

**Republic of the Philippines  
HOUSE OF REPRESENTATIVES  
Quezon City**

**NINETEENTH CONGRESS  
First Regular Session**

**HOUSE BILL No. 571**



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Introduced by  
**ACT Teachers Party-List Rep. FRANCE L. CASTRO,  
GABRIELA Women's Party Rep. ARLENE D. BROSAS,  
and KABATAAN Party-List Rep. RAOUL DANNIEL A. MANUEL**

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**AN ACT  
WITHHOLDING OPERATIONAL FUNDS OF UNITS OF THE ARMED  
FORCES OF THE PHILIPPINES IMPLICATED IN GROSS HUMAN RIGHTS  
VIOLATIONS**

**EXPLANATORY NOTE**

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

The passage of the years and changing of administrations saw only the worsening of the human rights climate in the country. The HRW noted that, under the Aquino administration, "several key institutions, including law enforcement agencies and the justice system, remain weak and the military and police commit human rights violations with impunity" (*Human Rights Watch World Report 2011*). Until now, only a few military and police personnel have been criminally charged, least of all convicted, for human rights violations. Duterte—who made no secret of his contempt for human rights and human rights defenders with statements such as "I don't care

about human rights”—has been repeatedly scored for systemic violations of the people’s rights, state terror, violence, and repression under his reign by the United Nations and local and international rights monitors.

And laws passed during his term, such as the Anti-Terrorism Act, and red-tagging as a state policy, only foreshadow the country becoming a killing field in the coming years—a figurative one, with the death of human rights protection, and a literal killing field, with state agents and paramilitaries emboldened to threaten, harass, then kill citizens.

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

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

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

Approval of this bill is earnestly sought.



Rep. FRANCE L. CASTRO  
*ACT Teachers Party-List*



Rep. ARLENE D. BROSAS  
*GABRIELA Women's Party*



Rep. RAOUL DANNIEL A. MANUEL  
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*Be it enacted by the Senate and House of Representatives of the Philippines in Congress assembled:*

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

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

The determination provided for in this Section may be done *motu proprio* by the CHR initiated either through a complaint filed by aggrieved party or by any concerned citizen, organization, association, or institution. In the latter case, no form

or fee shall be required in the filing of the complaint, after which, the CHR shall make the determination within five (5) calendar days.

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

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

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

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

*Approved,*