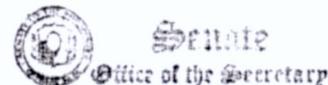


SEVENTEENTH CONGRESS OF THE )  
REPUBLIC OF THE PHILIPPINES )  
Second Regular Session )



'18 FEB 21 A8 52

SENATE  
SENATE BILL NO. 1699

RECEIVED BY: \_\_\_\_\_

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Introduced by **SENATOR LEILA M. DE LIMA**

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**AN ACT  
TO PROMOTE AND PROTECT  
THE RIGHTS OF HUMAN RIGHTS DEFENDERS**

**Explanatory Note**

The 1987 Constitution in Article II, Section 11 provides that, “[t]he State values the dignity of every human person and guarantees full respect for human rights.” The Constitution in Article II, Section 14 also provides that, “[t]he State recognizes the role of women in nation building, and shall ensure the fundamental equality before the law of women and men.”

The Philippines is a State Party to eight (8) human rights treaties of the United Nations, and it has accepted two (2) individual complaints procedure, and two (2) inquiry mechanisms. It also has various laws on human rights, which include *inter alia*, Republic Act No. 9745 or the “Anti-Torture Act of 2009”, Republic Act No. 9710 or the “Magna Carta of Women Act of 2009”, and Republic Act No. 10353 or the “Anti-Enforced Disappearance Act of 2012”.

There is the Commission on Human Rights (CHR), the national human rights institution of the Philippines, created under the 1987 Constitution and is a mechanism that helps the State bring to the level of domestic implementation, human rights promotion and protection found in treaties to which it is a State Party. Besides the CHR, there are also offices established in the Executive Department that advocate for human rights or advise the government on the same, and these include the Presidential Human Rights Committee, the Human Rights Office of the Armed Forces of the Philippines, and the Philippine National Police Human Rights Affairs Office.

However, it is alarming that despite legal standards and mechanisms in place, the issue of human rights defenders being under threat was repeatedly raised in the third cycle of the Universal Periodic Review (UPR) reporting of the Philippine government before the UN Human Rights Council. In the Report of the Working Group on the Philippine’s UPR Submission, eleven (11) recommendations referred to

the situation of human rights defenders.<sup>1</sup> In these recommendations, the areas of common concern include a protection system for the HRDs, an enabling environment to carry out their work, and the adoption of a national law for the promotion of the rights of the HRDs.<sup>2</sup>

Regrettably, the Philippine government merely *noted* but did not commit to support the recommendations in the said Report in the UPR concerning human rights defenders.<sup>3</sup>

What is even disturbing is that President Rodrigo Duterte himself publicly declared that he will order the shooting of human rights workers.<sup>4</sup> This pronouncement from no less than the Chief Executive clearly places human rights defenders under threat and encourages culture of impunity.

In its March 2017 report, human rights group Frontline Defenders claimed that 15 HRDs working on various issues have been killed in a span of just three (3) months. Among those killed were the couple Ramon Dagaas Pesadilla and his wife Leonila Tapdasan Pesadilla. The spouses were members of the Compostela Farmers' Association, who opposed mining projects in that area.<sup>5</sup>

In my proposed Senate Resolution No. 153, which I filed in December 2017, I cited the November 2017 report of human rights organization Karapatan stating that there were already 17 women HRDs who were killed under the Duterte administration.

Enforced disappearance, death, harassment, suppression of fundamental human rights and freedoms are continuing challenges of individuals and the organizations to which they belong. This does not escape notice from outside the Philippines. On July 2017, three (3) Special Rapporteurs asked the Philippine government to prevent incitement to violence, and investigate extrajudicial killings of human rights defenders.<sup>6</sup> These are compounded by actions of state agents that weaken democratic institutions like the CHR, including its leadership.

This proposed legislation, which underwent a process of consultation with stakeholders and human rights defenders who are themselves experts on the subject matter, aims to institutionalize and enforce state obligations to provide protection to HRDs, and to establish effective legal remedies for violations of the rights of HRDs.

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1 See See, Report of the Working Group on the Universal Periodic Review (Philippines), available at <<https://documents-dds-ny.un.org/doc/UNDOC/GEN/G17/194/21/PDF/G1719421.pdf?OpenElement>>, accessed on 17 February 2018.

2 Ibid, 20 para. 133.176.

3 See Views on conclusions and/or recommendations, voluntary commitments and replies presented by the State under review (Philippines), A/HRC/36/12/Add.1.

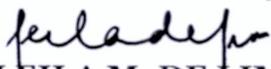
4 See Rappler, "Duterte warns he'll order shooting of human rights advocates", available at <<https://www.rappler.com/nation/178968-duterte-probe-shoot-human-rights-advocates>>, accessed on 17 February 2018.

5 See Frontline Defenders, Philippines: Spate of Killings of human rights defenders, available at <<https://www.frontlinedefenders.org/en/statement-its-report/philippines-spate-killings-human-rights-defenders>>, accessed on 17 February 2018.

6 See OHCHR "Philippines needs urgent action to reverse spiralling rights violations, UN experts say", available at <<http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?LangID=E&NewsID=21926>>, accessed on 18 February 2018.

Guided as well by the *United Nations Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms*, otherwise known as the “Declaration for Human Rights Defenders,”<sup>7</sup> and the *Model National Law on the Recognition and Protection of Human Rights Defenders*,<sup>8</sup> this version seeks to ascertain that the dynamic community of human rights workers in the Philippines remains free and government policies will both support their work and ensure accountability for violations of their rights and freedoms.

For these reasons and aspirations, the passage of this bill is earnestly sought.

  
LEILA M. DE LIMA

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<sup>7</sup> Adopted as Resolution No. 53/144 by the UN General Assembly on 9 December 1998.

<sup>8</sup> The Model Law can be accessed at:

[https://www.ishr.ch/sites/default/files/documents/model\\_law\\_full\\_digital\\_updated\\_15june2016.pdf](https://www.ishr.ch/sites/default/files/documents/model_law_full_digital_updated_15june2016.pdf)



SEVENTEENTH CONGRESS OF THE )  
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Introduced by **SENATOR LEILA M. DE LIMA**

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**AN ACT  
TO PROMOTE AND PROTECT  
THE RIGHTS OF HUMAN RIGHTS DEFENDERS**

*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 the “Human Rights Defenders  
2 Act of 2018”.

3 **SEC. 2. Declaration of Policy.** – It is the policy of the State to value the dignity of  
4 every human person and guarantee full respect for human rights. Pursuant to this  
5 policy, the State shall uphold the primacy of human rights for all regardless of  
6 ethnicity, sexual orientation, gender identity and expression, language, religion,  
7 political or other opinion, national or social origin, property, birth or other statuses,  
8 and create effective mechanisms to ensure that these rights and fundamental freedoms  
9 are respected, promoted, protected and fulfilled.

10 Women human rights defenders, and individuals with diverse sexual orientation and  
11 gender identity, are especially vulnerable to misogynistic attacks and sexual violence.  
12 Through this law, the State shall create enabling environment to encourage women

1 and individuals with diverse sexual orientation to pursue work on human rights, and  
2 promote liberal principles of gender equality and bodily autonomy.

3 **SEC. 3. *Definition of Terms.*** –

- 4 a. Human Rights – refers to rights inherent to all human beings, regardless of  
5 nationality, place of residence, sexual orientation, gender identity and  
6 expression, ethnic origin, religion, language, or any other statuses. This body of  
7 rights include those provided in the Universal Declaration of Human Rights,  
8 United Nations treaties ratified by the Philippines, and national laws that  
9 implement these commitments.
- 10 b. Human Rights Defender – refers to any person who, individually or in  
11 association with others, acts or seeks to act to promote, protect or strive for the  
12 protection and realization of human rights and fundamental freedoms, at the  
13 local, national, regional and international levels.
- 14 c. Human Rights Work – refers to practice of profession, activities, engagement,  
15 that advance human rights found in United Nations Human Rights treaties  
16 ratified by the Philippines, regional treaties on human rights where they exist,  
17 and those found in the Constitution as well as other national laws. It includes  
18 but is not limited to education, fact finding, humanitarian assistance in conflict  
19 and emergency situation, and consultative dialogues.
- 20 d. Human Rights Organizations – refers to groups, organizations and associations  
21 in the country and in other countries at the regional or international levels,  
22 whether formal or informal, that strive for the protection of human rights and  
23 fundamental freedoms.

1 e. Intergovernmental Organization – refers to organizations established through  
2 treaties among states in pursuit of common issues and interests.

3 f. Governmental Agency – refers to any department, bureau or office of the  
4 National Government, or any of its branches and instrumentalists, or any  
5 political subdivision, as well as any government-owned or controlled  
6 corporation, including its subsidiaries, or other self-governing board or  
7 commission of the Government.

## 8 TITLE II

### 9 Rights and Freedoms of Human Rights Defenders

10 **SEC. 4.** *Right to promote and protect human rights and fundamental freedoms.* –

11 Everyone has the right, individually or in association with others, to promote and to  
12 strive for the protection and realization of human rights and fundamental freedoms,  
13 at the local, national, regional and international levels.

14 **SEC. 5.** *Right to form groups, associations and organizations.* – Everyone,

15 individually or in association with others, has the right to form, join and participate in  
16 groups, associations and non-governmental organizations, for the purpose of  
17 promoting and striving for the protection and realization of human rights and  
18 fundamental freedoms.

19 **SEC. 6.** *Right to solicit, receive and utilize resources.* – Everyone, individually or in

20 association with others, has the right to solicit, receive and utilize resources, including  
21 from domestic and international organizations, including governmental,  
22 intergovernmental, philanthropic and private sources, for the express purpose of

1 promoting and striving for the protection and realization of human rights and  
2 fundamental freedoms.

3 **SEC. 7.** *Right to seek, receive and disseminate information.* –

4 (1) Everyone, individually or in association with others, has the right:

5 (a) to know, seek, access, obtain, receive and hold information about all  
6 human rights and fundamental freedoms, including information  
7 regarding how those rights and freedoms are given effect in the our  
8 legislative, judicial and administrative systems;

9 (b) to freely publish, impart or disseminate to others' views, information  
10 and knowledge on all human rights and fundamental freedoms; and

11 (c) to study, discuss, form and hold opinions on the observance, both in  
12 law and in practice, of all human rights and fundamental freedoms and,  
13 through these and other means, to draw public attention to those  
14 matters.

15 (2) The right in subsection (1) may be exercised orally, in writing, in print, in  
16 the form of art or through all forms of communication and media.

17 **SEC. 8.** *Right to develop and advocate for human rights ideas.* – Everyone,  
18 individually or in association with others, has the right to develop and discuss new  
19 ideas and principles which relate to human rights and fundamental freedoms, and to  
20 advocate for their acceptance.

21 **SEC. 9.** *Right to communicate with non-governmental, governmental and*  
22 *intergovernmental organizations.* – Everyone, individually or in association with  
23 others, has the right to freely communicate with non-governmental, governmental and

1 intergovernmental organizations, including subsidiary bodies, mechanisms or experts  
2 with a mandate relevant to human rights and fundamental freedoms, as well as with  
3 diplomatic representations.

4 **SEC. 10.** *Right to access, communicate with and cooperate with international and*  
5 *regional human rights bodies and mechanisms.* – In accordance with applicable  
6 international instruments and procedures, everyone, individually or in association  
7 with others, has the right to unhindered access to, and to communicate and cooperate  
8 with, international and regional human rights bodies and mechanisms, including  
9 treaty bodies and special procedures or special rapporteurs.

10 **SEC. 11.** *Right to participate in public affairs.* –

11 (1) Everyone, individually or in association with others, has the right to  
12 participate effectively in the conduct of public affairs, including participation  
13 on a nondiscriminatory basis in the government of his or her country, regarding  
14 human rights and fundamental freedoms.

15 (2) The right in subsection (1) includes the right:

16 (a) to submit to any public authority, or agency or organization  
17 concerned with public affairs, proposals for improving its functioning  
18 with respect to human rights and fundamental freedoms;

19 (b) to recommend to any public authority regarding legislative or  
20 regulatory changes relating to human rights and fundamental freedoms;

21 (c) to draw to the attention of any public authority any aspect of its work  
22 that may hinder or impede the promotion, protection and realization of  
23 human rights and fundamental freedoms;

1 (d) to draw to the attention of any public authority any action or  
2 omission by any actor, private or public, that may involve or contribute  
3 to a violation of human rights or fundamental freedoms; and

4 (e) to freely publish, impart or disseminate to others any information  
5 submitted to any public authority in the exercise of these rights.

6 **SEC. 12.** *Right to peaceful assembly.* –

7 (1) Everyone, individually or in association with others, has the right to meet or  
8 assemble peacefully as well as to participate in peaceful activities concerning  
9 human rights and fundamental freedoms, free from interference that is  
10 arbitrary or unlawful by public authorities and private individuals, at the local,  
11 national, regional or international level.

12 (2) The right in subsection (1) includes the right to plan, organize, participate  
13 in and disseminate information regarding peaceful activities concerning human  
14 rights and fundamental freedoms, including demonstrations, protests,  
15 seminars and meetings, whether conducted in a public or private place.

16 **SEC. 13.** *Right to represent and advocate.* –

17 (1) Everyone, individually and in association with others, has the right to assist,  
18 represent or act on behalf of another person, group, association, organization  
19 or institution in relation to the promotion, protection and exercise of  
20 fundamental rights and freedoms, including at the local, national, regional and  
21 international levels.

22 (2) The right in subsection (1) includes the right:

1 (a) to complain about the policies and actions of public authorities with  
2 regard to violations of human rights and fundamental freedoms, by  
3 petition or other appropriate means, to judicial, administrative or  
4 legislative authorities or any other competent authority, e.g.  
5 Commission on Human Rights, the Ombudsman;  
6 (b) to offer and provide professionally qualified legal assistance or other  
7 relevant advice and assistance in defending human rights and  
8 fundamental freedoms; and  
9 (c) to submit communications and information of the type referred to in  
10 Section 10.

11 **SEC. 14.** *Right to freedom of movement.* –

12 (1) Everyone lawfully within the territory, or subject to the jurisdiction,  
13 including the power or effective control, of the Philippines shall, within that  
14 territory or place of jurisdiction, have the right to liberty of movement and  
15 freedom to choose his or her residence and the right to carry out his or her  
16 human rights activities in the entire territory or place of jurisdiction.

17 (2) No one lawfully within our territory shall be expelled, by means of an  
18 individual measure or a collective measure, from our territory wholly or  
19 partially on account of his or her acts as a human rights defender.

20 (3) No one shall be deprived of the right to enter or leave the country on the  
21 grounds of or in association with his or her status, activities or work as a human  
22 rights defender.

23 **SEC. 15.** *Right to privacy.* –

1 (1) Everyone, individually or in association with others, has the right to privacy.

2 (2) This right includes the right of a human rights defender to protect his or her  
3 privacy, including through encryption, and be free from intrusion and  
4 interference that is arbitrary and unlawful in his or her family, home, places of  
5 work, possessions and correspondence, both online and offline.

6 (3) “Intrusion and interference” within subsection (2) includes any form of  
7 surveillance, recording, within the purview of Republic Act No. 4200, otherwise  
8 known as “An Act to Prohibit and Penalize Wire Tapping and Other Related  
9 Violations of the Privacy of Communication, and for Other Purposes”, search  
10 and seizure in association with his or her legitimate activity or work as a human  
11 rights defender.

12 **SEC. 16.** *Right to effective remedy and full reparation.* –

13 (1) Everyone, individually or in association with others, has the right to an  
14 effective remedy and full reparation in the event of a violation of the rights in  
15 this Title II or a breach of obligations under Title III of this Law.

16 (2) Anyone whose rights have been violated or who has been adversely affected  
17 by a breach of obligations has the right to apply to a court or tribunal of  
18 competent jurisdiction to obtain such effective remedy and full reparation.

19 (3) Any of the following may file a complaint before human rights courts  
20 relating to the violation of rights under Title II of this Law or a breach of  
21 obligations under Title III of this Law:

22 (a) a human rights defender;

23 (b) an associate of the human rights defender;

1 (c) a legal or other representative of the human rights defender  
2 appointed to conduct the affairs of or to otherwise act on behalf of the  
3 human rights defender;

4 (d) a family member of the human rights defender;

5 (e) a group, association or organization with which the human rights  
6 defender is associated; or

7 (f) any person acting in the public interest and consistently with the  
8 purposes of this Law.

9 Legal Assistance shall be provided by the Commission on Human Rights  
10 in accordance with its mandate. CHR may enter into cooperation  
11 agreement with the Integrated Bar of the Philippines and non-  
12 governmental organizations providing legal services *pro bono*.

13  
14 **SEC. 17.** *Freedom from intimidation or reprisal.* – No person shall be subjected,  
15 individually or in association with others, to any form of intimidation or reprisal on  
16 the grounds of or in association with his or her status, activities or work as a human  
17 rights defender.

18 **SEC. 18.** *Freedom from defamation and stigmatization.* – No person shall be subject  
19 to any form of defamation, stigmatization, or other harassment, in all forms of media  
20 and communication, and whether by public authorities or private actors, in association  
21 with his or her status, activities or work as a human rights defender.

22 **SEC. 19.** *Limitations on the rights of human rights defenders.* – In exercising his or  
23 her rights in Title II of this Law, a human rights defender, individually or in association  
24 with others, shall be subject only to limitations that are prescribed by law, in

1 accordance with international human rights obligations and standards, are  
2 reasonable, necessary and proportionate, and are solely for the purpose of securing  
3 due recognition and respect of the human rights and fundamental freedoms of others  
4 and meeting the requirements of public order and general welfare in a democratic  
5 society.

6 **Title III**

7 **State Obligations**

8 **SEC. 20.** *Obligation to respect, promote, protect and fulfill the rights of human*  
9 *rights defenders.* – Public authorities shall take all necessary measures to ensure:

10 (1) that the human rights and fundamental freedoms in Title II of this Law are  
11 effectively guaranteed and ensured;

12 (2) that all laws, policies and programs are consistent with the rights in Title II  
13 of this Law; and

14 (3) that human rights defenders are able to undertake their activities and work  
15 in a safe and enabling environment free from restriction.

16 **SEC. 21.** *Obligation to facilitate the activities and work of human rights defenders.*–

17 (1) Public authorities shall take all necessary measures to facilitate and protect  
18 the exercise of the rights in Title II of this Law.

19 (2) The obligation in subsection (1) includes the obligation:

20 (a) to permit and facilitate access, in accordance with the law, to places  
21 where a person is deprived of liberty;

1 (b) to permit and facilitate access to places and to information required  
2 by human rights defenders to exercise their rights under Title II in  
3 accordance with the law;

4 (c) to provide information about violations of human rights or  
5 fundamental freedoms that may have occurred within the territory or  
6 subject to the jurisdiction, including the power or effective control, of the  
7 State;

8 (d) to develop and implement policies and measures to promote, support  
9 and enhance the capacity of human rights defenders to promote and  
10 protect human rights and fundamental freedoms; and

11 (e) to promote and publicly acknowledge the role, function, activities and  
12 work of human rights defenders as legitimate and important.

13 **SEC. 22.** *Obligation to provide free access to materials relating to human rights and*  
14 *fundamental freedoms.* – Public authorities shall make freely available and accessible  
15 all forms of media:

16 (1) international human rights instruments;

17 (2) the Constitution, national laws and regulations;

18 (3) research, studies, reports, data, archives and other information and  
19 materials within the possession of public authorities that relate to human rights  
20 and fundamental freedoms;

21 (4) reports and information submitted to international human rights bodies  
22 and mechanisms;

1 (5) reports and communications of international human rights bodies and  
2 mechanisms involving the country's compliance with international treaty  
3 obligations; and

4 (6) all such other information as may be necessary to secure or enable the  
5 exercise of any human rights or fundamental freedoms under Title II or access  
6 to remedy for a violation of any such right.

7 **SEC. 23.** *Obligation not to disclose confidential sources.* –

8 (1) Public authorities shall not disclose or require disclosure of the identity of  
9 sources used by human rights defenders.

10 (2) Notwithstanding subsection (1), public authorities may disclose the identity  
11 of sources used by human rights defenders if both the relevant source and the  
12 relevant human rights defender give informed consent in writing to such  
13 disclosure or if so required by any court of competent jurisdiction.

14 **SEC. 24.** *Obligation to prevent and to ensure protection against intimidation or*  
15 *reprisal.* –

16 (1) Public authorities shall take all necessary measures to ensure the prevention  
17 of, and protection against, any intimidation or reprisal by any other public or  
18 private individual.

19 (2) The reference to “measures” in subsection (1) shall include, but not limited  
20 to, protection measures established under pertinent laws, and in the  
21 development of these measures, public authorities shall consult with the  
22 Commission on Human Rights.

1 **SEC. 25.** *Obligation to ensure protection against arbitrary or unlawful intrusion*  
2 *and interference.* –

3 (1) Public authorities shall take all necessary measures to ensure the protection  
4 of human rights defenders against arbitrary or unlawful intrusion and  
5 interference in his or her family, home, places of work, and places of sanctuary  
6 established by them for human rights violation victims and/or their families,  
7 possessions and correspondence, both offline and online.

8 (2) “intrusion and interference” in subsection (1) includes any form of  
9 surveillance, recording, search and seizure in association with any person’s  
10 legitimate activity or work as a human rights defender without his or her  
11 consent.

12 **SEC. 26.** *Obligation to conduct investigation.* –

13 (1) Whenever there is reasonable ground to believe that a human rights  
14 defender has been killed, disappeared, tortured, ill-treated, arbitrarily  
15 detained, threatened or subject to a violation of any of the rights in Title II of  
16 this Law, whether by a public authority or private individual, the State must  
17 ensure that a prompt, thorough, effective, independent and impartial  
18 investigation is conducted with due diligence and is prosecuted as appropriate.

19 **SEC. 27.** *Obligation to ensure effective remedy and full reparation.* – Public  
20 authorities shall take all necessary measures to ensure that an effective remedy and  
21 full reparation are available and provided for violations of the rights in Title II of this  
22 Law and for breach of the obligations in Title III of this Law.

1 **SEC. 28.** *Obligation to promote and facilitate human rights education.* – All  
2 government agencies and their subsidiaries shall promote, facilitate and adequately  
3 resource teaching, training and education about human rights and fundamental  
4 freedoms. Teaching, training and education programs shall include information about  
5 this Law and the important and legitimate work of human rights defenders.

6 **SEC. 29.** *Responsibility to defend human rights and fundamental freedoms.* –

7 (1) Everyone has an important role to play and a responsibility to promote and  
8 to strive for the protection and realization of human rights and fundamental  
9 freedoms.

10 (2) No one shall participate, by act or omission, in a violation of human rights  
11 and fundamental freedoms or in undermining democratic societies, institutions  
12 and processes.

13 **SEC. 30.** *Establishment of Mechanism for the Protection of Human Rights*  
14 *Defenders.* – The Commission on Human Rights of the Philippines (CHR), as the  
15 national human rights institution, shall exercise the functions of a protection  
16 mechanism for all human rights defenders in accordance with its constitutional  
17 mandate, pertinent laws and guidelines, as well as standards governing the functions  
18 and responsibilities of a national human rights institution. CHR shall create in all its  
19 regional offices, a composite team of lawyers, investigators, medical professionals if  
20 necessary, to handle human rights defenders' cases.

21 **SEC. 31.** *CHR Witness Protection Program.* – The existing witness protection  
22 program of CHR shall be strengthened to include temporary shelters extended to  
23 families of human rights defenders and to those who are witnesses to violations that

1 are committed or may have been committed against them, subject to rules and  
2 regulations of this program.

3 **SEC. 32.** *Women Human Rights Defenders Protection Program in the Commission*  
4 *on Human Rights.* – The Women’s Human Rights Center (WHRC) of CHR, created  
5 under Republic Act No. 9710 or the Magna Carta of Women Act of 2009 shall ensure  
6 that all programs and services of CHR for WHRDs are gender sensitive, and  
7 empowering of women.

8 **SEC. 33.** *Human Rights Court.* – The Supreme Court shall designate certain branches  
9 of Regional Trial Courts as human rights courts in every city and province. In the case  
10 where the city is the capital of the province, the human rights court shall be established  
11 in the municipality which has the highest incidence of human rights violation.

12 **SEC. 34.** *Gender and Development Programs.* – The Gender and Development  
13 Budget shall be funding sources for programs and services for women human rights  
14 defenders as well as HRDs with diverse sexual orientation and identity.

15 **SEC. 35.** *General Presumption.* – In the event that death, sexual violence, or serious  
16 physical injury as defined in the Revised Penal Code, results from violations of the  
17 Rights and Freedoms of human rights defenders, the presumption of regularity in the  
18 performance of duty shall not apply.

19 **SEC. 36.** *Penalty for violations of Section 4 to Section 19.* – The penalty of *Prision*  
20 *Mayor* in its maximum period to *Reclusion Temporal* in its medium period and a fine  
21 of not less than One Hundred Thousand Pesos (P100,000.00), shall be imposed by  
22 government agency personnel, or private actors acting with acquiescence or with  
23 authority of government personnel.

1    **SEC. 37.** *Penalty for any other violations of this Act.* – Applicable administrative  
2 and criminal sanctions found in existing laws shall be imposed upon public officials,  
3 officers and staff of government agencies found in violation of Title III on State  
4 Obligations.

5    **SEC. 38.** *Appropriations.* – The amount of Five Million Pesos (Php5,000,000.00) is  
6 hereby appropriated to the CHR for the initial implementation of this Act. Thereafter,  
7 such sums as may be necessary for the continued implementation of this Act shall be  
8 included in the annual General Appropriations Act.

9    **SEC. 39.** *Implementing Rules and Regulations.* – The CHR shall convene and lead  
10 the drafting committee for the preparation of the Implementing Rules and Regulations  
11 of this Act within one hundred twenty days from the effectivity of this Act. It shall also  
12 ensure the full dissemination of such rules and regulations to all officers and members  
13 of various law enforcement agencies.

14 The CHR shall be the lead agency of the drafting committee with the following member  
15 agencies:

- 16           1. Department of Justice
- 17           2. Presidential Human Rights Committee;
- 18           3. Philippine Commission on Women;
- 19           4. Council for the Welfare of Children;
- 20           5. PNP HRAO;
- 21           6. AFP Human Rights Affairs Office;

- 1           7. National Commission for Muslim Filipinos;
- 2           8. National Commission on Indigenous Peoples; and
- 3           9. National Anti-Poverty Commission.
- 4           10. Representatives from five (5) non-governmental organizations to be
- 5           identified by the above government agencies from their initial planning.
- 6           Provided that the NGOs forming part of the drafting committee shall represent
- 7           sectors from women including but not limited to those working on reproductive
- 8           health, children, indigenous peoples, and extractive industries.

9   **SEC. 40. *Separability Clause.*** – Should any provision of this Act be declared invalid,

10 the remaining provisions shall continue to be valid and subsisting.

11 **SEC. 41. *Repealing Clause.*** – Nothing in this law shall affect any provisions which are

12 more conducive to the recognition and protection of human rights defenders and

13 which may be contained in domestic or international law or instruments.

14 **SEC. 42. *Effectivity.*** – This Act shall take effect fifteen (15) days after its publication

15 in the *Official Gazette* or in two (2) newspapers of general circulation.

*Approved,*