

FIFTEENTH CONGRESS OF THE  
REPUBLIC OF THE PHILIPPINES  
First Regular Session

SENATE  
OFFICE OF THE SECRETARY

10 JUL 12 P2:03

SENATE

Senate Bill No. 1228

RECEIVED BY: 

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INTRODUCED BY SEN. MANNY VILLAR

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### EXPLANATORY NOTE

The practice of "*summary extrajudicial execution*" by members of the police force and other law enforcement agencies of persons perceived by them to be notorious criminals has been going on for so long a time and it seems to be a part of the standard operating procedures of these law enforcers. As a democratic state, ours is supposed to be a government of laws and thus, the right to due process guaranteed under the Constitution must be upheld and enforced at all times.

This bill seeks to define the liability of the department heads of the agencies concerned for acts committed by their subordinates. Accordingly, where gross violations of human rights are committed by law enforcers, their superiors, extending up to the level of department head, shall be jointly liable with the offending officers for purposes of criminal prosecution.

In applying the principle of command responsibility, the burden must rest on these superiors to prove that they have taken conscientious measures to prevent such violations of human rights. Where such principle of command responsibility is impressed upon the minds of the heads of these various law enforcement agencies of government, it is expected that the summary executions of citizens will be greatly minimized, if not totally avoided.

The immediate approval of this measure is earnestly sought.

  
MANNY VILLAR

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**AN ACT  
DEFINING THE LIABILITY OF HEADS OF DEPARTMENTS  
CONCERNED FOR GROSS VIOLATIONS OF HUMAN RIGHTS  
COMMITTED BY MEMBERS OF THE PHILIPPINE NATIONAL POLICE  
OR OTHER LAW ENFORCEMENT AGENCIES**

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

**SECTION 1.** It is a declared policy of the State that law enforcement officers must be demonstrably sensitive to and respectful of the human rights of citizens and that the heads of such agencies must take every precaution to prevent such violations which pit the powers of the State against defenseless citizens. This is especially true of extra-judicial executions entailing the use of stealth and overwhelming force. In applying the principle of command responsibility, the burden must rest on the heads of departments concerned to show that they have taken conscientious measures to prevent such violations and breakdowns of discipline.

**SEC. 2.** In cases where gross violations of human rights are committed by members of the Philippine National Police (PNP) or other law enforcement agencies, the principle of command responsibility shall apply.

**SEC. 3.** Accordingly the superiors of the offenders, extending to the level of the heads of department concerned shall be held jointly liable with the offending officers for purposes of criminal prosecution.

**SEC. 4.** Material witnesses as may be determined by the prosecutor or the court shall be placed immediately and without further proceedings under the Witness Protection Program of the Government.

**SEC. 5.** All laws, decrees, orders, rules and regulations, or parts thereof which are inconsistent with any provision of this Act are hereby deemed repealed or amended accordingly.

**SEC. 6.** This Act shall take effect fifteen (15) days after its complete publication in the Official Gazette or in at least two (2) newspapers of general circulation, whichever comes earlier.

Approved,