



**Convention against Torture  
and Other Cruel, Inhuman  
or Degrading Treatment  
or Punishment**

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**Committee against Torture**

**Fourth periodic report submitted by the  
Philippines under article 19 of the Convention  
pursuant to the simplified reporting procedure,  
due in 2022\***

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\* The present document is being issued without formal editing.



## **Implementation and Monitoring of the Anti-Torture Act of 2009 Efforts**

### **Article 2**

#### **Reply to paragraph 2 of the list of issues (CAT/C/PHL/QPR/4)**

1. The following is updated information on the measures taken to effectively implement the Republic Act (RA) No. 9745 or the Anti-Torture Act of 2009.
2. Creation of the Bureau of Jail Management and Penology's (BJMP) Human Rights Affairs Office (HRAO) through Memorandum Circular No. 2011-02. The BJMP-HRAO is responsible for monitoring, assessing, and documenting human rights issues and concerns, and to initiate advocacy measures to raise the consciousness and internalization of the BJMP personnel on human rights-based jail management, among others. It also works in coordination with the National Human Rights Institution (NHRI), and Commission on Human Rights (CHR), to ensure that the human rights of Persons Deprived of Liberty (PDL) are protected and the violations thereof are reported and acted upon.
3. BJMP-DWD-SOP-002 or the BJMP's Revised Policy on Mandatory Reporting of Torture Cases provides a uniform and comprehensive system of screening, documentation and reporting of torture cases in BJMP-manned jails. The policy guarantees the PDL subjected to torture the right to be physically examined by an independent and competent doctor of his/her own choice. If the PDL cannot afford the services of a doctor, the BJMP shall provide or refer the case to the CHR forensic or a government doctor. Moreover, the CHR is notified within 24 hours through a telephone call or in writing in case a PDL is determined to have been subjected to torture.
4. The Philippine National Police (PNP) issued Memorandum Circular (MC) 2018-027 or the Guidelines and Procedures in the Management and Supervision of All PNP Custodial Facilities and Persons under PNP Custody (PUPC) dated 28 June 2018.
5. Similarly, the PNP issued the following advisories on RA 9745:
  - Situation of PUPCs During Enhanced Community Quarantine on April 22, 2020
  - Category of Custodial Facilities on April 30, 2020
  - Use of Force and Firearms During Police Operations on May 5, 2020
  - Respect for Human Rights During the Holding of Mass Protest/Rallies/Exercise of Freedom of Speech and Expression in Times of COVID-19 Pandemic on June 11, 2020
  - Handling of Children in Street Situation (CISS) in Times of National Health Emergency on December 2, 2020
  - Use of Baton/Truncheon in Police Operation on December 9, 2020
  - Use of Force Continuum on December 21, 2020
  - Guidance of Prohibited Detention Facility on April 15, 2021
  - Authority of the CHR to Conduct Regular, Independent, Unannounced, and Unrestricted Visits to, or Inspections of All Places of Detention or Confinement on March 9, 2021.
6. Two convictions of police personnel were reported in 2016 by the Inter-Agency Committee (IAC) on Extra-Legal Killings (ELK), Enforced Disappearances (ED), Torture and Other Grave Violations on the Rights to Life, Liberty and Security of Persons under Administrative Order No. 35 (AO35), s. 2012 during the period under review for a case that occurred in 2012 in Angeles City, Pampanga.
7. The BJMP, through its concerned directorates and offices, maintains an integrated database for incidents, including torture cases.
8. Furthermore, the PNP's issuance of the Guidelines on the Implementation of Human Rights Recording, Analysis, Information System, and Enforcement (HuRAISE) serves as the

organization's basis for data recording, collection, and analysis of various human rights issues within the organization. It also serves as an institutional mechanism for generating empirical data on human rights with corresponding analysis to address misconduct among police personnel, with the end view of strengthening the PNP internal cleansing program through adherence of the police to respect the rule of law, protect human dignity, and face accountability for violations thereof.

### **List of BJMP Jails**

#### *National Capital Region*

- Metro Manila District Jail
- Metro Manila District Jail Annex 1
- Metro Manila District Jail Annex 2
- Metro Manila District Jail Annex 3
- Metro Manila District Jail Annex 4 (formerly SICA 1)
- Metro Manila District Jail Annex 5 (formerly SICA 2)
- Metro Manila District Jail Annex 6 (STC)
- Caloocan City Jail
- Las Piñas City Jail – Male Dormitory
- Las Piñas City Jail – Female Dormitory
- Makati City Jail – Male Dormitory
- Makati City Jail – Female Dormitory
- Malabon City Jail – Male Dormitory
- Malabon City Jail – Female Dormitory
- Mandaluyong City Jail – Male Dormitory
- Mandaluyong City Jail – Female Dormitory
- Manila City Jail – Male Dormitory
- Manila City Jail – Female Dormitory
- Manila City Jail – Annex
- Marikina City Jail – Male Dormitory
- Marikina City Jail – Female Dormitory
- Muntinlupa City Jail – Male Dormitory
- Muntinlupa City Jail – Female Dormitory
- Navotas City Jail
- Parañaque City Jail – Male Dormitory
- Parañaque City Jail – Female Dormitory
- Pasay City Jail – Male Dormitory
- Pasay City Jail – Female Dormitory
- Pasig City Jail – Male Dormitory
- Pasig City Jail – Female Dormitory
- Quezon City Jail – Male Dormitory
- Quezon City Jail – Female Dormitory
- Quezon City Jail – Annex

- San Juan City Jail – Male Dormitory
- San Juan City Jail – Female Dormitory
- Taguig City Jail – Male Dormitory
- Taguig City Jail – Female Dormitory
- Valenzuela City Jail – Male Dormitory
- Valenzuela City Jail – Female Dormitory
- Pateros Municipal Jail
- Rodriguez Municipal Jail – Male Dormitory
- Rodriguez Municipal Jail – Female Dormitory
- San Mateo Municipal Jail – Male Dormitory
- San Mateo Municipal Jail – Female Dormitory

*Region 1*

- Batac City District Jail
- Laoag City Jail
- Candon City Jail
- Vigan City Jail
- Bantay Municipal Jail
- Tagudin Municipal Jail
- Agoo District Jail
- Balaoan District Jail
- Bauang District Jail
- San Fernando City Jail
- Aringay Municipal Jail
- Naguilian Municipal Jail
- Balungao District Jail
- Burgos District Jail
- Tayug District Jail
- Urdaneta City District Jail – Male Dormitory
- Urdaneta City District Jail – Female Dormitory
- Dagupan City Jail – Male Dormitory
- Dagupan City Jail – Female Dormitory
- San Carlos City Jail

*Region 2*

- Aparri District Jail
- Ballesteros District Jail
- Sta Teresita District Jail
- Tuao District Jail
- Tuguegarao City District Jail – Male Dormitory
- Tuguegarao City District Jail – Female Dormitory

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- Alcala Municipal Jail
  - Baggao Municipal Jail
  - Gattaran Municipal Jail
  - Lallo Municipal Jail
  - Cabagan District Jail
  - Cauayan City District Jail
  - Ilagan City District Jail
  - Roxas District Jail
  - Santiago City District Jail – Male Dormitory
  - Santiago City District Jail – Female Dormitory
  - San Mateo Municipal Jail
  - Solano District Jail
  - Cabarroguis District Jail
  - Madella Municipal Jail

*Region 3*

- Baler Municipal Jail
- Bataan District Jail – Male Dormitory
- Bataan District Jail – Female Dormitory
- Pilar District Jail
- Balanga City Jail
- Dinalupihan Municipal Jail
- Mariveles Municipal Jail
- Balagtas District Jail
- Malolos City Jail
- Meycauayan City Jail
- San Jose del Monte City Jail – Male Dormitory
- San Jose del Monte City Jail – Female Dormitory
- Baliuag Municipal Jail
- Bocaue Municipal Jail
- Guiguinto Municipal Jail
- Marilao Municipal Jail
- Plaridel Municipal Jail – Male Dormitory
- Plaridel Municipal Jail – Female Dormitory
- Pulilan Municipal Jail
- Santa Maria Municipal Jail
- Cabanatuan City District Jail – Male Dormitory
- Cabanatuan City District Jail – Female Dormitory
- Guimba District Jail
- San Jose City District Jail

- Gapan City Jail
- Talavera Municipal Jail
- Angeles City District Jail – Male Dormitory
- Angeles City District Jail – Female Dormitory
- Arayat District Jail
- Guagua District Jail – Male Dormitory
- Guagua District Jail – Female Dormitory
- San Fernando City District Jail
- Apalit Municipal Jail
- Tarlac City Jail – Male Dormitory
- Tarlac City Jail – Female Dormitory
- Camiling Municipal Jail
- Paniqui Municipal Jail
- Olongapo City District Jail – Male Dormitory
- Olongapo City District Jail – Female Dormitory

*Region 4A (CALABARZON)*

- Batangas City Jail – Male Dormitory
- Batangas City Jail – Female Dormitory
- Lipa City Jail – Male Dormitory
- Lipa City Jail – Female Dormitory
- Tanauan City Jail – Male Dormitory
- Tanauan City Jail – Female Dormitory
- Balayan Municipal Jail
- Lemery Municipal Jail
- Nasugbu Municipal Jail
- San Juan Municipal Jail
- Cavite City District Jail
- Bacoor City Jail – Male Dormitory
- Bacoor City Jail – Female Dormitory
- Dasmariñas City Jail – Male Dormitory
- Dasmariñas City Jail – Female Dormitory
- Gen. Trias City Jail
- Imus City Jail – Male Dormitory
- Imus City Jail – Female Dormitory
- Tagaytay City Jail – Male Dormitory
- Tagaytay City Jail – Female Dormitory
- Trece Martirez City Jail
- Carmona Municipal Jail
- Gen. M. Alvarez Municipal Jail

- Naic Municipal Jail
- Silang Municipal Jail
- Tanza Municipal Jail – Male Dormitory
- Tanza Municipal Jail – Female Dormitory
- San Pablo City District Jail – Male Dormitory
- San Pablo City District Jail – Female Dormitory
- Sta Cruz District Jail
- Biñan City Jail – Male Dormitory
- Biñan City Jail – Female Dormitory
- Cabuyao City Jail – Male Dormitory
- Cabuyao City Jail – Female Dormitory
- Calamba City Jail – Male Dormitory
- Calamba City Jail – Female Dormitory
- Calamba City Jail – Infirmary (STC)
- Santa Rosa City Jail – Male Dormitory
- Santa Rosa City Jail – Female Dormitory
- San Pedro City Jail – Male Dormitory
- San Pedro Jail – Female Dormitory
- Los Baños Municipal Jail
- Candelaria District Jail
- Gumaca District Jail
- Lucena City District Jail – Male Dormitory
- Lucena City District Jail – Female Dormitory
- Pagbilao District Jail
- Quezon District Jail
- Catanauan Municipal Jail
- Teresa District Jail
- Antipolo City Jail – Male Dormitory
- Antipolo City Jail – Female Dormitory
- Baras Municipal Jail
- Binangonan Municipal Jail
- Cainta Municipal Jail – Male Dormitory
- Cainta Municipal Jail – Female Dormitory
- Cardona Municipal Jail
- Tanay Municipal Jail

*Region 4B (MIMAROPA)*

- Boac District Jail
- Gasan District Jail
- Sta Cruz District Jail

- Mamburao District Jail
- San Jose District Jail
- Sablayan Municipal Jail
- Bansud District Jail
- Naujan District Jail
- Roxas District Jail
- San Teodoro District Jail
- Calapan City District Jail
- Brooke's Point District Jail
- Narra District Jail
- Taytay District Jail
- Puerto Princesa City Jail – Male Dormitory
- Puerto Princesa City Jail – Female Dormitory
- Sibuyan District Jail
- Odiongan District Jail
- Romblon District Jail

*Region 5*

- Camalig District Jail
- Polangui District Jail
- Sto Domingo District Jail
- Tabaco City District Jail
- Legaspi City Jail
- Ligao City Jail
- Daraga Municipal Jail
- Guinobatan Municipal Jail
- Oas Municipal Jail
- Pio Duran Municipal Jail
- Daet District Jail
- Labo District Jail
- Iriga City District Jail
- Libmanan District Jail
- Naga City District Jail – Male Dormitory
- Naga City District Jail – Female Dormitory
- Sipocot District Jail
- Tigaon District Jail
- San Andres District Jail
- Virac City District Jail
- Aroroy District Jail
- Cataingan District Jail

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- Palanas District Jail
  - Placer District Jail
  - San Jacinto District Jail
  - Masbate City Jail
  - Balud Municipal Jail
  - Claveria Municipal Jail
  - Esperanza Municipal Jail
  - Mandaon Municipal Jail
  - Mobo Municipal Jail
  - San Pascual Municipal Jail
  - Gubat District Jail
  - Irosin District Jail
  - Sorsogon City District Jail

*Region 6*

- Aklan District Jail – Male Dormitory
- Aklan District Jail – Female Dormitory
- San Jose District Jail
- Culasi District Jail
- Mambusao District Jail
- Roxas City Jail – Male Dormitory
- Roxas City Jail – Female Dormitory
- Jordan District Jail
- Buenavista Municipal Jail
- Barotac Viejo District Jail
- Dumangas District Jail
- Guimbal District Jail
- Iloilo City District Jail – Male Dormitory
- Iloilo City District Jail – Female Dormitory
- Iloilo District Jail – Male Dormitory
- Iloilo District Jail – Female Dormitory
- Passi City District Jail
- Pototan District Jail
- Bago City District Jail
- Binalbagan District Jail
- Escalante City District Jail
- Himamaylan City District Jail
- Isabela District Jail
- Kabankalan City District Jail
- La Carlota City District Jail

- Metro Bacolod District Jail – Male Dormitory
- Metro Bacolod District Jail – Female Dormitory
- Metro Bacolod District Jail – Annex
- Negros Occidental District Jail – Male Dormitory
- Negros Occidental District Jail – Female Dormitory
- San Carlos City District Jail
- Silay City District Jail
- Sibalay City District Jail
- Cadiz City Jail
- Sagay City Jail
- Talisay City Jail
- Victorias City Jail
- La Castellana Municipal Jail

*Region 7*

- Bohol District Jail – Male Dormitory
- Bohol District Jail – Female Dormitory
- Carmen District Jail
- Talibon District Jail
- Ubay District Jail
- Tagbilaran City Jail
- Argao District Jail
- Bantayan District Jail
- Medellin District Jail
- Medellin District Jail – Female Dormitory
- Bogo City Jail
- Carcar City Jail
- Cebu City Jail – Male Dormitory
- Cebu City Jail – Female Dormitory
- Cebu City Jail – Annex
- Danao City Jail – Male Dormitory
- Danao City Jail – Female Dormitory
- Lapu-Lapu City Jail – Male Dormitory
- Lapu-Lapu City Jail – Female Dormitory
- Mandaue City Jail – Male Dormitory
- Mandaue City Jail – Female Dormitory
- Naga City Jail
- Naga City Jail – Female Dormitory
- Talisay City Jail – Male Dormitory
- Talisay City Jail – Female Dormitory

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- Toledo City Jail – Male Dormitory
  - Toledo City Jail – Female Dormitory
  - Balamban Municipal Jail
  - Consolacion Municipal Jail
  - Minglanilla Municipal Jail
  - Bayawan City District Jail
  - Dumaguete City District Jail – Male Dormitory
  - Dumaguete City District Jail – Female Dormitory
  - Guihulngan City District Jail
  - Manjuyod District Jail
  - Tanjay City District Jail
  - Bais City Jail
  - Canlaon City Jail
  - Mabinay Municipal Jail
  - Vallehermoso Municipal Jail
  - Siquijor District Jail

*Region 8*

- Naval District Jail
- Balangiga District Jail
- Borongan City District Jail
- Dolores District Jail
- Guiuan District Jail
- Maydolong District Jail
- Abuyog District Jail
- Burauen District Jail
- Carigara District Jail
- Dagami District Jail
- Hindang District Jail
- Isabel District Jail
- Jaro District Jail
- Tanauan District Jail
- Baybay City Jail
- Ormoc City Jail – Male Dormitory
- Ormoc City Jail – Female Dormitory
- Tacloban City Jail – Male Dormitory
- Tacloban City Jail – Female Dormitory
- Alang-alang Municipal Jail
- Dulag Municipal Jail
- Kananga Municipal Jail

- La Paz Municipal Jail
- Palo Municipal Jail
- Palompon Municipal Jail
- Catarman District Jail
- Catubig District Jail
- Pambujan District Jail
- Laoang Municipal Jail
- San Juan District Jail
- Sogod District Jail
- Maasin City Jail
- Calbayog City District Jail
- Catbalogan City District jail
- Basey Municipal Jail
- Gandara Municipal Jail
- Santa Margarita Municipal Jail
- Villareal Municipal Jail

*Region 9*

- Zamboanga City Jail – Male Dormitory
- Zamboanga City Jail – Female Dormitory
- Isabela City Jail
- Liloy District Jail
- Salug District Jail
- Sindangan District Jail
- Siocon District Jail
- Dapitan City Jail
- Dipolog City Jail – Male Dormitory
- Dipolog City Jail – Female Dormitory
- Ramon Magsaysay District Jail
- Pagadian City Jail – Male Dormitory
- Pagadian City Jail – Female Dormitory
- Dumingag Municipal Jail
- Mahayag Municipal Jail
- Molave Municipal Jail
- Tambulig Municipal Jail
- Ipil District Jail – Male Dormitory
- Ipil District Jail – Female Dormitory
- Kabasalan Municipal Jail

*Region 10*

- Kibawe District Jail

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- Manolo Fortich District Jail
  - Malaybalay City Jail
  - Valencia City Jail – Male Dormitory
  - Valencia City Jail – Female Dormitory
  - Impasug-ong Municipal Jail
  - Maramag Municipal Jail
  - Quezon Municipal Jail
  - Mambajao District Jail
  - Lanao del Norte District Jail
  - Iligan City Jail – Male Dormitory
  - Iligan City Jail – Female Dormitory
  - Tubod Municipal Jail
  - Calamba District Jail
  - Oroquieta City Jail
  - Ozamis City Jail – Male Dormitory
  - Ozamis City Jail – Female Dormitory
  - Tangub City Jail
  - Balingasag District Jail
  - Initao District Jail
  - Villanueva District Jail
  - Cagayan de Oro City Jail – Male Dormitory
  - Cagayan de Oro City Jail – Female Dormitory
  - El Salvador City Jail
  - Gingoog City Jail
  - Medina Municipal Jail
  - Tagoloan Municipal Jail

*Region 11*

- Montevista District Jail
- Kapalong District Jail
- Panabo District Jail
- Igacos City Jail (Former Samal City Jail)
- Tagum City Jail – Male Dormitory
- Tagum City Jail – Female Dormitory
- Digos City District Jail – Male Dormitory
- Digos City District Jail – Female Dormitory
- Davao City Jail – Male Dormitory
- Davao City Jail – Female Dormitory
- Davao City Jail – Annex
- Lupon District Jail

- Mati City Jail

*Region 12*

- Kabacan District Jail
- Kidapawan City District Jail
- Makilala District Jail
- North Cotabato District Jail – Male Dormitory
- North Cotabato District Jail – Female Dormitory
- Pigcawayan District Jail
- Alabel District Jail
- Malapatan District Jail
- Koronadal City District Jail
- Gen. Santos City Jail – Male Dormitory
- Gen. Santos City Jail – Female Dormitory
- Polomonok Municipal Jail
- Sultan Kudarat District Jail – Male Dormitory
- Sultan Kudarat District Jail – Female Dormitory
- Tacurong City District Jail

*Region 13 (Caraga)*

- Cabadbaran City District Jail
- Butuan City Jail – Male Dormitory
- Butuan City Jail – Female Dormitory
- Bayugan City Jail
- Surigao del Norte District Jail
- Surigao del Norte District Jail – Annex
- Surigao City Jail
- Surigao del Sur District Jail
- Surigao del Sur District Jail – Annex (Bislig City)
- Surigao del Sur District Jail – Annex (Cantilan)
- Surigao del Sur District Jail – Annex (Liangga)
- Bislig City Jail

*Region 14 (Cordillera Administrative Region)*

- Bucay District Jail
- Luna District Jail
- Buguias District Jail
- La Trinidad District Jail – Male Dormitory
- La Trinidad District Jail – Female Dormitory
- Baguio City Jail – Male Dormitory
- Baguio City Jail – Female Dormitory
- Itogon Municipal Jail

- La Trinidad Municipal Jail
- Tuba Municipal Jail
- Tublay Municipal Jail
- Ifugao District Jail
- Alfonso Lista District Jail
- Tabuk City District Jail
- Tinglayan Municipal Jail
- Mountain Province District Jail
- Bauko Municipal Jail
- Bontoc Municipal Jail
- Sagada Municipal Jail
- Tadian Municipal Jail

*Region 15 (Bangsamoro Administrative Region of Muslim Mindanao)*

- Lamitan City District Jail
- Cotabato City Jail – Male Dormitory
- Cotabato City Jail – Female Dormitory
- Malabang District Jail
- Marawi City Jail
- Bubong Municipal Jail
- Wao Municipal Jail
- Parang District Jail
- Upi Municipal Jail
- Jolo District Jail
- Bongao District Jail

**Reply to paragraph 3 of the list of issues**

9. Under the BJMP Standard Operating Procedure (SOP), upon the commitment of PDLs, they are oriented to the basic jail rules and regulations, introduced to the different development programs that best promote personal growth, and undergo counseling to develop better coping skills.

10. They are apprised of their rights and privileges during incarceration, such as:

- Receiving or sending correspondences subject to censorship, except confidential mail due to lawyer-client privilege;
- Receiving authorized books and other reading materials in jails;
- Availing of Time Allowances per the law; and
- Participating in religious and recreational activities, among others.

11. The rights of PDL include the following:

- To be protected against any acts of torture and subjection to corporal punishment;
- To be informed of the rules and regulations of the jail facility;
- To receive regular meals at least three times a day;
- To exercise religious worship; to avail of medical, dental, and other health services; and

- To be contacted or visited by immediate family members, lawyers, doctors, priests, religious ministers or Imam, among others.

12. The PNP likewise strictly adheres to MC 2018-027 dated 28 June 2018, setting the guidelines and procedures in the management and supervision of police custodial facilities and PUPCs.

13. The PNP also implements the online visitor system, enabling PUPCs to exercise their constitutional rights safely.

#### **Reply to paragraph 4 of the list of issues**

14. All arrests are made only on the basis of a valid Warrant of Arrest (WOA) issued by a competent authority. Warrantless arrests are permitted only in circumstances provided under Section 5, Rule 113 of the Rules of Court (ROC), which states that a peace officer or a private person may, without a warrant, arrest a person:

- When, in his presence, the person to be arrested has committed, is actually committing, or is attempting to commit an offense;
- When an offense has just been committed, and he has probable cause to believe based on personal knowledge of facts or circumstances that the person to be arrested has committed it; and
- When the person to be arrested is a prisoner who has escaped from a penal establishment or place where he is serving final judgment or is temporarily confined while his case is pending, or has escaped while being transferred from one confinement to another.

15. Section 10 of Republic Act No. 10353 or the Anti-Enforced or Involuntary Disappearance Act of 2012 ensures immediate registration of all arrested persons by requiring an official up-to-date register of all persons detained or confined. The said law also allows relatives, lawyers, official bodies, and any person having legitimate interest in the whereabouts of the PDLs free access to the register.

16. Corollary to this, Article 125 of the Revised Penal Code (RPC) requires all public officials to immediately deliver arrested persons to the proper judicial authorities. Public officials who detain a person without legal grounds may be held liable for the crime of Arbitrary Detention under Article 124 of the RPC.

17. The PNP HRAO issued the Human Rights Advisory on Prohibition on the Blind-Folding and/or “Hooding” of Arrested Persons/Detainees and Media Presentation of Suspect/s dated May 13, 2016. It also delivered lectures on Arrest with and without Warrant in the conduct of Human Rights-Based Policing Seminars and Human Rights Deepening Webinar (HRDW).

18. Rule 113 of the Philippines (PH) ROC issued by the Judicial branch of Government through the Supreme Court (SC) provides that a peace officer or a private person may, without a warrant, arrest a person:

(a) When, in his/her presence, the person to be arrested has committed, is actually committing, or is attempting to commit an offense;

(b) When an offense has just been committed and when he/she has probable cause to believe, based on personal knowledge of facts or circumstances, that the person to be arrested has committed an offense; and

(c) When the person to be arrested is a prisoner who has escaped from a penal establishment or place where he is serving final judgment, is temporarily confined while his case is pending, or has escaped while being transferred from one confinement to another.

19. There are no recent examples of investigations conducted vis-à-vis complaints of warrantless arrest.

20. Courts have ruled that even if it subsequently turns out that a person detained was innocent of a crime, the law enforcement officer cannot be held liable for arbitrary detention if the arrest was effected in good faith and without culpable negligence.

**Reply to paragraph 5 of the list of issues**

21. There are no secret places of detention under the jurisdiction of the BJMP.
22. Similarly, the PNP issued MC 2018-027 dated June 28, 2018, Guidelines and Procedures in the Management and Supervision of All PNP Custodial Facilities and PUPCs, as well as an Advisory dated April 15, 2021 on Guidance of Prohibited Detention Facility.
23. During the period under review, there was no report of the existence of secret places of detention or torture.
24. Complaints were formally filed against Police Supt. Robert Domingo, Police Officer (PO) II Dylan Verdan, PO1 Berly Apolonio, and other John Does. Consequently, in a resolution approved by Deputy Ombudsman for the Military and Other Law Enforcement Offices Cyril Ramos dated December 22, 2020, all were cleared from complaints of arbitrary detention, grave threats, delay in the delivery of persons to the proper judicial authorities, grave coercion, grave misconduct and conduct prejudicial to the best interest of the service. The Deputy Ombudsman held that the CHR failed to prove that those detained were held beyond the period allowed by law; that the cell lacked the facilities needed by those detained; and that detainees' allegations of maltreatment were not supported by independent, impartial and credible evidence.

**Reply to paragraph 6 of the list of issues**

25. On 28 June 2019, the SC dismissed a Petition of Writ of Amparo or Habeas Data by Karapatan, Rural Missionaries of the PH, and Gabriela alleging an, "extremely high number of cases of extrajudicial killings (EJKs) committed during the anti-drug operations, as well as the reported acquiescence of the State party to such acts," to wit:

"First, the petitioners' general statements that some incidents of EJKs and enforced disappearances of human rights workers happened during the present administration are empty averments. The case briefs attached to the petition are self-serving being entirely prepared by the petitioners and their organizations. Verily, the petitioners' bare allegations are not facts and do not have probative value to justify the issuance of the extraordinary writs. The broad generalizations of the alleged threats and violations border on the contemptuous and do not deserve any judicial action."

26. The petitioners submitted mere newspaper clippings and/or articles as evidence, and thus, failed to comply with the minimum quantum of proof to support their allegations.
27. Said allegations have been the subject of numerous UN human rights dialogues in which the PH has actively participated and officially repudiated.

**Reply to paragraph 6 (a) of the list of issues**

28. The Ampatuan Maguindanao Massacre Verdict on 19 December 2019 convicting 43 perpetrators, together with their accomplices, is a public statement unambiguously affirming that EJKs will not be tolerated and any person committing or participating in such acts or acting as an accomplice will be held personally responsible before the law and liable to criminal penalties.

**Reply to paragraph 6 (b) of the list of issues**

29. Establishment of the Presidential Task Force on Media Security (PTFoMS) through Administrative Order (AO) No. 1, s. 2016 and AO35.
30. For ED, the AO35 adopts a composite team approach whereby prosecutors and law enforcement (including investigators from the CHR) collaborate and cooperate in evidence-gathering and case build-up to improve the outcomes of investigations.

**Reply to paragraph 6 (c) of the list of issues**

31. The President, while vocal in ordering the law enforcement bodies to stop illegal drugs by all means, acknowledges that such should be carried out within the bounds and due process of law.

32. The State party arrested 273,014 persons as a result of 188,603 drug law enforcement operations and none of the 273,014 arrested persons were “shot-or-killed” during the conduct of the operations.

**Reply to paragraph 6 (d) of the list of issues**

33. The AO35 adopts a composite team approach whereby prosecutors and law enforcement (including investigators from the CHR) collaborate and cooperate in gathering evidence and conducting case build-up in order to improve the outcomes of investigations.

34. During the period under review, the AO35 has not received any report of ED committed in relation to or in connection with drug operations conducted by law enforcement agencies. In the case of ELKs committed in relation to or in connection with drug operations, these incidents fall outside the focused mandate of the AO35 and are addressed by other mechanisms within the justice system.

**Reply to paragraph 6 (e) of the list of issues**

35. A victim of a violent crime, including rape and offenses committed with malice resulting in death or serious physical and/or psychological injuries, permanent incapacity or disability, insanity, abortion, serious trauma, or committed with torture, cruelty or barbarity, may apply for compensation before the Board of Claims (BoC) created under RA 7309. The maximum amount to be approved shall not exceed Ten Thousand Pesos (₱10,000.00) or the amount necessary to reimburse the claimant’s expenses incurred for hospitalization, medical treatment, loss of wage, loss of support, or other expenses directly related to the injury, whichever is lower as determined by the Board.

36. Victims of EJKs and ED may also access compensation via the said BoC.

37. Compensation actually provided to victims is as follows:

<i>Year</i>	<i>Granted claims</i>	<i>Victim of violent crimes</i>	<i>Victim of unjust accusation</i>	<i>Amount</i>
2015	1 506	1 506	-	14 447 000.00
2016	1 679	1 679	-	16 540 000.00
2017	2 124	2 124	-	21 210 000.00
2018	1 865	1 864	1	18 665 000.00
2019	1 062	1 060	2	10 695 000.00
2020 (as of June)	188	188	-	1 895 000.00

38. Other compensation or indemnity may be awarded through judicial proceedings.

**Reply to paragraph 6 (f) of the list of issues**

39. AO35 was issued on 22 November 2012 by President Benigno Simeon Aquino III and adopted by the current sitting President, Rodrigo Roa Duterte, to address unsolved cases of ELKs, EDs, torture, and other grave violations of the right to life, liberty, and security.

40. ELK is defined under the AO35 Operational Guidelines as referring to killings wherein:

(a) The victim was:

- (i) a member of, or affiliated with an organization, to include political, environmental, agrarian, labor, or similar causes; or
- (ii) an advocate of the above-named causes; or
- (iii) person(s) apparently mistaken or identified to be so.

(b) The victim was targeted and killed because of the actual or perceived membership, advocacy, or profession;

(c) The person/s responsible for the killing is a state agent or non-state agent; and

(d) The method and circumstances of attack reveal a deliberate intent to kill.

41. The definition of “EJK” in AO35 was formulated through the consensus of the IAC members, the NHRI (CHR), human rights defenders (HRDs), civil society organizations (CSOs), and other stakeholders, such as the Philippine Alliance of Human Rights Advocates, Balay Rehabilitation Center, and the Asian Federation against Involuntary Disappearances.

42. Among the functions exercised by the AO35 IAC through its different structures are:

(a) Inventory of all cases of ELKs, EDs, torture, and other grave violations of the right to life, liberty and security of persons perpetrated by both state and non-state agents;

(b) Creating investigation teams to conduct further investigation for the possible identification of perpetrators; and

(c) Monitoring the progress of inventoried cases and maintaining an updated database of the same;

(d) Developing and supporting programs that enhance and strengthen relations of the IAC and its member-agencies with domestic and international stakeholders such as, but not limited to, international organizations, NGOs, and CSOs.

#### **Reply to paragraph 6 (g) of the list of issues**

43. To effectively implement RA 10353 or the Anti-Enforced or Involuntary Disappearance Act, the State issued the same’s Implementing Rules and Regulations (IRR) on 12 February 2013.

#### **Reply to paragraph 7 of the list of issues**

44. Existing mechanisms are in place to investigate allegations/cases of human rights violations (HRV). Noteworthy to mention is the automatic process of investigation, or *motu proprio* investigation, within law enforcement agencies.

45. No less than the President publicly condemned the killing of Kian Delos Santos and ordered a thorough investigation on 21 August 2017. The president himself met the victim’s parents on 28 August 2017. Said investigation led to the conviction of three police officers directly responsible for Kian’s killing.

46. To promote integrity of the anti-illegal drug operations, the Philippine Drug Enforcement Agency (PDEA) requires its operatives to wear body cameras during anti-drug operations. Further, PDEA immediately investigates reports on alleged HRVs. As of 31 July 2020, all investigated cases reflected absence of HRVs.

47. For its part, the PNP has publicly underscored that killing has never been, and will never be, an organizational policy. Its leadership unequivocally condemns any form of unlawful killing, and emphasizes that, in the conduct of police operations, which include the serving of search or arrest warrants, buy bust operations, patrolling and checkpoints, the objective is only to arrest the suspect and prevent the commission of crimes.

#### **Reply to paragraph 7 (a) of the list of issues**

48. The aforementioned incidents where some of the suspects died were part of legitimate drug operations against identified drug dealers and transpired during lawful performance of duties of the involved POs. It should be emphasized that presumption of regularity in the performance of a public official’s functions is a recognized principle of law.

#### **Reply to paragraph 7 (b) of the list of issues**

49. An administrative case of Grave Misconduct (Homicide) docketed under the Regional Internal Affairs Service-NCR (RIASNCR-NMP\_ADM-17-048) was filed against PCPT Albert B. Trinidad and was subsequently dismissed for lack of substantial evidence. The decision was rendered by PMGEN Guillermo Lorenzo T. Eleazar, RD, NCRPO on November 16, 2018.

50. Investigation showed that the Navotas City Police was serving a WOA for Paquito 'Pakeng' Mejos, a suspected drug pusher, at about 2:00 PM of October 14, 2016, at Block 33, Phase 2, Area 2, Tumana, Barangay North Bay Boulevard South, Navotas City. Mejos violently resisted arrest, having pointed a gun at the team and forcing the Navotas police to deploy their firearms.

**Reply to paragraph 7 (c) of the list of issues**

51. A case for kidnapping for Ransom with Homicide was already filed against Senior Police Officer III (SPO3) Ricky M. Sta. Isabel et al. before the Regional Trial Court (RTC) Branch 58, Angeles City. The trial is still on-going.

52. While the criminal case is still pending, the Chief of the PNP (CPNP) rendered a Decision on March 27, 2017 on the administrative case finding the respondent PNP personnel guilty of Grave Misconduct and meting them with penalty of dismissal from the service. Respondents' Motion for Reconsideration was denied on November 12, 2017.

**Reply to paragraph 7 (d) of the list of issues**

53. A case for Homicide was filed against Police Lieutenant Colonel Santi Noel Mitra, et al. before the RTC Branch 104, in Quezon City.

54. On March 27, 2017, the officers were found guilty of the administrative case for Grave Neglect of Duty and Grave Misconduct, with penalties ranging from four months suspension to one rank demotion.

**Reply to paragraph 7 (e) of the list of issues**

55. On 29 November 2018, the Caloocan City Trial Court found PO3 Arnel Oares, PO1 Jeremias Pereda, and PO1 Jerwin Cruz guilty of murder. They were sentenced to reclusion perpetua and were directed to indemnify the heirs of Kian Lloyd Delos Santos. Prior to the conviction, the commander of the three implicated suspects, Northern Police District Chief Superintendent Roberto Fajardo, was relieved of his duty on 4 June 2018.

**Reply to paragraph 8 of the list of issues**

56. Currently, there have been no complaints filed or reported against the BJMP.

**Reply to paragraph 8 (a) of the list of issues**

57. Complaints lodged to the PNP-HRAO are carefully evaluated and referred to the concerned authorities and unit/offices for the proper conduct of an investigation.

**Reply to paragraph 8 (b) of the list of issues**

58. Republic Act 6981 or the Witness Protection, Security and Benefit Act provides witnesses security protection; immunity from criminal prosecution and not be subjected to any penalty or forfeiture for any transaction concerning his compelled testimony, or books, documents or writings produced; secure housing facility; assistance in obtaining a means of livelihood; reasonable traveling expenses and subsistence allowance while acting as a witness; free medical treatment, hospitalization and medicine for any injury or illness incurred or suffered while acting as a witness; burial benefits if the witness is killed because of his participation in the Program; free education for the minor or dependent children of a witness who dies or is permanently incapacitated; and non-removal or demotion in work because of absences due to being a witness and payment of full salary or wage while acting as witness.

**Reply to paragraph 8 (c) of the list of issues**

59. The conduct of proper documentation of acts of torture and ill-treatment towards PDLs, should they occur, is a long-standing part of BJMP's SOP. To further strengthen this, the BJMP promulgated and institutionalized BJMP-HSO-SOP-001 entitled, "Supplemental Guidelines on Admission, Releasing, and Medical Consultation Procedure of Inmates" on August 15, 2015.

60. Further, the BJMP conducts orientation and continuously reminds jail nurses of the “Policy on Mandatory Reporting of Torture Cases”, even as it ensured that BJMP health professionals are not hierarchically subordinated to the head of detention facility of other security organs pertaining to this concern.

**Reply to paragraph 9 of the list of issues**

61. There are several separate versions of draft laws on the National Preventive Mechanism (NPM) filed in the two houses of the PH 18th Congress.

62. In the Senate are:

- Senate Bill (SB) No. 2066 filed by Sen. Aquilino Pimentel; and
- SB 1948 filed by Sen. Risa Hontiveros.

63. While in the House of Representatives (HoR) are:

- House Bill (HB) No. 00683 filed by Cong. Michael Aglipay;
- HB 02502 filed by Cong. Christopher Belmonte;
- HB 02801 filed by Cong. Rufus Rodriguez; and,
- HB 06393 filed by Cong. Cheryl Deloso-Montilla.

64. The Executive branch, recognizing the independence of the Legislature, respects the exercise of its parliamentary wisdom in reconciling all six separate draft laws.

65. Congressman Rufus B. Rodriguez filed HB 06978 designating the CHR as the NPM on 8 June 2020. The proposed law is with the Lower House Committee on Human Rights.

66. The BJMP allows non-government organizations (NGOs) catering to the welfare of PDLs to conduct regular jail visitations and interview PDLs privately.

67. These organizations include the International Committee of the Red Cross, and Humanitarian Legal Assistance Foundation, Inc., among others, with which the BJMP has Memoranda of Understanding.

68. The following is a sample list of NGOs allowed access to monitor BJMP jails:

- Restorative Justice Ministry of Caritas
- Jesus Prison Ministry
- Taguig Volunteers in Prison Service
- Christ Commission Fellowship
- Mt. Moriah Global Ministries
- Sacred Heart of Jesus
- Our Lady of Holy Rosary Parish
- United Church of Christ in the Philippines
- Victory in Jesus Christ
- Single Young Adults
- Community of Christ Imprisoned
- Jesus Miracle Victory
- Iglesia ni Cristo
- Apostleship of Prayer
- Religious of Virgin Mary
- Legion of Mary
- Handmaids of the Lord

- Divine Mercy Apostolate
- Divine Mercy Healing Ministry
- Cathedral of Praise
- Jesus Christ Saves Global Outreach
- Manila Eungwang Korean Presbyterian
- Muslim Sambayang
- Radiance of Christ International
- St. John United Methodist Church Inc.
- The Holy Almighty God Our Father
- Values Formation and Spiritual Transformation Council Inc.
- Word of Hope Christian Christian Ministries Foundation Inc.
- Daughters of Wisdom
- Volunteers in Prison Services
- Church of God International
- El Shaddai
- All Nations Baptist Church
- Jesus is Our Shield Worldwide Ministries Inc.
- Christian Bible Baptist Church
- Grace Baptist Church
- UCCP Church Among the Palms
- Jesus Christ Mission International
- Amazing Grace Lutheran Church
- Universal Church
- Ligao Association of City Employees Multi-Purpose Cooperative
- Prison Ministry
- Asian Community Christian Centre
- Daughters of Mary Immaculate International Ministry
- Freeing the Captives Prison Ministry
- Universal Church of the Kingdom of God
- Jesus Reigns Global, Inc.
- The Living Legacy Baptist Church
- Our Lady of Consolacion & St. Joseph Church
- Padre Pio Group.

**Reply to paragraph 10 (a) of the list of issues**

69. The CHR's budget from fiscal years 2015 to 2016 was Php 355.1 million and Php 439.7 million respectively.

70. Since the Duterte administration, the CHR's budget almost doubled, becoming Php 724.9 million in 2017; Php 666.9 million in 2018; Php 799.5 million in 2019; and Php 888.8 million in 2020.

**Reply to paragraph 10 (b) of the list of issues**

71. There are three draft bills in the HoR regarding the Charter of the CHR filed by three separate members of Congress, namely:

- HB 882 filed by Cong. Manuel DG Cabochan III;
- HB 2144 filed by Cong. Lawrence Lemuel H. Fortun; and,
- HB 3716 filed by Cong. Myrna Joy S. Tambunting

72. The PH Congress is awaiting the final position paper of the CHR before formal discussions and votes commence. At least one sitting Senator expressed willingness to sponsor the proposed Charter.

**Reply to paragraph 10 (c) of the list of issues**

73. The Global Alliance of National Human Rights Institutions rated the CHR with an “A” accreditation from 2017 to 2020, signifying full compliance with the Paris Principles to carry out its mandate independently and effectively.

**Reply to paragraph 10 (d) of the list of issues**

74. As a partner of the government in ensuring the welfare of PDLs, the CHR is guaranteed unhampered visitorial powers. From 2016 to 2020, it visited 470 jails under BJMP’s jurisdiction and made 108 visits in 2016; 102 in 2017; 155 in 2018; 144 in 2019; and 111 in 2020.

75. In March 2018, the CHR was able to interview PDLs in the La Union Provincial Jail in San Fernando City, as well as to conduct succeeding visits, following consultations with the provincial government.

76. It was allegedly denied access to Cebu Provincial Detention and Rehabilitation Centre in 2017. The institution, having no record of the said incident, sought clarification from the CHR.

77. Suffice it to say, 2018 reports reveal that the CHR has conducted 155 regular and unannounced visits to all places of detention in the PH.

**Reply to paragraph 11 of the list of issues**

78. Republic Act No. 10354 or the Responsible Parenthood and Reproductive Health Law (RPRHL) repealed Executive Order (EO) Nos. 003 and 030 of the City Government of Manila and warranted the compliance of the same to effectively enforce the law among its constituents. Furthermore, the said EOs have long been replaced by two subsequent elected Mayors since 2013. It must be noted that EOs issued by a city government do not apply outside its territory or jurisdiction.

79. The Commission on Population and Development conducted a series of dialogues with the current local chief executive of Sorsogon City on the role of Local Government Units (LGUs) in promoting informed choice among its constituents and assisting couples by educating them on methods of family planning.

80. The Sorsogon City Mayor assured the Department of Health (DOH), through a letter dated January 16, 2017, of the City Government’s continued promotion and implementation of reproductive health programs. Its implementation is regularly being monitored by the Center for Health Development in Region V.

**Reply to paragraph 11 (a) of the list of issues**

81. The State, valuing the importance of accessible and safe reproductive health services, has adopted the following policies:

- (a) The enactment of the Universal Health Care Act of 2018 assures access of women and girls to health services, including sexual and reproductive health (SRH) as these are automatically covered under the National Health Insurance Program.

(b) The Magna Carta of Women of 2009 (MCW) and the RPRHL provide that “there should be a timely, adequate and culturally appropriate provision of comprehensive health services, including the implementation of the Minimum Initial Service Package for Sexual and Reproductive Health at the early stage of the crises”. It is a set of priority SRH activities to be implemented at the onset of a crisis with the following components: Safe Motherhood, Family Planning, STI and HIV, Sexual and Gender-based Violence (GBV) and Adolescent Health.

(c) Recognizing the importance of the full implementation of RPRHL in addressing the reproductive health needs of women, the law is included in the 10-Point Socioeconomic Agenda of the State, which requires the strengthened implementation of the law to enable couples, especially the poor, to make informed choices on financial and family planning. Moreover, the State Party displayed firm support of the law through attaining and sustaining “Zero Unmet Need for Modern Family Planning” through the strict implementation of the RPRHL.

#### **Reply to paragraph 11 (b) of the list of issues**

82. Paragraph 4, Article 11 of the RPC may justify abortion to protect the life and health of pregnant women. To date, there is no report of women having been prosecuted or taken to court because of the commission of abortion. On the other hand, religious and social recriminations do not form part of routine reporting by any government or quasi-government agency.

83. The SC ruled in *Imbong vs. Ochoa* (G.R. No. 204819, April 8, 2014) that “In a conflict situation between the life of the mother and the life of a child, the doctor is morally obliged always to try to save both lives.” Hence, “where it is necessary to save the life of a mother, procedures which endanger the life of the child may be resorted to, even if it is against the religious sentiments of the medical practitioner.

84. Discussions on decriminalizing abortion under certain circumstances are ongoing.

85. While the State supports and participates in ongoing CSO-initiated consultations/public discussions on the decriminalization of abortion, it must be stressed that advocates for the rights of persons with disabilities (PWDs) object thereto, even in cases when the fetus is found to be seriously malformed, as this goes against the principles of non-discrimination and acceptance of PWDs as part of humanity/human diversity, as well as in keeping with the United Nations Convention on the Rights of Persons with Disabilities.

#### **Reply to paragraph 11 (c) of the list of issues**

86. The RPRHL mandates that women needing care for post-abortive complications and all other complications arising from pregnancy, labor and delivery and related issues shall be treated and counselled in a humane, non-judgmental, and compassionate manner in accordance with law and medical ethics.

87. Pursuant to RPRHL, the DOH issued the National Policy on the Prevention and Management of Abortion Complication (PMAC) on 2016. The PMAC policy ensures that no woman or girl shall be denied appropriate care and information on the basis that she is suspected to have induced abortion. It also protects the PMAC providers from criminal, civil, and administrative liability in providing post-abortive care, and addresses the challenges experienced by women in post-abortion care, as well as the absence of a redress mechanism for the mistreatment and abuse of women. The policy contributes to the reduction of maternal mortality by addressing the harmful impact of unsafe abortions in the country.

88. Furthermore, the DOH respects the victim-survivor privacy and confidentiality of information of patients. For instance, Women and Child Protection Units (WCPUs) cannot display signage, only color; hence, they may be designated as ‘pink rooms’. They also do not allow media. Reporters have been trained on gender-sensitive reporting of victim-survivors and will not publish sensitive information.

89. WCPUs were initially established in DOH hospitals only to prioritize privacy and confidentiality. Later on, select provincial health offices were allowed to establish WCPUs but not rural health units.

**Reply to paragraph 11 (d) of the list of issues**

90. Notwithstanding the foregoing prohibition, the DOH issued the National Policy on the Prevention of Illegal and Unsafe Abortion and Management of Post-Abortion Complications.

91. The policy states in part that post-abortion care shall be an integral part of basic and comprehensive emergency obstetric and newborn care, and requires specific elements to be taken into consideration: (1) treatment of incomplete and unsafe abortion complications; (2) supportive counseling; and (3) contraceptive and family planning services, among others.

92. The policy allows the initial management of abortion clients in primary care facilities where health care service providers (HCSP) are allowed to initially manage post-abortion cases and administer life-saving drugs. HCSPs are also required to make prompt referrals and arrange transportation mechanisms to referral hospitals, among others. The policy likewise strengthens the provision of family planning services to help women prevent future unintended pregnancies.

93. Furthermore, the policy provides technical guidance to public health program implementers and HCSPs in the prevention of illegal and unsafe abortion, and the provision of quality post-abortion care in all public and private health facilities in the country.

**Reply to paragraph 12 of the list of issues**

94. To further strengthen the legal framework to eliminate all forms of violence against women (VAW), Republic Act No. 11313 or the Safe Spaces Act was enacted in 2018. It provides mechanisms to address and penalize the act of gender-based sexual harassment in streets, public spaces, online, workplaces, and in educational and training institutions, and strengthens the existing administrative mechanisms against sexual harassment in workplaces and in educational and training institutions.

95. Under the MCW, VAW Desks were established at the barangay, the basic political unit. The VAW Desk provides frontline service to victim-survivors who experience physical, sexual, psychological, economic, and other forms of violence and abuse. It is managed by a VAW Desk Officer designated by the Barangay Chairperson, and is usually situated within the premises of the barangay hall.

96. The PNP, through its Women and Children's Protection Desks in all police stations and community precincts nationwide, provides assistance to women and children who are victims of violence. The assessment of the functionality of the PNP VAW Desks is targeted to be implemented in 2022 using the Performance Standards and Assessment Tools for Services Addressing VAW in the Philippines and other functionality criteria to be developed for the purpose.

97. According to the PNP, the following are the number of VAW-related cases from January to December 2020.

<b>Total Number of VAW Cases</b>	<b>16 179</b>
<b>Total Number of VAW victim-survivors</b>	<b>17 172</b>

98. The total number of victims differs from the total number of cases as some recorded cases have multiple victims. For example, cases in violation of Republic Act No. 9262 or the Anti-VAW and Their Children Act of 2004 (VAWC) will be recorded as one case with two victims.

Table 1  
**Breakdown of number of cases by type of violence**

<i>Cases (Type of violence)</i>	<i>Number of cases</i>
Acts of Lasciviousness	1 610
Anti-Photo and Video Voyeurism	125
Rape	2 270
Anti-Trafficking in Persons	56
Anti-Violence Against Women and their Children	11 808
Bigamy	2
Concubinage	151
Domestic Workers Act	10
Forcible Abduction	10
Intentional Abortion	1
Migrant Workers and Overseas Filipinos Act	1
Seduction	6
Safe Spaces Act	66
Sexual Harassment	61
Violation of Magna Carta for Disabled Person	1
Violation of Rights of Senior Citizens	1
<b>Total</b>	<b>16 179</b>

*Source:* PNP-Women and Children Protection Center (WCPC).

Data as of August 17, 2021.

99. The highest reported cases of VAW were under VAWC, with 11,808 (72%) cases in 2020 nationwide. It was followed by rape cases with 2,270 cases (14%) and Acts of Lasciviousness with 1,610 cases (9%).

Table 2  
**Breakdown of number of victims by age group of victim-survivors**

<i>Age Group</i>	<i>Number of Victims</i>
0–4 years old	85
5–9	108
10–14	170
15–17	273
18–24 years old	4 411
25–29 years old	2 898
30–39 years old	5 097
40–49 years old	3 098
50–59 years old	1 298
60–69 years old	317
70 years old and above	53

100. As to disaggregation of victim-survivors aged 18 years old and above, the PNP reported that a total of 17,172 women experienced abuse or violence. Of this, the age group with the highest number of victims are those aged 30–39 years, 29% of which or 5,097 women experienced violence. The next age group with the highest number of reported cases belonged to those aged 18–24 years old with 4,411 cases or 25%.

Table 3  
**Breakdown of number of cases by the nationality of suspect**

<i>Suspect Nationality</i>	<i>Number of Cases</i>
American	54
Arab	2
Australian	11
Austrian	1
Bangladesh	1
Belgian	2
Brazilian	1
British or English	22
Bulgarian	1
Canadian	10
Chinese	33
Dutch	4
Egyptian	8
Finnish	1
French	3
German	8
Greek	1
Indian	19
Indonesian	1
Iranian	2
Iraq	1
Irish	1
Israel	2
Italian	2
Japanese	8
Korean	24
Lebanese	2
Malaysian	1
Nepalese	2
Netherland	1
New Zealand	1
Nigerian	11
Norwegian	5
Pakistan	1
Palestinian	1
Polish	2
Russian	4
Singaporean	3
Slovakian	1
South African	3
Spanish	2
Sri Lankan	1
Sudanese	1
Swedish	3

<i>Suspect Nationality</i>	<i>Number of Cases</i>
Swiss	2
Syrian	1
Taiwanese	1
Turkish	1
Filipino	15 906

101. In 2020, PNP reported that 98% or 15,906 VAW cases involved perpetrators who are Filipino citizens.

102. It was also reported that 273 VAW cases involved perpetrators of foreign nationality. Of this, the top 5 foreign perpetrator of VAW belong to the following: 54 Americans; 33 Chinese; 24 Koreans; 22 British; and 19 Indians.

Table 4

**Breakdown of number of cases by ethnicity of victim-survivor**

<i>Ethnic Group</i>	<i>Number of Cases</i>
Badjao	3
Batangueno	84
Bicol	844
Bulakeno	93
Cebuano	2 491
Chabacana	42
Ibanag	121
Igorot	141
Ilocano	727
Ilonggo/Hiligaynon	1 387
Maguindanaon	31
Maranao	12
Muslim	22
Pampanga	120
Pangasinan	221
Samal	3
Tagalog	1 587
Tausug	17
Waray	340
Yakan	1
Zambal	8
Unspecified Ethnic Group	7 884

103. Majority or 48% of the VAW victim-survivors who reported the abuse opted not to disclose their ethnicity. Of those who did, 2,491 (15%) were Cebuano, followed by 1,587 (9%) Tagalogs, and 1,387 (8%) Ilonggo/Hiligaynons.

**Reported VAWC Cases before and during the pandemic**

<i>GBV</i>	<i>March 15 to December 31, 2019</i>	<i>March 15 to December 31, 2020</i>	<i>Difference</i>
Rape	7 739	6 732	(13%)
VAWC	12 909	8 735	(24%)
Lasciviousness	2 912	2 360	(18%)

<i>GBV</i>	<i>March 15 to December 31, 2019</i>	<i>March 15 to December 31, 2020</i>	<i>Difference</i>
Trafficking	149	98	(34%)
Sexual Harassment	97	47	(951%)

### **Top 5 Regions with highest incidence of GBV against Women**

March 15 to December 31, 2020

<i>Region</i>	<i>VAWC</i>	<i>Rape</i>	<i>Lasciviousness</i>	<i>Photo and Video Voyeurism</i>	<i>Others</i>	<i>Total</i>
Region VII	2 112	167	116	5	19	2 419
NCR	742	238	224	20	39	1 263
Region VI	818	118	66	4	9	1 015
Region IV-A	583	208	140	15	18	964
Region III	579	166	127	11	24	907
<b>Total</b>	<b>4 834</b>	<b>897</b>	<b>673</b>	<b>55</b>	<b>109</b>	<b>6 586</b>

104. Others include concubinage, anti-trafficking in persons, anti-sexual harassment, and violations of the Safe Spaces Act.

105. Region VII has the highest recorded GBV cases of 2,419 or 37% of the total 6,586 cases reported to PNP from March 15 to December 31, 2020. It is two times higher than the next region with the highest incidence of VAW.

### **Reply to paragraph 13 (b) of the list of issues**

106. From 2016 until 2021, the PH achieved the Tier 1 classification, the highest attainable ranking from the United States State Department (USSD), in addressing the occurrence of trafficking, including those involving Filipina female domestic workers. The PH is one of 33 States with effective efforts to combat trafficking in persons, contributing to this status.

### **Reply to paragraph 13 (c) of the list of issues**

107. The Inter-Agency Committee against Trafficking actively monitors cases of trafficking to ensure that all persons that may be involved in trafficking, including public officials, are promptly investigated, charged and prosecuted if evidence warrants. This is proven by the Tier 1 classification given to the PH by the USSD.

### **Reply to paragraph 14 of the list of issues**

108. The DOJ's Refugees and Stateless Persons Protection Unit (RSPPU) observes the 1951 United Nations Convention relating to the Status of Refugees and its 1967 Protocol, as implemented under Department Circular (DC) No. 58, s. 2012 on Establishing The Refugee and Stateless Status Determination Procedure.

109. In the processing of the applications for recognition as a refugee, the asylum seeker fills up an application form and submits documents that will substantiate his claim of persecution based on any of the Convention grounds. Thereafter, the RSPPU Protection Officer will conduct an interview, research the country of origin, and evaluate the evidence to determine the veracity of the claim.

110. In the analysis of the said claim, there may be allegations of ill-treatment, HRVs, and physical or mental harm committed against the asylum seeker by the alleged persecutor/s, which may amount to "torture." However, the RSPPU does not have the data to identify how many asylum applicants were subjected to "torture" as such allegations form part of the narrative of the asylum seeker and are considered by our officers in order to determine whether the applicants meet the refugee element of "well-founded fear of persecution", which amounts to a serious violation of the applicant's human rights.

**Number of Asylum Seekers from 2016–2020**

<i>Year</i>	<i>Asylum Seekers (AS)</i>
2016	142
2017	204
2018	234
2019	272
2020	171
<b>Total</b>	<b>1 023</b>

111. The Refugee Status Determination (RSD) is initiated upon the asylum seeker's expression of intent to seek asylum and the filing up and submission of the application form. In the application form, there are questions contained therein that will allow the asylum seeker to state the basis of his claim for recognition as a refugee. The asylum seeker is also allowed to submit documents and other evidence that will substantiate his or her claim for refugee status.

112. In addition, during the interview stage of the RSD, the asylum seeker and the Protection Officer are able to engage in substantial discussion in order for the applicant to fully clarify his/her claim to refugee status. Thereafter, the recommendation of the Protection Officer would be subjected to further review by a senior Officer and the Chief State Counsel before the draft Decision is submitted to the Secretary of Justice for his consideration.

113. The RSSPU, in coordination with other relevant government agencies, in particular the Bureau of Immigration (BI), observes the "non-refoulement" principle of the Refugee Conventions, which means that an applicant and/or his or her dependents during the dependency of his/her application, or a refugee shall not be expelled or returned to a country where there are valid reasons to believe that his or her life or freedom would be threatened on account of his or her race, religion, nationality, membership in a particular social group or political opinion.

114. There were 31 total cases of denied asylum applicants at the airport from 2017 to 2020: 6 in 2017; 14 in 2018; 9 in 2019; and 2 in 2020. Disaggregated data, however, is unavailable.

<i>Year</i>	<i>Refugees (Decision – 1<sup>st</sup> instance)</i>	<i>Refugees (Decision – 2<sup>nd</sup> instance)</i>	<i>Total Refugees per Year</i>
2016	94	4	98
2017	95	1	96
2018	140	10	150
2019	118	2	120
2020	42	0	42

115. While the refugee status determination is ongoing or after having been recognized as a refugee, we do not return, extradite or expel an asylum seeker or a recognized refugee to their country of origin unless there are grounds to do so based on the 1951 Refugee convention as implemented under DC 58 (subject to due process, as when there are grounds for the exclusion, cancellation, revocation, cessation of refugee status and the removal of a refugee).

116. However, once the application is denied with finality, making the legalization of stay through the acquisition of a valid visa unattainable, it now becomes an immigration matter and non-refoulement does not anymore apply.

117. Generally, an asylum seeker is entitled to appeal his/her case to a higher authority under the principle of exhaustion of administrative remedies and the remedies that can be availed of by a litigant consistent with our ROC.

118. Under DC 58, the applicant can ask for a reconsideration of the denied application for recognition as a refugee within 30 days from receipt of the decision.

119. Thereafter, the applicant may appeal to the Office of the President (OP) and, if the decision is still unsatisfactory, he/she can avail of the remedy of seeking a judicial review of the case in accordance with the ROC.

120. The number of cases of denied applications that have been appealed to the OP, Court of Appeals (CA), and SC, as the case may be, are as follows:

<i>Cases pending appeal</i>	
OP	14
CA	2
SC	9

#### **Reply to paragraph 15 of the list of issues**

121. Based on the above-stated discussion regarding “non-refoulement,” we adhere to the core principle or refugee law that the person must not be returned to the country of origin wherein his/her life would be threatened on account of any of the Convention grounds. As such, we are not aware of any instance wherein an asylum seeker or a refugee has been refouled, extradited, or expelled to another country based on the acceptance of diplomatic assurances or its equivalent.

#### **Reply to paragraph 16 of the list of issues**

122. The article seems to be inapplicable to the PH setting on the following grounds:

- (a) The PH is a State that never had an overseas territory or colony; and,
- (b) The PH only deploys its armed forces and police outside its territory under the mandate and/ or auspices of the UN.

#### **Reply to paragraph 17 of the list of issues**

123. The Philippines has a Mutual Legal Assistance Treaty with nine countries/ territories namely, Australia (1998), China (2000), Hong Kong SAR (2001), Korea (2003), Russia (2019), Spain (2004), Switzerland (2002), United Kingdom (2009), and the United States (1994).

124. The PH is a party to the following multilateral treaties:

- ASEAN Treaty on Mutual Legal Assistance in Criminal Matters;
- ASEAN Convention on Counter Terrorism;
- International Convention for the Suppression of the Financing of Terrorism;
- UN Convention against Corruption;
- UN Convention against Transnational Organized Crime and its Protocols; and
- UN Convention against Illicit Traffic in Narcotics Drugs and Psychotropic Substances.

125. The role of the Department of Foreign Affairs (DFA), particularly the Office of Treaties and Legal Affairs, in the implementation of legal cooperation agreements is limited to coordination between states/authorities, as a channel for extradition requests and subsequent documents, and review of whether these requests comply with formal requirements of the PH Extradition Law (Presidential Decree No. 1069) and the relevant extradition treaty. As for mutual legal assistance requests, coordination is usually made directly between central authorities.

**Reply to paragraph 18 of the list of issues**

126. The State has no record of rejecting a request of a State for the extradition of an individual suspected of having committed torture that would prompt prosecution proceedings against said individual as a result of such request.

**Reply to paragraph 19 of the list of issues**

127. The BJMP regularly trains its personnel on the rights of PDLs, as well as on prevailing relevant international and local laws that advocate respect for human rights. 13,993 out of 14,824 BJMP personnel or 94.39% of all personnel have completed the online training on the United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules).

128. The PNP HRAO has also been conducting its HRDW regularly which includes topics such as the ATA.

Directorate for Human Resource and Doctrine Development  
PNP TRAINING UNDER MASTER TRAINING ACTION PLAN (MTAP) 2020 RELATIVE TO THE  
UN CONVENTION AGAINST TORTURE AND OTHER CRUEL, INHUMAN, AND  
DEGRADING TREATMENT AND PUNISHMENT

Title	Objective	Methodology	Office/ Unit Proponent	Target Based on MATP 2020		Conducted as of 30 May 2021	
				No. of Classes	No. of Participants	No. of Classes	No. of Participants
<b>Criminal Investigation Course (CIC)</b>	It aims to impart the basic foundation to be used as a tool on how to properly conduct the investigation that will lead to the success of the case during court trial. The course will also serve as a mechanism on how the students will become effective and competent investigator that would help the people / victim to have justice.	Blended Learning (Online/ Face-to-face) Mode of Instruction	DIDM	35	50	38	1,513
<b>Specialized Course for Investigation of Crimes Involving Women and Children</b>	It is designed for PNP- WCPD Officer to develop knowledge and skills required to respond in an effective and appropriate manner to violence against women and children especially in the proper way and manner in responding to and investigate acts of violence, and resources to meet the needs of victims during and after an incident.	Online Class (Mode of Instruction)	WCPC	17	50	10	389
<b>Trafficking in Person Specialist Investigation Course</b>	It aims to provide investigators and detectives the required knowledge and skills in investigation and handling of TIP cases for the successful prosecution of human trafficking cases and to enhance regional cooperation and leadership on the criminal justice response to human trafficking in the ASEAN region.	Online Class (Mode of Instruction)	WCPC	17	50	3	116

129. The DOJ, through the AO35 Secretariat, established a partnership with GOJUST and CSOs in conducting Regional Trainings for AO35 prosecutors, PNP, National Bureau of Investigation, and other agencies. Additional capacity building activities were planned under the PH-UN Joint Program (UNJP) on Human Rights.

130. The BJMP assesses the effectiveness of its trainings and educational programs in preventing torture and ill-treatment through the decrease in the number of incident reports under its jurisdiction.

131. Per available record of the BJMP-HRAO, there has been zero number of reported incidents from CY 2016–2020.

132. The evaluation on the reaction of participants and their learnings during the training are used as indicators by the AO35 secretariat.

**Reply to paragraph 20 of the list of issues**

133. The PNP-DIDM conducted training on Effective Investigation and Documentation of Torture and other Cruel, Inhuman or Degrading Treatment or Punishment is already provided for under the scope of instruction in the Human Rights Context of Investigation Course.

134. The PNP HRAO regularly conducts HRDW during the span of COVID-19 pandemic, among which, the ATA was one of the topics. The PNP Directorate for Human Resource and Doctrine Development Master Training Plan 2020’s matrix, to wit.

<i>Title of Master Training</i>	<i>Number of Participants (As of May 30, 2021)</i>
Criminal Investigation Course	1 513

<i>Title of Master Training</i>	<i>Number of Participants (As of May 30, 2021)</i>
Specialized Course of Investigation of Crimes Involving Women and Children	389
Trafficking in Person Specialist Investigation Course	116

#### **Reply to paragraph 21 of the list of issues**

135. The PNP does not interrogate arrested individuals, it only conducts custodial investigation based on Republic Act No. 7438 or “An Act Defining Certain Rights of Person Arrested, Detained or Under Custodial Investigation, as well as the Duties of the Arresting, Detaining and Investigating Officers, and Providing Penalties Thereof” providing, among others, that any person under custodial investigation should be assisted by independent and competent counsel/lawyer. In the absence of any lawyer, no custodial investigation should be conducted.

#### **Reply to paragraph 22 (a) of the list of issues**

136. The BJMP, through its paralegal services, facilitates the availment of the early modes of release, such as bail, release on recognizance, and provisional/permanent dismissal, among others, by PDLs.

137. The BJMP strictly implements the prevention of PDL overstay in jails with the application of Republic Act No. 10592, which provides that whenever an accused has undergone preventive imprisonment for a period equal to the possible maximum imprisonment of the offense charged to which he may be sentenced and his case is not yet terminated, he shall be released immediately without prejudice to the continuation of the trial thereof or the proceeding on appeal, if the same is under review.

138. Pursuant to this provision of law, and through the efforts of paralegal officers nationwide, who closely monitor the period of detention of all PDLs, there is no PDL detained longer than the period allowed by law under the jurisdiction of the BJMP.

#### **Reply to paragraph 22 (b) of the list of issues**

139. It must be pointed out that the filing of vacancies in the lower courts is principally a function of the Judicial Bar Council (JBC). The Office of the Court Administrator identifies vacant trial courts to be processed by the JBC. This is done on a regular basis, subject to the vetting process or procedure observed by the JBC, which includes the conduct of psychological and aptitude examinations, interviews of the applicants, and then the deliberations follow wherein the JBC comes up with the short list of nominees for each vacant judicial position. Such process usually takes several months.

140. Republic Act No. 11459, approved by President Rodrigo Roa Duterte on 30 August 2019, created positions for Judges-at-Large, who can be designated to vacant courts while waiting for the appointments of permanent Judges. It became the basis for the JBC to process 20 positions each for RTC Judges-at-Large. The OP has already appointed a total of 40 Judges-at-Large who have been or will be designated to mostly heavily burdened courts in Luzon, Visayas, and Mindanao.

141. Prosecutors are selected from among qualified and professionally trained members of the legal profession who are of proven integrity and competence. They shall be appointed by the President of the Philippines upon recommendation of the Secretary of Justice. The Selection and Promotion Board of the National Prosecution Service regularly meets to screen applicants for vacant positions.

142. With respect to violators of the Comprehensive Drugs Act, the proceedings in their cases are covered by plea bargaining, pursuant to A.M. No. 18-03-16-SC dated 10 April 2018 and the Continuous Trial Guidelines in Criminal Cases. Prior thereto, many regular courts were authorized to handle drugs cases, thereby providing aid and assistance to the designated Drugs Courts nationwide.

**Reply to paragraph 22 (c) of the list of issues**

143. Republic Act No. 8493 or the Speedy Trial Act of 1998 provides:

144. Section 12. Public Attorney's Duties Where Accused is imprisoned. If the public attorney knows that a person charged of a crime is preventively detained, either because he/she is charged of a bailable crime and has no means to post bail, or is charged of a non-bailable crime, or is serving a term of imprisonment in any penal institution, the public attorney shall promptly:

(a) Undertake to obtain the presence of the prisoner for trial, or cause a notice to be served on the person having custody of the prisoner mandating such person to so advise the prisoner of his/her right to demand trial.

(b) Upon receipt of a notice, the person having custody of the prisoner shall promptly advise the prisoner of the charge and of his/her right to demand trial. If at any time thereafter the prisoner informs the person having custody that he/she demands trial, such person shall cause notice to that effect to be sent promptly to the public attorney.

(c) Upon receipt of such notice, the public attorney shall promptly seek to obtain the presence of the prisoner for trial.

(d) When the person having custody of the prisoner receives from the public attorney a properly supported request for temporary custody of the prisoner for trial, the prisoner shall be made available to that public attorney.

145. Section 13. Remedy Where Accused is Not Brought to Trial Within the Time Limit. If an accused is not brought to trial within the time limit required by Section 7 of this Act as extended by Section 9, the information shall be dismissed on motion of the accused. The accused shall have the burden of proof of supporting such motion but the prosecution shall have the burden of going forward with the evidence in connection with the exclusion of time under Section 10 of this Act.

146. In determining whether to dismiss the case with or without prejudice, the court shall consider, among other factors, the seriousness of the offense, the facts and circumstances of the case which led to the dismissal, and the impact of a reprosecution on the implementation of this Act and on the administration of justice. Failure of the accused to move for dismissal prior to trial or entry of a plea of guilty shall constitute a waiver of the right to dismissal under this section.

**Reply to paragraph 22 (d) of the list of issues**

147. In accordance with the United Nations Standard Minimum Rules for Non-Custodial Measures (the Tokyo Rules), BJMP suggested this to be addressed by the courts.

148. As defined, the term "non-custodial measure" refers to any decision made by a competent authority, at any stage of the administration of criminal justice, which requires a person suspected of, accused of or sentenced for an offense to submit to certain conditions/obligations that do not include imprisonment.

**Reply to paragraph 22 (e) of the list of issues**

149. Through RA 7309, a person who was unjustly accused, convicted and imprisoned and subsequently released by virtue of a judgment of acquittal; a person who was unjustly detained and released without being charged; or, a person who is a victim of arbitrary detention by the authorities as defined in the RPC under a final judgment of the court may be considered as a victim of unjust imprisonment and may be compensated based on the number of months of imprisonment and every fraction thereof shall be considered one month.

**Reply to paragraph 23 of the list of issues**

150. The BJMP addresses the problem of prison overcrowding by constructing new jail facilities, funded by the National Government and/or with the help of LGUs and NGOs, and improving existing ones. Examples are the newly constructed Quezon District Jail in 2016, which can house 531 PDLs; Mandaluyong City Jail Male dorm in 2017, which can house

449 PDLs; Cebu City Jail Male Dorm in 2018 with an ideal 540 PDL capacity; Cabanatuan City District Jail in 2019 with an ideal 470 PDL capacity; and Bataan District Jail in 2020 with 480 PDL capacity.

151. Moreover, through its paralegal program, an eligible PDL may avail early modes of release, such as bail, release on recognizance, and provisional/permanent dismissal, among others.

152. Statistics of PDLs in all BJMP Jails nationwide are as follows:



Republic of the Philippines  
Department of the Interior and Local Government  
**BUREAU OF JAIL MANAGEMENT AND PENOLOGY**  
Directorate for Welfare and Development  
BJMP Building, 144 Mindanao Avenue, Project 3, Quezon City



**STATISTICS OF PERSONS DEPRIVED OF LIBERTY IN ALL BJMP JAILS NATIONWIDE**

REGION	Sex		Age			Nationality		Status of Case		Total No. of PDL
	Male	Female	Less than 18 y/o	18-59 y/o	60 y/o and above	Filipino Citizens	Foreign Nationals	Undergoing Trial	Sentenced	
BJMP I	1710	690	0	2281	119	2394	6	2140	45	2400
BJMP II	1509	110	3	1144	108	1619	0	1414	205	1619
BJMP III	7108	966	1	7849	217	8015	74	6778	1220	8074
BJMP CALABARZON	20,092	2,750	0	22242	600	22,814	28	16683	6159	22842
BJMP MIMAROPA	1448	88	0	1445	91	1433	103	1407	129	1536
BJMP V	2610	184	2	2624	168	2783	12	2420	374	2794
BJMP VI	7042	785	0	7497	330	7823	4	6917	910	7827
BJMP VII	17899	2019	0	19449	462	19890	28	15711	4007	19718
BJMP VIII	1676	92	1	1702	62	1768	0	1649	119	1768
BJMP IX	4288	385	1	4496	176	4668	5	3225	1448	4673
BJMP X	4700	452	21	4957	174	5462	4	4385	797	5466
BJMP XI	4547	458	2	4895	108	5004	1	4416	589	5005
BJMP XII	3320	238	4	3470	84	3555	3	3083	475	3558
BJMP CARAGA	1,778	133	0	1,824	87	1,909	2	1,751	160	1,911
BJMP BARMM	549	49	0	586	12	598	0	571	27	598
BJMP CAR	939	120	1	1021	37	1054	5	919	140	1059
BJMP NCR	20660	3637	0	23564	733	24033	264	19944	4353	24297

153. The following is statistical data of PDLs under the BJMP as disaggregated by ethnic origin and nationality:

<i>Ethnicity</i>	<i>Total PDLs</i>	<i>Nationality</i>	<i>Total PDLs</i>
Tagalog	43 945	American	28
Bisaya	16 274	Chinese	240
Kapampangan	5 135	Korean	25
Bicolano	3 921	British National	10
Ilocano	3 907	Nigerian	30
Cebuano	7 336	Japanese	14
Waray-Waray	1 215	African	12
Aeta	22	Belgian	3
Igorot	1 106	Canadian	7
Ifugao	173	Egyptian	8
Pangasinan	1 522	Swiss	5
Romblomanon	322	Indian	15
Ivatan	88	Indonesian	6
Ilonggo	456	Malagasy	1
Maranao	512	Malaysian	5
Higaonon	7	Moroccan	7
Masbate	130	New Zealand	4
Batagueno	44	Pakistani	8
Caviteno	60	Palaui	1
Tausug	337	Russian	6
Maguindanao	219	Spanish	7
Muslim	1 478	Swiss	1
Chabacano	18	Taiwanese	30
Itawis	195	Thai	9
Mamanwa	14	Tunisian	2
Surigao	121	Ugandan	2
Mangyan	22	Singaporean	2
Ibanag	47	Kiwi	2
Bulacaneo	258	Bangladesh	2
Subano	11	Angolian	2
Hiligaynon	22	Israeli	6
Yakan	19	Indian	15
Badjao	22	Australian	12
Sinambangini	15	German	7
Pahasa Sunginug	14	Malaysian	5
Katutubo Dumagat	17	<b>Total</b>	<b>539</b>
Palaweno	19		
Zambal	18		
Bataeno	28		
Samal	16		
Bohol	51		
Manobo	186		
Yogad	25		
Ilonggot	2		
Gaddang	16		

<i>Ethnicity</i>	<i>Total PDLs</i>	<i>Nationality</i>	<i>Total PDLs</i>
Bucalot	2		
Esinay	4		
Malaueg	5		
Tiranon	1		
Kalagan	20		
Mandaya	137		
Dabawenyo	451		
B'laan	52		
Bagobo	151		
Kaulo	52		
Manobo	151		
Agusanon	153		
Boholano	255		
Kamayo	6		
Mansaka	6		
Samalnon	31		
Bul-anon	1		
Talagan	1		
Batanguena	3		
Shamal	1		
Leyteno	91		
Iranon	1		
Surigaanon	691		
Cagay-anon	12		
Butuanon	365		
<b>Total</b>	<b>92 008</b>		

#### **Reply to paragraph 23 (a) of the list of issues**

154. The BJMP continuously endeavours to improve and maintain the sanitary conditions of its jail and detention facilities. It collaborates with the National Government, LGUs, and NGOs in renovating its facilities, constructing new jail facilities, and providing sanitary and hygienic supplies for PDL.

155. Aligned with this, the PNP issued the Guidelines and Procedures in the Management and Supervision of all PNP Custodial Facilities and PUPCs dated June 18, 2018, encouraging the improvement of the substandard material conditions of the PNP's custodial facilities. The PNP shall coordinate with the LGUs concerned in the maintenance of their respective custodial facilities.

#### **Reply to paragraph 23 (b) of the list of issues**

156. The BJMP adheres to the Nelson Mandela Rules in preserving the right to health of the PDL, and advocates equal and equitable access by PDLs to whatever health services are provided in the community.

157. The BJMP adopts the DOH's National Tuberculosis (TB) Program and HIV/AIDS program as part of its own health programs for PDLs. It also implements programs on communicable and non-communicable diseases with strong linkages to the DOH, respective local health units, and various NGOs. The BJMP continuously enhances its health documentation, which forms part of its health information system. Currently, it has 13

uniformed physicians and 1 civilian medical officer, 3 psychiatrists, 30 dentists, 1,123 jail nurses, and 45 allied health professionals.

158. Meanwhile, for the 2020 TB annual screening, a total of 63,240 out of 215,000 PDLs were screened in 197 selected jails and prisons. A total of 1,977 PDLs were placed on treatment. The number of screening done and the number of PDLs placed on treatment decreased in 2020 compared to 2019 due to restrictions in the gathering of people as per the minimum public health standards requirements.

159. For routine TB services, a total of 2,979 TB cases were identified and placed on treatment among PDLs in 2020, making a total of 4,956 of PDLs placed on TB treatment.

160. The DOH is likewise providing Antiretroviral Drugs and other needed services such as HIV testing for persons living with HIV in jails and prisons.

161. As to mortality of PDLs, the majority of the causes were non-communicable diseases acquired prior to the PDLs’ commitment to BJMP. A total of 444 PDL deaths were recorded from January to May 2021. The three highest causes of death were cardiovascular diseases (115), septic shock (76), and cardiorespiratory arrest (38).

162. With the enhancement of health services, timely referral by medical officers, and strong partnership with health institutions, medical care services are provided efficiently and effectively to PDLs.

163. The BJMP increases its medical force with regular recruitment of various health professionals to the rank of Jail Officer 1, and medical doctors or psychiatrists to the rank of Jail Senior Inspector through lateral entry. As of May 31, 2021, the BJMP has 1,145 nurses (1:102 PDL Ratio), 14 medical officers (1: 8,379 PDL Ratio), 28 Dentists (1: 4,189 PDL Ratio), 3 psychiatrists (1: 39,100 PDL Ratio), 5 psychologists (1: 23,460 PDL Ratio), 20 psychometricians (1: 5,865 PDL Ratio), and 26 allied health professionals.

164. From July 2020 to May 2021, the BJMP conducted the following: 237,163 medical services, benefiting 108,924 PDLs; 20,534 dental services, benefiting 16,929 PDLs; telemedicine services, benefiting 11,960 PDLs; psychoeducation services, benefiting 95,652 PDLs; individual and group counseling psychosocial processing services, benefiting 302,836 PDLs; and telepsychology services, benefiting 39,029 PDLs.

165. Provided are data on medical and health professionals in BJMP facilities:

<i>No. of Recruited Medical Professionals from 2016–2020</i>		
<i>Year</i>	<i>Nurses</i>	<i>Medical Doctors</i>
2016	79	2
2017	76	0
2018	151	0
2019	143	2
2020	110	0
<b>Total</b>	<b>559</b>	<b>4</b>

  

<i>Profession</i>	<i>Actual no.</i>	<i>Ideal/required no.</i>
Medical doctors	14	42
Nurses	1 145	1 559

**Reply to paragraph 23 (c) of the list of issues**

166. To prevent incidents of death, suicide, attempted suicide, and inter-prisoner violence under its custody, the BJMP closely monitors the activities of PDLs through CCTVs and jail custodial officers who regularly check the number of PDLs.

167. For the year 2016 to 2020, there has been no inter-prisoner violence in any BJMP facility.

168. PDLs manifesting signs and experiencing symptoms of depression, especially suicidal behavior, are referred to the jail psychiatrist for evaluation and management. The PDL who attempts or has attempted suicide is transferred to a government psychiatric hospital immediately upon issuance of a court order. Suicidal inmates are closely supervised at all times by personnel trained to handle such cases.

169. Furthermore, the PDLs are subjected to frequent strip/frisk searches. Tools/materials they can use for suicide are also checked.

170. The table below shows the rare occurrence of suicides in BJMP Jails.

<i>Year</i>	<i>Total PDL Population</i>	<i>No. of PDL Suicides</i>
2016	127 339	3
2017	146 302	2
2018	136 314	2
2019	130 667	0
2020	115 336	2

171. There has been no inter-prisoner violence in any BJMP facility from 2016 to 2020.

#### **Reply to paragraph 23 (d) of the list of issues**

172. As such, the BJMP implements several measures for the protection of the rights of the vulnerable PDL. First, female PDLs are confined separately from the male PDLs. Second, the commitment of Children in Conflict with the Law (CICL) in jails is prohibited by the BJMP through its memorandum dated 24 July 2014, directing all BJMP Regional Directors not to accept any CICLs in their area of responsibility.

173. In cases a CICL is ordered by the courts to be committed to the BJMP jail due to the absence of a youth facility in the area, the BJMP ensures that the youth offenders are separated from adult PDLs.

174. PDLs manifesting signs of mental illness are referred to the jail psychiatrist for proper evaluation and treatment. PDLs with mental disability are transferred to mental institutions for proper psychiatric treatment upon the issuance of a court order. Close supervision and medical management of mentally-ill PDL is also maintained by a jail medical personnel.

#### **Reply to paragraph 24 of the list of issues**

175. No case of torture, and other inhuman, degrading, or cruel treatment was reported to the BJMP.

176. From July 2016 to June 15, 2020, a total of 4,208 and 7,376 police personnel have been dismissed and suspended for various offenses by the CPNP out of 14,523 case respondents following the recommendations of the Internal Affairs Service (IAS).

177. Likewise, during the period under review, no incident of torture or ill-treatment was reported to the AO35 Secretariat

#### **Reply to paragraph 24 (a) of the list of issues**

178. The Courts and their respective judges and prosecutors form part of the Judicial Branch of Government, which is independent of the Executive and Legislative Branches and, therefore, have no hierarchical or institutional link to security officers, particularly police officers, suspected of torture or ill-treatment. Such independence was exemplified in the Maguindanao Massacre case verdict in 2019, wherein 6 high-ranking elected local government officials and 19 police officers were convicted.

179. Moreover, the CHR is an independent and Constitutionally-established office that receives complaints from the citizenry; investigates allegations of HRVs, including torture

or ill-treatment by security officers, particularly police officers; and conducts motu proprio investigations.

180. Republic Act No. 6975 mandates the IAS to investigate administrative offenses involving police officers and to recommend sanctions for guilty personnel to concerned authorities, particularly the CPNP.

181. The IAS is part of the government’s disciplinary machinery for both administrative and criminal offenses by police personnel together with the National Police Commission (NAPOLCOM); the People’s Law Enforcement Board (PLEB); and the Ombudsman, which handles cases involving senior-level officials of the PNP.

182. Individual complaints are investigated by the AO35 mechanism, the police, and the prosecutors under the criminal justice system, as well as the internal military justice system of the Armed Forces of the Philippines (AFP), IAS, NAPOLCOM, PLEB, and CHR, as appropriate.

**Reply to paragraph 24 (b) of the list of issues**

183. From July 2016 to June 15, 2020, a total of 4,208 and 7,376 police personnel have been dismissed and suspended for various offenses by the CPNP out of 14,523 case respondents following the recommendations of the IAS.

**Reply to paragraph 24 (c) of the list of issues**

184. Complainants, victims, and their relatives may access the “The Witness Protection, Security and Benefit Act” under RA 6981, which includes security protection; immunity from criminal prosecution and not to be subjected to any penalty or forfeiture for any transaction concerning his compelled testimony, or books, documents or writings produced; secure housing facility; assistance in obtaining a means of livelihood; reasonable traveling expenses and subsistence allowance while acting as a witness; free medical treatment, hospitalization and medicine for any injury or illness incurred or suffered while acting as a witness; burial benefits if the witness is killed because of his participation in the Program; free education for the minor or dependent children of a witness who dies or is permanently incapacitated; and non-removal or demotion in work because of absences due to being a witness and payment of full salary or wage while acting as witness.

**Reply to paragraph 25 of the list of issues**

185. The State, in its pursuance to Section 18 of RA 9745, states that:

“Any person who has suffered torture or other cruel, inhuman and degrading treatment or punishment shall have the right to claim for compensation as provided for under RA 7309: Provided that, in no case shall the compensation be any lower than Ten thousand pesos (P 10,000.00). The victim shall also have the right to claim for compensation from such other financial relief programs that may be available to him/her.”

186. As such, the State has awarded claims for unjust accusation, imprisonment, detention or violent crimes as follows:

<i>Year</i>	<i>Number of Claims</i>	<i>Total Amount Awarded (In Pesos)</i>
2015	1 506	14 447 000.00
2016	1 679	16 540 000.00
2017	2 124	21 210 000.00
2018	1 865	18 665 000.00
2019	1 062	10 695 000.00

187. The Department of Social Welfare and Development (DSWD), as the lead social protection agency, recognizes the need to assist torture victims and their families and established the “Healing Intervention Leading to Optimum Management for Victims of

Torture and ED and their Family Members” or the PagHILOM rehabilitation program, which focuses on the healing, rebuilding of lives, reparation, development, and access to justice for survivors of torture and ED.

188. In 2017, the DSWD, through its Social Technology Bureau, signed a Memorandum of Agreement together with the provincial government of Davao Oriental, DOH, DOJ, DILG, and the CHR to implement the program, wherein survivors of torture and/or ED or their immediate family will undergo psychological rehabilitation. The program was piloted in the National Capital Region (NCR) as well as Region IX, which have recorded the highest occurrence of the said HRVs.

189. In addition, the BJMP’s “Comprehensive Rehabilitation Program for Torture Victims and their Families and those who Committed Torture and Other Cruel, Inhuman and Degrading Treatment or Punishment” (NHQ SOP No. 2014-04) provides interventions that facilitate introspection and promote change in perpetrators, preventing them from repeating the offense and reinforcing the bureau’s stance in the eradication and prevention of torture cases in jail, as well as mitigating the impact of torture on the victims, thereby preventing any physical, mental and psychological damage and/or the restoration of their dignity as human beings.

#### **Reply to paragraph 26 of the list of issues**

190. The DSWD formulated a Rehabilitation Programme for psychological and emotional healing. By engaging a committed and functional rehabilitation team of service providers and support groups at the local and national level who will serve as “co-journeymers,” victims of torture are provided with holistic and essential services to enable them to fulfil their rights to reparation and rehabilitation through the provision of psychological and emotional healing.

191. As co-journeymers, the rehabilitation team assists in addressing the psychological pain, anxiety, and trauma of torture victim-survivors and the traumatic loss and unresolved grief of family members or relatives of victims of ED.

192. Moreover, the therapeutic interventions are given to the beneficiaries with the aim to recover the sense of well-being of the survivors and their families in order to become contributing and productive members of the community.

193. Through a signed memorandum, national and local government agencies and NGOs provide services and interventions to torture survivors and families of victims by providing medical services, psychological and psychiatric interventions, skills training and livelihood assistance, financial assistance, and legal assistance.

194. Lastly, victims may also avail of financial assistance for food, medical and transportation needs depending on the assessment of social workers from the DSWD and Local Social Welfare and Development Offices (LSWDOs).

195. Section 38 to 40 of the IRR of RA 9745 indicates the agencies responsible for the formulation of a comprehensive rehabilitation program and its funding.

196. The State protects children in armed conflict (CIAC) through measures such as Administrative Order 84, s. 2002 on “Procedures in the Handling and Treatment of CIAC” by the DSWD and Executive Order No. 70, s., 2018 by President Rodrigo Roa Duterte, which institutionalized the whole-of-nation approach, thereby creating the National Task Force to End Local Communist Armed Conflict (NTF-ELCAC) and adopting a National Peace Framework.

197. The NTF-ELCAC particularly enables victims to identify front organizations serving as recruitment hubs for terror groups, Communist Party of the Philippines – New People’s Army (CPP-NPA), and to advocate for the promotion and protection of their human rights. In this regard, the NTF-ELCAC engages various marginalized grassroots HRD groups involved in various advocacies.

198. The AFP, a member of the NTF-ELCAC, rescued over 458 children abducted and/or recruited by the CPP-NPA from 2015 to 2020.

199. The CPP-NPA was identified in the UN Secretary General's Report on CIAC on 20 June 2019 as perpetrators of grave child rights violations.<sup>1</sup> Along with their head, Jose Maria "Joma" Sison, they were also designated as terrorists in Executive Order No. 13224 issued on 12 August 2002 by the USSD.

**Reply to paragraph 27 of the list of issues**

200. Under RA 9745, any confession, admission or statement obtained as a result of torture shall be inadmissible in evidence in any proceedings, except if the same is used as evidence against a person or persons accused of committing torture.

201. Article III, Section 12 of the PH Constitution provides:

(a) xxx

(b) No torture, force, violence, threat, intimidation, or any other means which vitiate the free will shall be used against him. Secret detention places, solitary, incommunicado, or other similar forms of detention are prohibited;

(c) Any confession or admission obtained in violation of this or Section 17 hereof shall be inadmissible in evidence against him;

(d) The law shall provide for penal and civil sanctions for violations of this Section as well as compensation to the rehabilitation of victims of torture or similar practices, and their families.

202. In the case of *People v. Sapla* (G.R. No. 244045, 16 June 2020), the SC ruled that a warrantless search of a vehicle on the sole basis of an unverified tip relayed by an anonymous informant is illegal and any evidence obtained by reason thereof is inadmissible in evidence for any purpose in any proceeding.

203. Also, the SC in the case of *Yokohama Tire Phils., Inc. v. Reyes et. al* (G.R. No. 236686, 5 February 2020), decreed that the exclusion of ink cartridges as evidence, which were found inside the vehicle of one of the accused, is due to the inadmissibility thereof having been obtained in violation of the law and of the accused's right against unreasonable search and seizure.

204. Vis-à-vis the chain of custody pertaining to drug cases, the SC held, in the case of *People v. Rivera, et. al.* (G.R. No. 252886, 15 March 2021), failure to comply with the "fourth link," wherein the forensic chemist testifies on the details pertaining to the handling and analysis of the dangerous drug submitted for examination. While this may be the subject of stipulation, the absence of a stipulation as to the manner the seized items were managed, stored, preserved, or handled at the crime laboratory after it was examined and before it was delivered to the trial court for identification, creates a reasonable doubt that the items confiscated from the accused are the same items offered in evidence.

**Reply to paragraph 28 of the list of issues**

205. Both RA 9745 and its IRR do not require visual identification for prosecution of torture and ill-treatment.

206. Any form of torture or other cruel, inhuman and degrading treatment or punishment, which includes blindfolding detainees, has been prohibited in the implemented law enforcement polices of the State. Blindfolding and "hooding" are specifically prohibited through the implementation of specific measures.

207. The PNP issued a Human Rights Advisory on Prohibition on the Blind-Folding and/or "Hooding" of Arrested Persons/Detainees and Media Presentation of Suspect/s dated May 13, 2016. Likewise, the BJMP issued MC 2011-02, which created the BJMP-HRAO and BJMP-DWD-SOP-002 or the BJMP Revised Policy on Mandatory Reporting of Torture Cases that provided a uniform and comprehensive system of screening, documentation and reporting of torture cases in BJMP-manned jails.

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<sup>1</sup> A/73/907-S/2019/509.

**Reply to paragraph 29 of the list of issues**

208. The Juvenile Justice and Welfare Council (JJWC) monitors children in detention and rehabilitation facilities, profiling 52 out of the 55-LGU-run operational Bahay Pag-asa (BPA) or House of Hope and conducting focused group discussions with children.

<i>Bahay Pagasa</i>	
<i>Region</i>	<i>No. of Cases Served</i>
NCR	239
IX	0
X	0
XI	54
XII	27
CARAGA	28
<b>Total</b>	<b>348</b>

<i>Other Youth Care Facilities</i>	
<i>Region</i>	<i>No. of Cases Served</i>
NCR	N/A
IX (Regional Rehabilitation Center for Youth)	99
IX (Social Development Center)	3
X (Regional Rehabilitation Center for Youth)	77
X (Social Development Center)	9
XI (Regional Rehabilitation Center for Youth)	104
XI (DSWD - Home for Girls)	10
XII (Regional Rehabilitation Center for Youth)	15
XII (Marceline Foundation Inc.)	26
Glan Youth Halfway Home or BPA	13
Kidapawan City Youth Center	5
Home for Girls and Women	3
MSWDO Polomolok Temporary Shelter for Children	5
Youth Drop in Center	5
Koronadal Temporary Shelter for Girls	3
Substitute Home for Girls	9
CARAGA (Regional Rehabilitation Center for Youth)	72
<b>Total</b>	<b>458</b>

209. As of 2020, a total of 348 and 458 cases were respectively served by BPAs and other youth care facilities nationwide.

**Reply to paragraph 29 (a) of the list of issues**

210. Issuances, such as the BJMP's memorandum dated 24 July 2014 and Republic Act No. 9344 or the Juvenile and Justice Welfare Act of 2006, prohibit placing CICL in detention and/or rehabilitation facilities. The latter specifically requires a court order for the rehabilitation of all Regional Rehabilitation Center for Youth (RRCY) residents who are CICL aged above 15 and below 18 years.

211. The Guidelines on the Operation of BPAs and the Guidelines on the Monitoring of Detention Facilities to include BPA by the JJWC also demonstrate State custody as a last-resort measure.

<i>Children subjected to police diversion</i>	
<i>Year</i>	<i>Number of Children</i>
2017	416
2018	124
2020	1 806
<b>Total</b>	<b>2 346</b>

  

<i>Children turned over by the PNP to respective families, local social welfare or NGOs</i>	
<i>Year</i>	<i>Number of Children</i>
2017	3 149
2018	292
2020	2 447
<b>Total</b>	<b>5 888</b>

212. JJWC, through its sub-national extension in each of the 17 regions, conducts monitoring visits to all BPA facilities to ensure compliance with the above guidelines and facilitation of the immediate release and reintegration of children in the community.

213. Pursuant to OCA Circular No. 91-2020 on the release of qualified PDLs to address congestion of detention facilities nationwide and the consequent risk of PDLs being afflicted with COVID-19, a total of 973 CICLs were released from BPAs, RRCY, other youth detention facilities, and jails: 376 from BPAs, 254 from RRCY, and 343 PAO-assisted cases from jails/residential facilities as of September 15, 2020.

214. Released also were 900 (830 males, 70 females) PDLs aged 18 to 21 years old. However, whether they committed their offense during the age of minority is unknown.

#### **Reply to paragraph 29 (b) of the list of issues**

215. All CICLs under care/ custody in facilities managed by the DSWD, including Regional RRCYs, have access to the PAO and private lawyers of their choosing. The social workers coordinate with them discuss to them their cases and the schedule of court hearings, as well as accompany them during court hearings.

216. Monitoring visits by the JJWC not only ensure jail and detention facilities' compliance with the requirements of the law and international standards but also check the status and wellbeing of children and connect them to lawyers who may represent them in court. Furthermore, immediate referral and actions, such as inter-residential facility transfer or release to parents/ nearest relatives, are provided to children found in jails.

217. Each regional JJWC includes the PAO, which is represented in every monitoring visit to ensure the provision of legal assistance to children in BPAs.

218. The JJWC also partners with NGOs to help provide legal assistance to children in detention. It is currently working with the Prisoners' Enhancement and Support Organization Foundation to implement a bail bond program for children in BPAs. Together, they previously provided laptops to help children attend hearings, virtual interviews, and counseling.

#### **Reply to paragraph 29 (c) of the list of issues**

219. The case was referred to the JJWC to facilitate the immediate transfer of the child to the DSWD's Regional Rehabilitation Center for Youth and his eventual reintegration into the community.

**Reply to paragraph 29 (d) of the list of issues**

220. The RA 9344 states that “no child shall be placed in any rehabilitation facility without a valid court order.” Thus, all RRCY residents are CICL aged above 15 and below 18 years’ old who are under suspended sentence with commitment order from court stating that they undergo rehabilitation in the facility.

221. The JJWC has issued policies and guidelines in handling children at risk (CAR) and CICL, which lay down protocols from contact to referral/admission of CICL to BPAs. These include:

- JJWC Integrated Care Management Protocol for Duty-Bearers;
- JJWC Revised and Enhanced Process Flowcharts implementing RA 9344 as amended and its Revised IRR;
- DILG Barangay Protocol in the Management of CICL Cases;
- DSWD Manual for Social Workers Handling CAR and CICL;
- Enhanced PNP Manual in Handling CAR and CICL Cases; and
- Department of Education (DepEd) Order No. 18, series of 2015, entitled, “DepEd Guidelines on CAR and CICL Management”.

**Reply to paragraph 29 (e) of the list of issues**

222. The DSWD conducted various capacity-building programs on the assessment and handling of CICLs and CARs for social workers, caseworkers, link officers, focal persons, police officers, lawyers, teachers, guidance counselors, psychologists, and other allied professionals from 2019 to 2021, such as the:

- Non-Violent Communication and Risk Assessment for Social Workers and Houseparents; Rapid Assessment on Child Protection;
- Case Management of Violence Against Children, GBV, Prevention of Sexual Exploitation and Online Sexual Abuse and Exploitation of Children in partnership with United Nations Children’s Fund (UNICEF) and the Philippine Red Cross; and
- Training on the Integrated Care Management Protocol in the Handling of CICL and CAR.

223. Similarly, the JJWC also spearheaded various capacity-building activities for duty bearers and personnel involved in the administration of juvenile justice, such as judges, court personnel, personnel from the DILG, Local Government Operations Offices, LSWDO, Barangay Council for the Protection of Children, and regional JJWC Secretariats.

224. Some of these said activities are the:

- Outcome-Based Education Training for Judges, Court Personnel and Duty Bearers on Juvenile Justice, conducted in partnership with the SC Committee on Family Courts and Juvenile Concerns, Philippine Judicial Academy and UNICEF;
- Outcome-Based Education Training on Diversion for Multi-Disciplinary Team;
- Specialized Training on Restorative Justice; and
- National Orientation on Diversion Toolkit on the Barangay Level.

**Reply to paragraph 29 (f) of the list of issues**

225. The JJWC implemented programs toward addressing and preventing juvenile delinquency and recidivism, such as the:

- Comprehensive National Juvenile Intervention Program based on RA 9344 as amended by RA 10630;
- Technical assistance to LGUs in the development of the Comprehensive Local Juvenile Intervention Program;

- Rollout of the Manual on the Formulation of the Comprehensive Barangay Juvenile Intervention Program (CBJIP) using Results Framework and Theory of Change; and
- Adoption of Buklod Paglaom Para sa CICL Program (Holistic Psychosocial and Economic Intervention for CICL) through JJWC Resolution No. 4, s. 2019 as the Primary Framework of the Intensive Juvenile Intervention Support Center.

226. Said programs were participated in by CICLs and CARs together with their families and allied professionals involved in the implementation of the CBJIP and rehabilitation and/or after-care of children.

227. The DSWD implemented capacity-building activities from 2019 to 2020 to prevent juvenile delinquency and recidivism. Said activities targeted the area of integration of positive parenting skills development in facilitating parent effectiveness services, family development sessions, empowerment and reaffirmation of paternal abilities, Parent-Teacher Associations, national family violence prevention program, and other parenting programs.

228. The DSWD also issued the Child Protection Policy in the Workplace, as well as disseminated the Council for the Welfare of Children and DILG Joint Memorandum Circular No. 2020-01 Reiterating the Case Management Protocols for Children in Need of Special Protection, CICL, Reach-Out for CISS, and the Localization of the Comprehensive Emergency Program for Children. It activated the VAWC desks in the barangays through DSWD Field Offices and enhanced its social media presence, utilizing social media to post info materials on child protection, such as where to report concerns/violations and other resource materials.

#### **Reply to paragraph 30 of the list of issues**

229. The DSWD, which chairs the JJWC, issued the Guidelines on the Operation of BPA, which requires each BPA to have a child protection policy, ensuring the prevention of any corporal punishment against the children in the facility.

230. The said policy also requires each facility to establish a committee tasked to create preventive measures and take action on any case of child abuse, violence and/or exploitation.

231. In its regular monitoring and periodic profiling, the JJWC checks the compliance of BPAs with the child protection policy requirement, and provides technical assistance on the development and implementation of the said policy.

232. Currently, there is no bill that lowers the age of criminal responsibility to nine years of age in the 18th Congress of the PH. HB 922 was introduced during the 16th Congress, which ended without the said bill being legislated into law.

#### **Reply to paragraph 31 of the list of issues**

233. Aside from AO35, President Rodrigo Roa Duterte issued AO1, establishing the PTFoMS, on 11 October 2016. Dedicated to the protection of life, liberty, and security of Philippine journalists and media workers, the PTFoMS is mandated to record and address every complaint of harassment and violence against journalists in the Philippines.

234. One of the functions of the task force as provided in Section 4 of AO1 is to receive and monitor reports from groups, citizens, and individuals regarding media workers in danger, and to provide them protection. The PTFoMS may also receive reports or notices of deployment or assignment in hostile or dangerous areas, including areas under military operations or armed conflict, from media workers themselves. After receiving such reports, it shall monitor and, if warranted, provide the necessary assistance to the media workers concerned in accordance with existing laws, rules, and regulations.

235. The mandate to Receive and Monitor Reports on Media Workers in Danger, and Provide Them Protection has been broadly interpreted by the PTFoMS to extend to witnesses in the killings of media workers. As an example, it has motu proprio to provide protection and security to witnesses during court hearings by giving them ample police escort on their way to the court, during the hearing, and back to their residence in cooperation with local police units. Moreover, the PTFoMS has actively referred many witnesses for inclusion into the Witness Protection Program of the DOJ under RA 6981.

236. Measures to protect journalists include the publication and distribution of the Handbook on Personal Security Measures for Media Practitioners by the PTFoMS, which contains guidelines on self-protection against violence, threats, and intimidation for journalists and their families; and the creation of both a watch list of Person/s of Interest (POI) and a Quick Response System, which verify and address individuals/groups as sources of intimidation against media workers. This serves as a mechanism for receiving, recording, responding, and resolving reports on complaints, grievances or requests for assistance, and has proven to be an effective preventive measure.

237. Moreover, the PTFoMS has a dedicated 24/7 hotline for media workers to ensure a prompt response and immediate access for protective measures. It also has an online platform, the PTFoMS Facebook page, which provides useful information for media practitioners. Moreover, to further strengthen online protection and security, the PTFoMS has put in place several measures, including long-term collaboration with Facebook, on the implementation of measures to neutralize and counter the proliferation of dubious social media accounts or pages that target journalists.

238. As of 2020, there have been 43 convictions imposed in cases of violent acts committed against 34 journalists and three HRDs/lawyers. Of the 43 convictions, 25 were government officials, and of the 25 government officials convicted, 6 were high-ranking elected local government officials and 19 were police officers. There are also 14 cases of alleged EJKs committed against HRDs that were reported from 2016 to 2021. All are still under investigation.

239. Since its creation in 2016, the PTFoMS has officially received 79 reported cases of threats made against media workers, which it has investigated and acted on in collaboration with law enforcement agencies. Through its efforts, much has been done to prevent or minimize violence perpetrated against Filipino journalists of all genders. These cases are all painstakingly documented, investigated, and prosecuted to the full extent of the law with assistance of all relevant agencies of the government.

240. Moreover, below is the data on incidents involving media workers from 1986 to present:

**PTFOMS DATA: INCIDENTS INVOLVING MEDIA WORKERS  
1986 TO PRESENT**

<b>TOTAL OF INCIDENTS</b>		<b>270</b>				
<b>KILLINGS</b>		<b>186</b>				
<b>THREATS</b>		<b>79</b>				
<b>SURVIVOR</b>		<b>5</b>				
<b>BY ADMINISTRATION</b>	<b>Work-Related Filed in Court</b>	<b>Work-Related Under-Invest</b>	<b>Not Work-Related</b>	<b>Convicted</b>	<b>Closed Cases No Records/Prescribed/Others</b>	<b>TOTAL</b>
CORY AQUINO				2	19	21
FIDEL RAMOS			3	1	7	11
ERAP ESTRADA			1	2	1	4
GLORIA ARROYO	7	1	14	41	19	82 <sup>w/AM</sup>
NOYNOY AQUINO	4	3	22	4	7	40
RODRIGO DUTERTE	5	2	19	1	1	28
<b>TOTAL</b>	<b>16</b>	<b>6</b>	<b>59</b>	<b>51</b>	<b>54</b>	<b>186</b>
<b>BY REGION</b>						
1			3	1		4
2			1		4	5
3		1	6		8	15
4A	1		4	1	7	13
4B		1	1	1	3	6
5	4		6	3	1	14
6			1	4	3	8
7	1	1	7	1	1	11
8					2	2
9			5	1	8	14
10	2			2	3	7
11	4		4	2	7	17
12	2	1	9	1	4	17
13	2		6			8
COR			1	1		2
ARMM		1		31 <sup>w/AM</sup>	1	33 <sup>w/AM</sup>
NCR		1	5	2	2	10
<b>TOTAL</b>	<b>16</b>	<b>6</b>	<b>59</b>	<b>51</b>	<b>54</b>	<b>186</b>

241. The case is still under investigation with AO35.

242. The current version of SB 1699 for the 18th Congress is SB 179, An Act to Promote and Protect the Rights of HRDs, is currently pending in the Senate Committee on Justice and Human Rights as of 24 July 2019.

**Reply to paragraph 32 of the list of issues**

243. Republic Act No. 11313 or the Safe Spaces Act, enacted in 2018, addresses harassment directed towards persons with diverse sexual orientation and gender identity and expression (SOGIE) and as a measure combat violence, harassment and intimidation against lesbian, gay, bisexual, transgender and intersex persons (LGBTI). The measure specifically classifies misogynistic, transphobic, homophobic, and sexist slurs as gender-based sexual harassment and is punishable under the law.

244. The SOGIE Bill is part of the Women's Priority Legislative Agenda. The bill proposes that people of diverse SOGIE should be accepted and protected. It also aims to penalize discriminatory acts that exclude or prevent persons of diverse SOGIE's access and meaningful participation in work, education, and training institutions, and those that hinder them from accessing basic services.

245. Lastly, Investigations, legal assistance, and financial assistance in cases of HRVs against women and LGBTI are part of the mandates of the CHR.

**Reply to paragraph 33 of the list of issues**

246. In the Senate, there are 8 draft bills authored by 7 different elected Senators, whereas in the HoR are 13 draft bills authored by 11 different elected Representatives. None of the said bills have reintroduced the death penalty.

247. The Speaker in the HoR who openly threatened members of Congress to vote for the bill or abstain from voting was removed and replaced through an election between and among fellow members of Parliament.

**Reply to paragraph 34 of the list of issues**

248. The following are updated information on measures taken to respond to terrorism:

249. Enactment of RA 11479 or the Anti-Terrorism Act of 2020 (ATA2020). The new legislation replaces the Human Security Act of 2007 (RA 9372). ATA2020 enables the State, through a strong legal backbone, to support the criminal justice system in preventing terrorism and prosecuting those involved in terror acts. It provides penalties for preparatory and contributory acts of terrorism; establishes jurisdiction over foreign terrorist fighters; and introduces a designation process for terrorists – all while carrying strict provisions for upholding human rights and the rule of law.

250. Adoption of Resolution 38 or the Adoption of the National Action Plan on Preventing and Countering Violent Extremism (NAP P/CVE), and Resolution 40 or the National Action Plan on Chemical, Biological, Radiological and Nuclear (NAP CBRN) Risk Mitigation. The NAP P/CVE and NAP CBRN aim to address the rise of radicalization and violent extremism and the threats of CBRN terrorism, respectively, through a whole-of-nation approach. The DILG, as the lead agency for implementing the programs in the said plans, has established a dedicated Program Management Office for this purpose and continues to oversee the rollout of the implementation plans.

251. Measures within the ATA2020 that ensure human rights safeguards are incorporated with law.

252. The last paragraph of Section 4 of the ATA2020 excludes advocacy, protest, dissent, stoppage of work, industrial or mass action, and other similar exercises of civil and political rights from the definition of terrorism to ensure the protection of civic space.

253. The ATA2020 includes the role of the State's NHRI in Section 29 to ensure an independent oversight over the said law.

254. And, a provision to protect vulnerable groups specifically enumerating the elderly, pregnant, PWDs, women, and children under investigation, interrogation or detention in Section 51.

255. The State party ensures that measures are compatible with obligations under international law through the following:

- Continuous engagement with UN Counter-Terrorism Executive Directorate on the recommendations made to ensure the State's compliance with relevant UN Security Council Resolutions on terrorism;
- Capacity building with the United Nations Office on Drugs and Crime to strengthen the criminal justice system, including the development and rollout of training manuals for the investigation, prosecution, and adjudication of terrorism-related cases (TRCs); development of National Strategy on the Screening, Prosecution, Rehabilitation, and Reintegration of PDLs with TRCs and violent extremist offenders in prison;
- Participation and support to the regional initiatives for counter-terrorism under the Association of Southeast Asian Nations (ASEAN) Framework, including the ASEAN Plan of Action to Prevent and Counter the Rise of Radicalization and Violent Extremism, Seniors Official Meeting on Transnational Crimes, and ASEAN Regional Forum.

256. Considering the legislation of the new law, the ATA2020, the Anti-Terrorism Council – Project Management Center conducted training and lectures to law enforcement lectures

on the ATA2020 for the Civil-Military Operations Group of the AFP together with personnel of the BJMP and the PNP on May 23, 2021.

257. A lecture on ATA2020 to the BI Supervisor's course was conducted on April 23, 2021, and on May 2020, a NAP P/CVE lecture to students of the AFP – Civil-Military Operations School, Civil Relations Service AFP (AFPCMOS-CRSAFP) composed of officers and personnel from AFP, PNP, Philippine Coast Guard, and BJMP.

258. There has not been a recorded conviction under the ATA2020.

259. There are 12 crimes in total that hold public officials accountable under the ATA2020: Sections 20, 21, 22, 24, 29, 32, 33, 37, 39, 41, 42, and 43, which serve as legal remedies and safeguards to the implementation of the said law.

260. Persons subjected to anti-terrorism measures are not precluded from availing remedies provided for in other laws.

261. As of late, there has been no documented complaint for the non-observance of international standards in applying measures to combat terrorism indicating compliance with obligations under the UN Charter and all other international agreements.

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