



HOUSE OF REPRESENTATIVES

H. No. 9199

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BY REPRESENTATIVES LAGMAN, ZARATE, TINIO, DE JESUS, CASTRO (F.L.), BROSAS, CASILAO, ELAGO, DELOSO-MONTALLA, MENDING, ROCAMORA, NIETO, ERICE, DEL MAR, BILLONES, DAZA, SY-ALVARADO, SANGCOPAN, VILLARIN, BRAVO (M.V.), BAG-AO AND BELMONTE (J.C.), PER COMMITTEE REPORT NO. 1323

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AN ACT  
DEFINING THE RIGHTS AND FUNDAMENTAL FREEDOMS  
OF HUMAN RIGHTS DEFENDERS, DECLARING STATE RESPONSIBILITIES,  
AND INSTITUTING EFFECTIVE MECHANISMS FOR  
THE PROTECTION AND PROMOTION OF THESE RIGHTS AND FREEDOMS

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

CHAPTER I  
PRELIMINARY PROVISIONS

1           **SECTION 1. *Short Title.*** – This Act shall be known as the “Human Rights Defenders  
2 Protection Act.”

3  
4           **SEC. 2. *Declaration of Policy.*** – It is hereby declared the policy of the State:

5           a. To value the dignity of every human person and to recognize, respect, protect, promote  
6 and fulfill the rights and fundamental freedoms of persons, individually or in association with  
7 others, regardless of race, ethnicity, color, sexual orientation and gender identity, language, religion,  
8 political or other opinion, national or social origin, property, birth or other status;

9           b. To give highest priority to the implementation of legislative enactments, executive  
10 issuances and judicial decisions that guarantee respect, protection, promotion and fulfillment of  
11 human rights and fundamental freedoms;

12           c. To provide access to legal remedies and reparative measures including monetary  
13 compensation and psychosocial accompaniment and rehabilitation to human rights violations  
14 victims;

15           d. To fully and strictly adhere to the principles and standards on human rights and  
16 fundamental freedoms set by the Constitution and international human rights instruments including  
17 the:

- 1
- 2 1. Universal Declaration of Human Rights (UDHR);
- 3 2. Declaration on the Right and Responsibility of Individuals, Groups and Organs of
- 4 Society to Promote and Protect Universally Recognized Human Rights and Fundamental
- 5 Freedoms (Declaration on Human Rights Defenders);
- 6 3. International Covenant on Civil and Political Rights (ICCPR);
- 7 4. International Covenant on Economic, Social and Cultural Rights (ICESCR);
- 8 5. Convention against Torture and other Cruel, Inhuman or Degrading Treatment or
- 9 Punishment (CAT);
- 10 6. Convention on the Elimination of all Forms of Discrimination against Women
- 11 (CEDAW);
- 12 7. Convention on the Rights of the Child (CRC);
- 13 8. International Convention on the Protection of the Rights of All Migrant Workers and
- 14 Members of Their Families (CMW);
- 15 9. Convention on the Rights of Persons With Disabilities (CRPD);
- 16 10. International Convention for the Protection of All Persons from Enforced Disappearance
- 17 (CPED);
- 18 11. Declaration on the Rights of Indigenous Peoples, and
- 19 12. Other universal treaties, comments and resolutions.
- 20

21 **SEC. 3. Construction in Favor of Human Rights Defenders.** – All provisions of this Act  
22 shall be construed to achieve its objectives. All doubts in the implementation and interpretation of  
23 these provisions shall be resolved in favor of the human rights defender.

24 **SEC. 4. Definition of Terms.** – As used in this Act, the following terms shall mean:

25  
26 a. *Human Rights and Fundamental Freedoms* refer to rights or entitlements inherent in all  
27 human persons and freedoms recognized in or declared by international and regional human rights  
28 instruments and customary international law and by national laws that are consistent with the said  
29 instruments and law;

30  
31 b. *Human Rights Defender* refers to any person who, individually or in association with  
32 others, acts or seeks to act to protect, promote or strive for the protection and realization of human  
33 rights and fundamental freedoms and welfare of the people, at the local, national, regional, and  
34 international levels;

35  
36 c. *Human Rights Organization* refers to a group, organization or association in the local,  
37 national, regional or international level, whether formal or informal, that strive for the protection of  
38 human rights and fundamental freedoms and welfare of the people;

39  
40 d. *Government Agency* refers to any department, bureau, office or unit of the National  
41 Government, or any of its branches and instrumentalities, or any political subdivision, as well as any  
42 government-owned or controlled corporation, including its subsidiaries, or other self-governing  
43 branch, commission or council of the Government, to include but not be limited to any grouping of  
44 the Armed Forces of the Philippines, Philippine National Police or other state security forces,  
45 including military or police force multipliers.

46  
47 e. *Superior Officer* refers to mean the next government official who has supervisory powers  
48

1 or control over the head of the government agency to whom the subject head reports and shall include  
2 but not limited to the President, Department Secretaries, Chief of Staff of the Armed Forces of the  
3 Philippines, the Commanding General or Rear Admirals of any service in the Armed Forces of the  
4 Philippines or the Director General of the Philippine National Police;

5  
6 f. *Intergovernmental Organization* refers to an organization established through a treaty or  
7 other treaties and mechanisms in pursuit of common issues, concerns and interests;

8  
9 g. *Public Authority* refers to any person or body performing a function of a public nature that  
10 is conferred or imposed by or pursuant to law, by popular election or appointment or delegated,  
11 contracted by a governmental authority or agency;

12  
13 h. *Intimidation or Reprisal* refers to any form of violence, threat, retaliation, *de facto* or *de*  
14 *jure* adverse discrimination, pressure, judicial harassment, or any other arbitrary or abusive action  
15 or threat related to a person's status, work or activity as a human rights defender, including proposed,  
16 attempted, or imputed work or activity directed at the: (i) human rights defender; (ii) the human  
17 rights defender's associate(s); (iii) a legal or other representative of the human rights defender  
18 appointed to conduct his or her affairs or to otherwise act on his or her behalf; (iv) a family member  
19 or relative of the human rights defender up to fourth degree of consanguinity or affinity, and includes  
20 common law relations; (v) a group, association, organization, community or network, whether  
21 formal or informal, with which the human rights defender is associated; (vi) or the home, property  
22 or possessions of the human rights defender or any of the other persons or entities in items (ii) to  
23 (vi).

## 24 25 26 **CHAPTER II** 27 **RIGHTS AND FREEDOMS OF HUMAN RIGHTS DEFENDERS**

28  
29 **SEC. 5. *Right to Promote and Protect Human Rights and Fundamental Freedoms.*** –  
30 Everyone has the right, individually and in association with others, to promote and to strive for the  
31 protection and realization of human rights and fundamental freedoms at the local, national, regional  
32 and international levels.

33  
34 **SEC. 6. *Right to Form Groups, Associations and Organizations.*** – Everyone, individually  
35 or in association with others, has the right to form, join, or associate with and participate in local,  
36 national, regional, or international organizations, whether formal or informal and whether registered  
37 or unregistered, for the purpose of promoting and striving for the protection and realization of human  
38 rights and fundamental freedoms.

39  
40 **SEC. 7. *Right to Solicit, Receive and Utilize Resources*** – (1) Everyone, individually or in  
41 association with others, has the right to solicit, receive and utilize resources, from domestic and  
42 international organizations, including governmental, intergovernmental, philanthropic and private  
43 sources, for the express purpose of promoting and striving for the protection and realization of  
44 human rights and fundamental freedoms.

45  
46 (2) In pursuance of the right in subsection (1), subject to the provisions of existing laws and  
47 consistent with provisions of this Act, freezing, sequestration or seizure by any bank or financial  
48 institution of the fund solicited from and released by the source is hereby prohibited.

1  
2       **SEC. 8. *Right to Seek, Receive and Disseminate Information.*** – (1) Everyone, individually  
3 or in association with others, has the right:

4  
5           a. To know, seek, access, obtain, receive and hold information about all human  
6 rights and fundamental freedoms, including information regarding how these rights and  
7 freedoms are given effect in the legislative, judicial and administrative systems;

8           b. To know, seek access, obtain, receive and hold such information from  
9 business enterprises and other private actors as may be necessary for exercising or  
10 protecting, or assisting to exercise or protect human rights or fundamental freedoms;

11           c. To freely publish, impart or disseminate to others views, information and  
12 knowledge on all human rights and fundamental freedoms;

13           d. To study, discuss, form and hold opinions on the observance, both in law and  
14 in practice, of all human rights and fundamental freedoms and, through these and other  
15 means, to draw public attention to these matters.

16  
17       (2) The right in subsection (1) may be exercised orally, in writing, in print, in the form  
18 of art or through any other media, whether online or offline.

19  
20       **SEC. 9. *Right to Develop and Advocate for Human Rights Ideas.*** – Everyone, individually  
21 or in association with others, has the right to develop and discuss new ideas and principles which  
22 relate to human rights and fundamental freedoms, and to advocate their acceptance.

23  
24       **SEC. 10. *Right to Communicate with Non-governmental, Governmental and***  
25 ***Intergovernmental Organizations.*** – Everyone, individually and in association with others, has the  
26 right to freely communicate with non-governmental, governmental and intergovernmental  
27 organizations, including subsidiary bodies, mechanisms or experts with a mandate relevant to human  
28 rights and fundamental freedoms, as well as with diplomatic representations.

29  
30       **SEC. 11. *Rights Against Vilification.*** – A person, individually and in association with others,  
31 has the right against any act of false labeling or name calling, or of malicious and fabricated  
32 accusations against him or her of any offense, or from any other kind of vilification.

33  
34       **SEC. 12. *Right to Access, Communicate and Cooperate with International and Regional***  
35 ***Human Rights Bodies and Mechanisms.*** – In accordance with applicable international instruments  
36 and procedures, everyone, individually or in association with others, has the right to unhindered  
37 access to and to communicate and cooperate with international and regional human rights bodies  
38 and mechanisms, including treaty bodies and special procedures or special rapporteurs.

39  
40       **SEC. 13. *Right to Participate in Public Affairs.*** – (1) Everyone, individually or in  
41 association with others, has the right to participate effectively in the conduct of public affairs,  
42 including participation on a non-discriminatory basis in the government regarding human rights and  
43 fundamental freedoms.

44  
45       (2) The right referred to in subsection (1) includes the right:

46  
47           a. To submit to any public authority, or agency or organization concerned with public  
48 affairs, criticism on or proposals for improving its functioning with respect to human rights

1 and fundamental freedoms;

2 b. To make recommendations to any public authority regarding legislative or regulatory  
3 changes relating to human rights and fundamental freedoms;

4 c. To draw to the attention of any public authority any aspect of its work that may hinder  
5 or impede the promotion, protection and realization of human rights and fundamental  
6 freedoms;

7 d. To call the attention of any public authority to any action or omission by any actor,  
8 private or public, that may involve or contribute to a violation of human rights or  
9 fundamental freedoms; and

10 e. To freely publish, impart or disseminate to others any information submitted to any  
11 public authority in the exercise of the rights set out in this Chapter.

12  
13 **SEC. 14. Right to Peaceful Assembly.** – (1) Everyone, individually or in association with  
14 others, has the right to meet or assemble peacefully as well as to participate in peaceful activities  
15 concerning human rights and fundamental freedoms, free from interference that is arbitrary or  
16 unlawful by public authorities and private actors, at the local, national, regional or international  
17 level.

18  
19 (2) The right referred to in subsection (1) includes the right to plan, organize, participate  
20 in and disseminate information regarding peaceful activities concerning human rights and  
21 fundamental freedoms, including demonstrations, protests, seminars and meetings, whether  
22 conducted in a public or private place.

23  
24 **SEC. 15. Right to Represent and Advocate.** – (1) Everyone, individually and in association  
25 with others, has the right to assist, represent or act on behalf of another person, group, association,  
26 organization or institution in relation to the promotion, protection and exercise of fundamental rights  
27 and freedoms, including at the local, national, regional and international levels.

28  
29 (2) The right referred to in subsection (1) includes the right:

30  
31 a. To complain about the policies and actions of public authorities with regard  
32 to violations of human rights and fundamental freedoms, by petition or other appropriate  
33 means, to domestic judicial, administrative or legislative authorities or any other competent  
34 authority e.g. Commission on Human Rights, the Ombudsman

35 b. To offer and provide professionally qualified legal counsel, paralegal, or other  
36 relevant advice and assistance in defending human rights and fundamental freedoms;

37 c. To attend public hearings, proceedings and trials so as to form an opinion on  
38 their compliance with national law and human rights and fundamental freedoms; and

39 d. To submit communications and information of the type referred to in Section  
40 10.

41  
42 **SEC. 16. Right to Freedom of Movement.** – (1) A person who is lawfully within the territory,  
43 or subject to the jurisdiction of the Philippines shall, within its territory or place of jurisdiction, have  
44 the right to liberty of movement and freedom to choose his or her residence and shall have the right  
45 to carry out lawful activities in the entire territory or place of jurisdiction.

46  
47 (2) No one lawfully within the Philippine territory shall be expelled, by means of an  
48 individual or a collective measure, from its territory, wholly or partially, on account of the acts as a

1 human rights defender.  
2

3 (3) No one shall be deprived of the right to enter or leave the country on account of one's  
4 status, activities or work as a human rights defender.  
5

6 **SEC. 17. *Right to Privacy.*** – (1) Everyone, individually or in association with others, has the  
7 right to privacy.  
8

9 (2) The right referred to in subsection (1) includes the right of a human rights defender to  
10 protect one's privacy through lawful means, including encryption of personal data, and be free from  
11 arbitrary and unlawful intrusion and interference into one's personal activities including those  
12 concerning one's family, livelihood and place of work, one's correspondences and possessions,  
13 including all digital data pertaining thereto.  
14

15 (3) "Intrusion and interference" under subsection (2) includes any form of surveillance,  
16 recording, within the purview of Republic Act No. 4200, otherwise known as "An Act to Prohibit  
17 and Penalize Wire Tapping and Other Related Violations of the Privacy of Communication, and for  
18 Other Purposes," search and seizure in relation to the legitimate activity or work as a human rights  
19 defender.  
20

21 (4) The right to privacy extends to groups, organizations or associations.  
22

23 **SEC. 18. *Freedom from Intimidation or Reprisal.*** – No person shall be subjected,  
24 individually or in association with others, to any form of intimidation or reprisal on the grounds of  
25 or in relation to one's status, activities or work as a human rights defender.  
26

27 **SEC. 19. *Right to Establish a Sanctuary for Human Rights Victims and or their Families.***  
28 – Any person, individually or in association with others, who has been subjected to any form of  
29 intimidation or reprisal, has the right to establish sanctuaries for any human rights violation victim  
30 and/ or their immediate families.  
31

32 Said sanctuary shall be considered established if that person gives confidential notice to the  
33 Human Rights Defenders Protection Committee created under this Act indicating that said place,  
34 building or area has been constituted as a sanctuary.  
35

36 **SEC. 20. *Freedom from Defamation and Stigmatization.*** – No person shall be subject to  
37 any form of defamation, stigmatization, or other harassment, whether offline or online, and whether  
38 by public authorities or private actors, in connection with one's status, activities or work as a human  
39 rights defender.  
40

41 **SEC. 21. *Right to Exercise Cultural Rights and to Development of Personality.*** – (1)  
42 Consistent with Article 18 (1) of the UN Declaration on Human Rights Defenders, everyone,  
43 individually or in association with others, has the right to the unhindered exercise of the cultural  
44 rights in one's activities and work as a human rights defender and to the free and full development  
45 of one's personality.  
46

47 (2) The right referred to in Subsection (1) includes the right to challenge and change  
48 traditional customs and practices that violate human rights and fundamental freedoms.

1  
2       **SEC. 22. Right to Effective Remedy and Full Reparation.** – (1) Everyone, individually or  
3 in association with others, has the right to an effective remedy and full reparation, both monetary  
4 and nonmonetary, in the event of a violation of the rights in this Chapter II or a breach of obligations  
5 under Chapter III of this Act.  
6

7       (2) A person whose rights have been violated or who has been adversely affected by a breach  
8 of obligations has the right to obtain such effective remedy and full reparation from the appropriate  
9 government agency or court of competent jurisdiction.  
10

11       (3) A complaint with the competent court or tribunal relating to the violation of rights under  
12 a breach of obligations under Chapter III of this Act may be filed by the following:  
13

- 14       a. a human rights defender;
- 15       b. an association of the human rights defender;
- 16       c. a legal or other representative of the human rights defender appointed to  
17 conduct the affairs of or to otherwise act on behalf of the human rights defender;
- 18       d. a family member of the human rights defender;
- 19       e. a group, association or organization with which the human rights defender is  
20 associated;
- 21       f. any person acting in the public interest and consistently in pursuit of the  
22 purposes of this Act; or
- 23       g. the Human Rights Defenders' Protection Committee.  
24

25       However, the consent of the victim must first be obtained as much as possible. In the absence  
26 of such consent, the human rights organization or association may proceed with filing the complaint  
27 or petition unless the lack or absence of consent is based on the threat to the life, liberty or security  
28 of the victim or his or her family.  
29

30       **SEC. 23. Limitation on the Rights of Human Rights Defenders.** – In exercising the rights  
31 in Chapter II of this Act, a human rights defender, individually or in association with others, shall be  
32 subject only to limitations that are prescribed by law, in accordance with international human rights  
33 obligations and standards, are reasonable, necessary and proportionate, and are solely for the purpose  
34 of securing due recognition of and respect for the human rights and fundamental freedoms of others  
35 and meeting the reasonable requirements of public order and general welfare in a democratic society.  
36  
37

### 38       **CHAPTER III** 39       **OBLIGATIONS OF THE STATE AND PUBLIC AUTHORITIES**

40  
41       **SEC. 24 . Obligation to Respect, Promote, Protect, and Fulfill the Rights of Human Rights**  
42 **Defenders.** – Public authorities shall take all necessary measures to ensure: (1) that the human rights  
43 and fundamental freedoms in Chapter II of this Act are effectively guaranteed and protected; (2) that  
44 all laws, policies and programs of government are consistent with the rights in Chapter II of this Act;  
45 and (3) that human rights defenders are able to undertake their activities and work in a safe and  
46 enabling environment free from restriction.  
47

48       **SEC. 25. Obligation to Facilitate the Activities and Work of Human Rights Defenders.** –

1 Public authorities shall take all necessary measures in accordance with law to facilitate and protect  
2 the exercise of the rights in Chapter II of this Act, which measures include the obligation to:

- 3
- 4 a. permit and facilitate access to places where persons are deprived of liberty;
- 5 b. permit and facilitate access to places and to information required by human rights  
6 defenders to exercise their rights under Chapter II of this Act;
- 7 c. provide information about violations of human rights or fundamental freedoms that may  
8 have been committed within the territory or subject to the jurisdiction, including the power or  
9 effective control of the State;
- 10 d. develop and implement policies and measures to promote, support and enhance the  
11 capacity of human rights defenders to protect and promote human rights and fundamental freedoms;  
12 and
- 13 e. publicly recognize the role, function, and activities and work of human rights defenders  
14 as legitimate and important.

15  
16 **SEC. 26. *Obligation to Provide Free Access to Materials Relating to Human Rights and***  
17 ***Fundamental Freedoms.*** – Public authorities shall make freely available and accessible both offline  
18 and online:

- 19
- 20 a. The Constitution, national laws and regulations;
- 21 b. International human rights instruments;
- 22 c. Research, studies, reports, data, archives and other information and materials within the  
23 possession of public authorities that relate to human rights and fundamental freedoms;
- 24 d. Government reports and information submitted to international human rights bodies and  
25 mechanisms;
- 26 e. Reports and communications of international human rights bodies and mechanisms  
27 involving the country's compliance with international treaty obligations;
- 28 f. Documents and information related to the decisions or activities of the Commission on  
29 Human Rights and other national authorities with competence in the field of human rights and  
30 fundamental freedoms; and
- 31 g. All such other information as may be necessary to secure or enable the exercise of any  
32 human right or fundamental freedom under Chapter II or access to remedy for violation of any such  
33 right.

34  
35 **SEC. 27. *Obligation not to Disclose Confidential Sources.*** – (1) Public authorities shall not  
36 disclose or require disclosure of the identity of sources used by human rights defenders.

37  
38 (2) Notwithstanding Subsection (1), public authorities may disclose the identity of sources  
39 used by human rights defenders if both the relevant source and the concerned human rights defender  
40 give informed consent in writing to such disclosure or if so required by an independent and impartial  
41 tribunal in accordance with international standards.

42  
43 **SEC. 28. *Obligation to Prevent and to Ensure Protection from Intimidation or Reprisal.*** –  
44 Public authorities shall take all necessary measures to ensure the prevention of, and protection from  
45 any intimidation or reprisal by any other public or private actor. These shall include protection  
46 measures established under pertinent laws.

47  
48 **SEC. 29. *Obligation to Penalize Intimidation or Reprisal.*** – Any public authority or private



1 actor who is found guilty of committing intimidation or reprisal against a person on the grounds of  
2 or in connection with his or her status, work, activities as a human rights defender, shall be subject  
3 to penalties as provided for the appropriate crime or crimes punishable under the Revised Penal  
4 Code, in addition to administrative and/or civil sanctions which take into account the gravity of the  
5 offense upon the discretion of the court or competent authority.  
6

7 **SEC. 30. *Obligation to Refrain from Derogatory and Unfounded Labeling.*** – (1) Under no  
8 circumstance shall public authorities engage in false, unfounded and derogatory labeling of human  
9 rights defenders including identifying them as “red,” “communist,” “terrorist” or “enemies of the  
10 State”.  
11

12 (2) Public authorities shall immediately expunge or rectify such labeling as part of the non-  
13 monetary reparation to victims referred to in Section 22 (2) of Chapter II and Section 34 of Chapter  
14 III of this Act.  
15

16 **SEC. 31. *Obligation to Ensure Protection from Arbitrary or Unlawful Intrusion and***  
17 ***Interference.*** – (1) Public authorities shall take extraordinary diligence to ensure the protection of  
18 human rights defenders from arbitrary or unlawful intrusion and interference into one’s personal  
19 activities including those concerning one’s family, livelihood and place of work, one’s  
20 correspondences and possessions, including all digital data pertaining thereto.  
21

22 (2) *Intrusion and interference* in subsection (1) include any form of surveillance, recording,  
23 search and seizure in relation to any person’s legitimate activity or work as a human rights defender  
24 without his or her consent.  
25

26 **SEC. 32. *Obligation not to Participate in Violating Human Rights and Fundamental***  
27 ***Freedoms.*** – All public authorities are mandated not to participate, by acts of commission or  
28 omission, in violating human rights and fundamental freedoms. Subordinate employees have the  
29 right and duty to refuse any order from their superiors to participate in acts that contravene their duty  
30 to protect, uphold and promote human rights and fundamental freedoms, and shall not be subject to  
31 any administrative sanction as a consequence of such refusal.  
32

33 **SEC. 33. *Obligation to Conduct Investigation.*** - Whenever there is reasonable ground to  
34 believe that a human rights defender has disappeared, been killed, tortured, ill-treated, arbitrarily  
35 detained, threatened or subject to a violation of any of the rights in Chapter II of this Act, whether  
36 by a public authority or private actor, the State must ensure that a prompt, thorough, effective,  
37 independent and impartial investigation is conducted with extraordinary diligence and is prosecuted  
38 under existing applicable laws, including RA 9745, “the Anti-Torture Act”; RA 10353, the “Anti-  
39 Enforced or Involuntary Disappearance Act”; and RA 7438, “An Act Defining Certain Rights of  
40 Person Arrested, Detained or Under Custodial Investigation as well as the Duties of the Arresting,  
41 Detaining and Investigating Officers, and Providing Penalties for Violations Thereof”. Presumption  
42 of regularity in the performance of duty by the offending public authority shall not be invoked.  
43

44 **SEC. 34. *Obligation to Ensure Effective Remedy and Full Reparation.*** – Public authorities  
45 shall take all necessary measures to ensure that an effective remedy and full reparation are available  
46 and provided for violations of the rights in Chapter II and for breach of the obligations in Chapter  
47 III of this Act.  
48



1 rights organizations who have proven track records of probity and independence.

2 (2) The aforementioned nominees shall be appointed by the Commission on Human  
3 Rights in an *en banc* session.

4 (3) The composition of the Committee shall have a balanced gender representation on  
5 the basis of the principles of equality and non-discrimination and adequate representation of ethnic,  
6 cultural and minority groups.

7 (4) The Committee shall be attached to the Commission on Human Rights (CHR) for  
8 administrative and budgetary purposes only.

9 (5) The Committee shall organize itself within thirty (30) days from the completion of the  
10 selection process of the Chairperson and Members of the Committee as herein provided in  
11 Subsection (1), and shall thereafter organize its Secretariat.

12  
13 **SEC. 42. *Qualifications of the Committee Members.*** – The Members of the Committee shall  
14 possess the following qualifications:

15  
16 (1) Of high moral character, recognized probity, competence, and integrity;

17 (2) Of known independence in making decisions and taking stances on issues and  
18 concerns pertaining to the protection and promotion of human rights and fundamental freedoms;

19 (3) Must have a deep, thorough and enlightened knowledge and understanding of human  
20 rights and fundamental freedoms and the role, work, and protection needs of human rights defenders;  
21 and

22 (4) At least two (2) members, including the Chairperson must be members of the  
23 Philippine Bar, who have been engaged in the practice of law for at least seven (7) years.

24  
25 **SEC. 43. *Term of Office.*** – The Chairperson and Members of the Committee shall be  
26 designated once for a term of five (5) years only. Of those first designated, three (3) Members shall  
27 serve for five (5) years, two (2) Members for four (4) years, and the last two (2) Members shall hold  
28 office for three (3) years. Succeeding Chairpersons and Members shall be designated for a term of  
29 not more than five (5) years. Designation to any vacancy shall be only for the unexpired portion of  
30 the term of the predecessor.

31  
32 **SEC. 44. *Functions of the Committee.*** – The Committee shall exercise the following  
33 functions:

34  
35 a. Protect human rights defenders from intimidation and reprisals;

36 b. Ensure accountability for acts of intimidation and reprisal;

37 c. Facilitate and promote inter-agency and inter-department coordination to prevent, protect  
38 from, investigate, and ensure accountability for acts of intimidation or reprisal;

39 d. Investigate on its own or on complaint by any party all forms of violations of human rights  
40 and fundamental freedoms of human rights defenders;

41 e. Publicly acknowledge and promote the legitimate and important role, activities and work  
42 of human rights defenders;

43 f. Consult regularly and work closely with human rights defenders in the implementation of  
44 this Act;

45 g. Monitor existing and proposed legislation, assess their impact or potential impact on the  
46 status, activities and work of human rights defenders, and propose amendments and/or remedial  
47 measures or block their passage if the measures shall to a large extent adversely affect the human  
48 rights defenders and their work and activities;

1 h. Prepare and submit reports and communications on the situation of human rights defenders  
2 to relevant international and regional human rights bodies and mechanisms;

3 i. Monitor and carry out periodic reviews of the implementation of this Act, the first of which  
4 shall be conducted one (1) year after its effectivity.

5 j. Submit annual reports on the situation of human rights defenders and the status of  
6 implementation of this Act to the Office of the President of the Senate and the Office of the Speaker  
7 of the House of Representatives;

8 k. Make recommendations to relevant authorities on the appropriate measures to be taken to  
9 promote a safe and enabling environment for human rights defenders, mitigate and prevent the risks  
10 they face, and address the root causes of violations against human defenders; and

11 l. Perform other relevant functions as may be necessary to attain the objectives of this Act.  
12

13 **SEC. 45. Training and Vetting.** – All persons involved in the work and activities of the  
14 Committee, including security and law enforcement officials, shall be appropriately vetted and shall  
15 receive training on human rights and fundamental freedoms, the situation and protection needs of  
16 human rights defenders prior to the commencement of the involvement, and continuing training  
17 designed to ensure full and effective implementation of the Act.  
18  
19

## 20 CHAPTER V 21 PENALTIES 22

23 **SEC. 46. Penalty for Violations of Sections 5 to 16 of this Act.** - The penalty of *prision*  
24 *mayor* in its maximum period to *reclusion temporal* in its medium period without privilege of parole  
25 shall be imposed upon any government personnel or the whole complement of a government unit,  
26 the paramilitary personnel or the whole complement of the paramilitary unit, the government asset  
27 (and/or the military affiliate) who violates any of the rights of a human rights defender defined in  
28 sections 5 to 16 of this Act.  
29

30 **SEC. 47. Penalty for Destroying, Altering, or Falsifying Records and Documents.** – The  
31 penalty of *prision mayor* in its minimum to its medium period or a fine of One hundred thousand  
32 pesos (Php100,000.00) or both, at the discretion of the court, shall be imposed upon any government  
33 personnel or the whole complement of a government unit, the paramilitary personnel or the whole  
34 complement of the paramilitary unit, the government asset (and/or the military affiliate) who impede,  
35 obstruct, or influence any preliminary investigation, administrative investigation and/or petition by  
36 altering, destroying, mutilating, concealing, covering up, falsifying, or making any false entries in  
37 any record, document, or specimen whereof, relative to any matter involving any human rights  
38 defenders, defenders or organizations or activities.  
39

40 **SEC. 48. Penalty for Any Other Violations of this Act.** – The penalty of *prision mayor* in its  
41 minimum period or a fine of One hundred thousand pesos (Php 100, 000.00) or both, at the discretion  
42 of the court, shall be imposed upon any individual who violates any other provisions of this Act.  
43

44 **SEC. 48. Violations of this Act as Aggravating Circumstances.** - Any violation of any  
45 provision of this Act committed during the commission of a crime defined in any penal laws shall  
46 be considered an aggravating circumstance in the imposition of the penalty in said crime.  
47

48 **SEC. 49. Non-Applicability of the Probation Law.** – Any violation of any provisions of this

1 Act which shall constitute the main crime or as an aggravating circumstance shall not entitle the  
2 offender or the accused to the privileges of probation under the Probation Law.  
3  
4

## 5 CHAPTER VI 6 FINAL PROVISIONS 7

8 **SEC. 50. *Implementing Rules and Regulations.*** – (1) Within sixty (60) days from the  
9 effectivity of this Act, the Commission on Human Rights, Member of the House Committee on  
10 Human Rights, Member of the Senate Committee on Justice and Human Rights, in consultation with  
11 PAHRA, Karapatan, FLAG, and NUPL, and other human rights organizations and individual human  
12 rights defenders of known probity, shall jointly promulgate the Implementing Rules and Regulations  
13 (IRR) for the effective implementation of this Act and shall ensure the full dissemination of the Act  
14 and the IRR to the public.  
15

16 (2) In formulating the corresponding rules and regulations and in implementing this Act, the  
17 following guiding principles shall be strictly adhered to:  
18

19 a. Adherence to the rule of law is the ultimate safeguard against violations of  
20 human rights and fundamental freedoms.

21 b. Empowerment of human rights defenders is enhanced by their active  
22 participation in formulating, implementing, and evaluating protection programs for human  
23 rights defenders.

24 c. Periodic assessments of risks, vulnerability or conflict help identify protection  
25 needs of human rights defenders giving particular attention to those of women and others'  
26 who are at increased risks.

27 d. Keeping and maintaining confidentiality of the personal data collected on  
28 human rights defenders and those referred to in Sec. 22 (3) herein upholds their right to  
29 privacy and security of person.

30 e. Continuous training of the members of the Committee Secretariat on human  
31 rights and fundamental freedoms, the root causes of their violations, and the work and  
32 protection needs of human rights defenders help sustain their commitment to the objectives  
33 of the Act.

34 f. Independent and effective operation of the Committee and its Secretariat  
35 requires sustained adequate resources.

36 g. Transparent, aboveboard, and equitable resource allocation and disbursement  
37 help ensure maximum protection to human rights defenders and their constituencies  
38 particularly those of higher risks and vulnerabilities.

39 h. Risks and challenges faced by women and lesbians, gays, bisexuals and  
40 transgenders (LGBT) human rights defenders and those working on women's and LGBT  
41 rights and gender issues demand special attention.

42 i. Generating support from a strong, independent, and effective national human  
43 rights institution and from the general public enhances and contributes to the effective work  
44 of human rights defenders.

45 j. Open access to the United Nations and international human rights bodies  
46 contributes to a safe and enabling environment for human rights defenders to work in.  
47

48 **SEC. 51. *Supplementary Applications.*** – The applicable provisions of the Revised Penal Code

1 shall have supplementary application insofar as they are consistent with the provisions of this Act.  
2

3 **SEC. 52. Appropriations.** – The amounts necessary for the implementation of this Act shall  
4 be included in the annual General Appropriations Act.  
5

6 **SEC. 53. Separability Clause.** – If for any reason any part or provision of this Act is declared  
7 unconstitutional or invalid, the other parts or provisions hereof which are not affected thereby shall  
8 remain and continue to be in full force and effect.  
9

10 **SEC. 54. Repealing Clause.** – All laws, decrees, executive orders, rules and regulations and  
11 other issuances or parts thereof, inconsistent with the provisions of this Act are hereby repealed,  
12 amended or modified accordingly.  
13

14 **SEC. 55. Effectivity Clause.** – This Act shall take effect fifteen (15) days after its publication  
15 in the Official Gazette, or in a newspaper of general circulation.  
16

17 *Approved,*