SENATE
Office of the Secretary

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

26 NOV 23 P11 :34

RECEIVED BY:

SENATE

S. No. 2622

Introduced by Senator Loren Legarda

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

EXPLANATORY NOTE

The protection of human rights is a fundamental obligation of the State under the 1987 Constitution. This obligation extends to individuals and organizations who peacefully advocate for the rights and fundamental freedoms of others, often at considerable risk to their own safety and security. Human rights defenders, including community organizers, journalists, labor advocates, environmental defenders, lawyers, students, and members of civil society, play an essential role in promoting accountability, protecting vulnerable communities, and strengthening democratic institutions. Yet many continue to face intimidation, harassment, red-tagging, unlawful surveillance, and reprisals arising from their legitimate activities.

The Commission on Human Rights (CHR), in its 2025 National Inquiry on the Current Situation of Human Rights Defenders in the Philippines with a Focus on Incidents of Red-Tagging, documented recurring patterns of individuals and organizations being publicly labeled as communists, terrorists, or enemies of the State. The inquiry identified threats to life, liberty, security, privacy, freedom of expression, association, and due process, as well as the risk that such practices may precede more serious human rights violations. The CHR likewise highlighted the chilling effect of red-tagging on legitimate dissent and democratic participation, and emphasized the need

for stronger legal safeguards, effective remedies, and accountability mechanisms to address these threats.

The Supreme Court has likewise recognized the gravity of these threats. In *Deduro v. Vinoya (G.R. No. 254753, July 4, 2023)*, the Court declared that red-tagging, vilification, labeling, and guilt by association may threaten a person's right to life, liberty, or security, and may justify protection under the writ of amparo.

Despite existing constitutional guarantees and legal remedies, there remains a need for a comprehensive statutory framework that expressly recognizes the rights of human rights defenders and establishes corresponding duties of State authorities to prevent violations, provide protection, and ensure accountability. Such a framework must not only recognize these rights but also provide accessible and timely protective measures, effective mechanisms for reporting and investigating violations, and clear standards of accountability for unlawful acts committed against human rights defenders.

The proposed Human Rights Defenders Protection Act seeks to address these gaps by recognizing the rights of human rights defenders to organize, advocate, obtain and disseminate information, participate in public affairs, and carry out their legitimate work without intimidation or reprisal. It strengthens safeguards against red-tagging, unlawful interference, privacy violations, and retaliatory proceedings, while providing mechanisms for effective remedies, protection, and institutional coordination. It likewise establishes corresponding obligations of public authorities to prevent and investigate violations, facilitate access to remedies, and ensure that legitimate human rights activities are not subjected to arbitrary or unlawful restrictions. The measure is consistent with the United Nations Declaration on Human Rights Defenders, adopted by the UN General Assembly in 1998, which recognizes the right of individuals and groups to promote and protect universally recognized human rights and fundamental freedoms.

Central to the measure is the establishment of a Human Rights Defenders Protection Committee, which shall facilitate the reporting and documentation of threats, coordinate protective assistance, and strengthen cooperation among

government agencies, civil society organizations, and other relevant institutions. The bill provides for emergency protection, legal assistance, psychosocial support, and confidential referrals, including access to duly accredited sanctuaries for human rights defenders and their families facing credible threats to life, liberty, or security. These protective mechanisms shall operate with due regard to the informed consent of the persons concerned, while preserving lawful judicial processes and the constitutional authority of the courts.

The measure also strengthens accountability by defining and penalizing specific acts of retaliatory interference, malicious false accusations, obstruction of protective assistance, and unlawful destruction or falsification of records relevant to human rights violations. It further recognizes violations of the Act as aggravating circumstances when committed in connection with another criminal offense, subject to applicable principles of criminal law. These safeguards seek to ensure accountability while upholding due process, the presumption of innocence, and the constitutional rights of all persons.

The protection of human rights defenders is essential to safeguarding democratic freedoms and ensuring that every Filipino can exercise their rights, seek accountability, and participate in public affairs without fear of intimidation or reprisal. Strengthening their protection reinforces the State's commitment to human rights, the rule of law, and democratic accountability.

In view of the foregoing, the immediate passage of this bill is earnestly sought.

LOREN LEGARDA

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

CHAPTER I
PRELIMINARY PROVISIONS

SEC. 1. Short Title. This Act shall be known as the "Human Rights Defenders Protection Act."

SEC. 2. Declaration of Policy. It is hereby declared the policy of the State:

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

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

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

To fully and strictly adhere to the principles and standards on human rights and fundamental freedoms set by the Constitution, duties and responsibilities under existing laws such as the Anti-Enforced Disappearance Act of 2012, Code of Conduct and Ethical Standards for Public Officials and Employees (RA No. 6713) and the Anti-Red Tape Act of 2007 (RA No. 9485), as amended by Republic Act No. 11032, and international human rights instruments including but not limited to the:

(a) Universal Declaration of Human Rights (UDHR);

(b) Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms (Declaration on Human Rights Defenders);

(c) International Covenant on Civil and Political Rights (ICCPR);

(d) International Covenant on Economic, Social and Cultural Rights (ICESCR);

(e) Convention Against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (CAT);

(f) Convention on the Elimination of All Forms of Discrimination against Women (CEDAW);

(g) Convention on the Rights of the Child (CRC);

(h) International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (CMW);

(i) Convention on the Rights of Persons with Disabilities (CRPD);

(j) Declaration on the Rights of Indigenous Peoples (UNDRIP);

(k) International Humanitarian Law (IHL)

(l) International Labor Standards; and

(m) Other applicable human rights treaties and instruments binding upon, or relevant to, the Philippines, in accordance with their legal status and domestic law.

Sec. 3. Construction in favor of Human Rights Defenders. All provisions of this Act shall be construed to advance its protective objectives and give full effect to human rights and fundamental freedoms. In cases of ambiguity in the protective and remedial provisions, the interpretation more conducive to the effective protection of human rights defenders shall be preferred, consistent with the Constitution and applicable

laws. Nothing in this Section shall derogate from the presumption of innocence, the rights of an accused, the requirement of proof beyond reasonable doubt, or the rule that penal statutes are strictly construed against the State.

Sec. 4. Definition of Terms. The following definitions apply to the terms used in this Act:

(a) *Academic Freedom* refers to the constitutional protection enjoyed by institutions of higher learning and individual members of the academic community to pursue teaching, learning, research, academic inquiry, and the dissemination of knowledge without undue interference, intimidation, or reprisals. It encompasses the institutional autonomy of higher education institutions to determine their aims and objectives and the means by which these are attained, including the freedom to determine, on academic grounds: (1) who may teach, (2) what may be taught, (3) how it shall be taught, and (4) who may be admitted to study. It likewise protects the individual freedom of academic community members to engage in academic activities, express academic views, and disseminate research findings.

(b) *Campus militarization* refers to the increased presence, influence, and operations of military, police forces and any other armed State security force or State-deputized group within educational institutions, where such presence or activities, without lawful basis or safeguards, materially interfere with academic freedom, the safety of learners and personnel, or lawful educational activities.

(c) *Command Responsibility* refers to any government official, including elected and appointed officials of Local Government Units (LGUs) supervisor, or officer of the Armed Forces of the Philippines (AFP), the Philippine National Police (PNP), or the Citizens' Armed Forces Geographical Units (CAFGU), the National Bureau of Investigation (NBI), or any other armed State security force or State-deputized group, who, having effective authority or control over the persons concerned and actual knowledge, or information that would put a reasonable superior on notice, of a violation by a subordinate, fails without justifiable cause to take necessary and reasonable preventive or corrective measures within the superior's lawful authority. Liability shall be personal and determined under applicable law and due process. Such failure constitutes Neglect of Duty and renders the superior administratively liable, without prejudice to criminal and civil liability.

(d) *Community Militarization* refers to any act of militarization within or directed toward communities, including the deployment or presence of military, police,

other armed State security forces, or State-deputized groups, and their conduct of operations, surveillance, intelligence-gathering, or other activities that threaten or interfere with the human rights, civil liberties, safety, or peaceful activities of community members.

(e) *Government Agency* refers to any department, bureau, office or unit of the National Government, or any of its branches and instrumentalities, or any political subdivision, as well as any government-owned or controlled corporation, including its subsidiaries, or other self-governing branch, commission or council of the Government. This shall include the Armed Forces of the Philippines, Philippine National Police and their force multipliers acting under the direct control and supervision of the said uniformed personnel.

(f) *Human Rights Abuses* refer to acts or omissions that violate or threaten the enjoyment of internationally recognized human rights and fundamental freedoms committed by non-State actors.

(g) *Human Rights and Fundamental Freedoms* refer to rights or entitlements inherent in all human persons and freedoms recognized in or declared by international and regional human rights instruments and customary international law and by national laws that are consistent with the said instruments and law.

(h) *Human Rights Based Approach* refers to a policy framework that is designed to promote, protect, and fulfill human rights that follows national and international human rights standards and principles adopted by the Republic of the Philippines including participation, accountability, non-discrimination, transparency, human dignity, empowerment and rule of law.

(i) *Human Rights Defender* refers to any person who, individually or in association with others, advocates to protect, promote or uphold human rights and fundamental freedoms and welfare of the people at the local, national, regional, and international levels through peaceful means.

The term includes, without limitation, persons engaged in lawful advocacy concerning women's rights, labor rights, environmental and land rights, rights of Indigenous Peoples, youth rights, media freedom, and other recognized rights, regardless of professional affiliation, employment, gender, age, disability or social background. The exercise of legitimate advocacy shall not, by itself, imply involvement in unlawful activity.

(j) *Human Rights Organization* refers to a group, organization or association in the local, national, regional or international level, whether formal or informal,

registered or unregistered, that advocates for the protection of human rights and fundamental freedoms and welfare of the people.

(k) *Human Rights Violation* refers to any act or omission that contravenes the international human rights treaties or covenants to which the Philippines is a State party, as well as the rights guaranteed under the Constitution and existing domestic laws.

Human rights violations may be perpetrated by State actors; non-State actors acting on behalf of the State; and Failure of State actors to act on the violations committed by non-State actors from which injury, disenfranchisement, and damage, psychological or physical, or property or reputation or privacy of any individual or organization shall be occasioned.

(l) *Intergovernmental Organization* refers to an organization established through a treaty or other agreements and mechanisms in pursuit of common issues, concerns and interests.

(m) *Intimidation* refers to any form of violence such as sexual and psychological violence, harassment, death threats, dissemination of propaganda, red-tagging, de facto or de jure adverse discrimination, pressure, or any other arbitrary or abusive action or threat.

(n) *Intrusion and interference* refer to any form of Surveillance, searches, seizures, interception or other interference conducted without lawful basis or beyond the limits authorized by law, including activities undertaken to harass or retaliate against legitimate human rights work.

(o) *Non-State Actor* encompasses people, organizations, groups and corporations not composed of State agents or not being State organs, including those that act on behalf of, or under the authorization, direction, support, or acquiescence of, the State.

(p) *Principle of Non-refoulement* refers to the essential protection under international human rights, refugee, humanitarian and customary law that prohibits States from transferring or removing individuals from their jurisdiction or effective control when there are substantial grounds for believing that the person would be at risk of irreparable harm upon return, including persecution, torture, ill-treatment or other serious human rights violations.

(q) *Public Authority* refers to any person or body performing a function of a public nature that is conferred or imposed by or pursuant to law, by popular election

or appointment or delegation or contracted by a governmental authority or agency.

(r) *Red-tagging* refers to the act of publicly labeling, vilifying, branding, naming, accusing, harassing, persecuting, stereotyping, or caricaturing individuals, groups, or organizations as State enemies, subversives, armed rebels, or terrorists, or fronts thereof, as part of a counter-insurgency or anti-terrorism strategy or program, by any State actor or non-State actor.

(s) *Reprisal* refers to punishment and prevention of the defense of human rights that may include but not limited to arbitrary detention and surveillance, abduction, killing, freezing of assets, denial of right to travel, retaliation, de facto or de jure adverse discrimination, pressure, judicial harassment, or any other arbitrary or abusive action or threat, including cyber-attacks, hacking, defacement of websites, distributed denial-of-service attacks and similar acts related to a person's status, work or activity as an HRD, including proposed, attempted, or imputed work or activity directed at the: (i) HRD; (ii) the HRD's associate/s; (iii) a legal or other representative of the HRD appointed to conduct the latter's affairs or to otherwise act on his or her behalf; (iv) a family member, relative or any person with close relationship with the HRD; (v) a group, association, organization, community or network, whether formal or informal, registered or unregistered with which the HRD is associated; (vi) or the home, property or possessions of the HRD or any of the other persons or entities in items (ii) to (v).

(t) *Sanctuary* refers to a safe location or temporary accommodation that provides confidential refuge and protective assistance to an at-risk human rights defender or their family member, and is: (a) formally designated or accredited by the Human Rights Defenders Protection Committee under Section 22-A of this Act; (b) provisionally recognized upon confidential notice to the Committee, pending prompt assessment and accreditation; or (c) customarily recognized as a sanctuary, including places of worship, which shall be recognized without the need for prior notice or accreditation. Provisional recognition and the use of customary sanctuaries shall be subject to the consent of the lawful owner or administrator of the premises and applicable protective safeguards. Such designation or recognition shall not confer immunity from lawful arrest, search or judicial process.

(u) *Strategic Lawsuit Against Public Participation (SLAPP)* includes any civil complaint, counterclaim, cross-claim, third (fourth, etc.)-party complaint, or complaint-in-intervention, criminal complaint or information, or administrative

complaint filed against any HRD as defined in this law by reason of their work, and is intended to harass, vex, or silence individual or individuals, groups, labor unions, entity or associations, community residents, or the like, or exert undue pressure on them, or deplete their resources, or any act that hinder or prevent their defense of human rights.

(v) *Superior Officer* refers to the public official who has direct supervisory powers or control over the head of the government agency to whom the subject head reports and shall include but not be limited to the President, Vice President, Department Secretaries, Chief of Staff of the Armed Forces of the Philippines, the Commanding General or Rear Admirals of any service in the Armed Forces of the Philippines, or the Director General of the Philippine National Police.

(w) *Unit* refers to the most basic and smallest unit in a government organization that is composed of the fewest possible number of personnel to perform its designated function.

(x) *Vilification* is a public act that could incite hatred, serious contempt or severe ridicule towards a human rights defender by virtue of his or her work and stance in favor of rights holders that commonly comes in the form of false labeling, red- tagging, name-calling, or malicious and fabricated accusations or criminal complaints.

CHAPTER II
RIGHTS AND FREEDOMS OF HUMAN RIGHTS DEFENDERS

SEC. 5. Right to Promote and Protect Human Rights and Fundamental Freedoms. Every person has the right, individually or in association with others, by peaceful means, to promote, advocate for, and seek the protection and realization of human rights and fundamental freedoms at the local, national, regional and international levels.

Any unlawful interference with the rights recognized under this Chapter may give rise to appropriate civil, administrative, or other remedies under applicable laws. Criminal liability shall arise only when the act or omission constitutes an offense expressly defined and penalized under Chapter IV of this Act or another penal law.

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

This right may be violated through any of the following acts including but not limited to:

a. Any public official refuses to issue permits, including occupancy permit or license to operate, otherwise issuable under applicable law, to any HRD in order to conduct his, her, or their daily business or any other activity related to their work; or

b. Any public official performs any act that tends to reduce the credibility and reputation of an HRD and results in the impairment of the HRD's activities, as such, including the prevention of such HRD from joining any organization.

SEC. 7. Right to Solicit, Receive and Utilize Resources. Everyone, individually or in association with others, has the right to solicit, receive and utilize resources, from domestic and international organizations, including governmental, intergovernmental, philanthropic and private sources, for the express purpose of promoting and advocating for the protection and realization of human rights and fundamental freedoms.

No funds or resources lawfully obtained or utilized for legitimate human rights activities shall be frozen, seized, restricted, or otherwise subjected to adverse action solely by reason of the recipient's status or activities as a human rights defender. Nothing in this Section shall prevent lawful freezing, seizure, or other measures expressly authorized under applicable laws, including laws on anti-money laundering and terrorism financing, subject to the procedural safeguards and remedies provided therein.

This right may be violated through any of the following acts including but not limited to:

a. Any public officer who prevents or hinders an HRD from soliciting, receiving or utilizing any resource from organizations mentioned in paragraph 1 of this Section;

b. Any public official performs any act that tends to reduce the credibility and reputation of an HRD that results in the difficulty of soliciting, receiving or utilizing any resource meant for the HRD's advocacies;

c. An officer of a government-owned and controlled bank with the discretion to open bank accounts who refuses to open a bank account for an HRD by reason of being such;

d. An officer of a government financial institution denies a service solely on account of the applicant's status or legitimate activities as an HRD, notwithstanding compliance with applicable identification, due-diligence, anti-money laundering and other lawful requirements.

SEC. 8. Right to Seek, Receive and Disseminate Information. Everyone, individually or in association with others, has the right:

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

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

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

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

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

This right may be violated through any of the following acts including but not limited to:

a. Any public officer prevents or hinders the exercise of the rights enumerated in this Section without just cause;

b. Any public officer censors or causes the censorship of any free speech on any media by reason of an HRD's advocacy or message;

c. Any public officer who disrupts, interrupts or causes the disruption or interruption of any public performance, speech, broadcast, streaming of any play, program, address, content or any other form of delivery of ideas promoting human rights;

d. Any public officer who causes the disruption or blocking of any medium of communication of an HRD to prevent the latter from working and pursuing his/her work and advocacy.

Any restriction on this right shall be imposed only in accordance with the Constitution and applicable law.

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

This right may be violated through any of the following acts including but not limited to:

a. Any public officer censors or causes the censorship of any free speech on any media by reason of an HRD's advocacy or message;

b. Any public officer who disrupts, interrupts or causes the disruption or interruption of any public performance, speech, broadcast, streaming of any play, program, address, content or any other form of delivery of ideas promoting human rights.

Where the same act or omission constitutes a violation of the rights recognized under Sections 8 and 9 of this Act, the applicable remedies may be pursued, provided that criminal liability and the imposition of penalties shall be governed by Sections 40, 41-A, and 44 of this Act.

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

This right may be violated through any of the following acts including but not limited to:

a. Any public officer bars or hinders an HRD from leaving the Philippines to attend, participate or appear at any human rights event by reason of the HRD's work or advocacy;

b. Any public officer bars or hinders any representative or agent of an NGO or Inter-governmental Organization from entering the Philippines or travelling in the Philippines to meet with an HRD; and

c. Any other analogous case where an HRD is prevented by a public officer from enjoying the right.

This right does not dispense with applicable immigration, travel, visa, national-security or judicial requirements, provided that these are not applied arbitrarily or in retaliation for lawful human rights work.

SEC. 11. Freedom from Vilification, Defamation, and Stigmatization. No person, individually or in association with others, shall be subjected to false labeling, red-tagging, name-calling, catcalling, psychological violence, malicious or fabricated accusations of any offense, or any other form of vilification, derogatory conduct, defamation, stigmatization, or harassment, whether offline or online, and whether committed by public authorities or private actors, in connection with one's status, activities, or work as an HRD.

In addition to being an aggravating circumstance to violations under the Revised Penal Code or as a special aggravating circumstance to violations of existing penal laws any person who executes a false sworn statement alleging a criminal act against an HRD or that which classifies the HRD as a terrorist commits a violation of this right and may be penalized under the provisions of Sections 40 to 42, without prejudice to other applicable laws and the rules against duplicative punishment.

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

This right may be violated through any of the following acts including but not limited to:

a. Any public officer bars an HRD from leaving the Philippines to attend, participate, testify or appear at any event by reason of the HRD's work or advocacy;

b. Any public officer bars or hinders any member, representative or agent of any international or regional human rights body or mechanism from entering the Philippines or travel in the Philippines to meet with an HRD;

c. Any public officer who intercepts any physical form of communication or causes to block any electronic message by an HRD to any international human rights organization without regard to the contents of the message.

SEC. 13. Right to Participate in Public Affairs.

1. Everyone, individually or in association with others, has the right to participate effectively in the conduct of public affairs, including participation on a non-discriminatory basis in the government regarding human rights and fundamental freedoms.

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

    a. To submit to any public authority, or agency or organization concerned with public affairs, criticism on or proposals for improving its functioning with respect to human rights and fundamental freedoms;

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

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

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

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

This right is violated by any public officer through any of the following acts including but not limited to:

a. Prevents or hinders the exercise of any of the rights enumerated under sub-section (2) of this provision;

b. Prevents, without due cause, an HRD from participating in any public hearing relating to the HRDs' advocacy;

c. Discriminatorily excludes a qualified HRD from a public consultation at which the law or applicable rules require fair participation, without prejudice to reasonable, content-neutral rules of order, capacity and decorum.

SEC. 14. Right to Assembly.

1. HRDs have the right to meet or assemble as well as to participate in activities concerning human rights and fundamental freedoms, free from interference that is arbitrary or unlawful by public authorities and private actors, at the local, national, regional or international level.
2. The right referred to in subsection (1) includes the right to plan, organize, participate in and disseminate information regarding activities concerning human rights and fundamental freedoms, including demonstrations, protests, seminars and meetings, whether conducted in a public or private place.

This right may be violated through any of the following acts including but not limited to:

a. A public officer instigates violence at any peaceful assembly.

b. Any public officer performs an act that unreasonably prevents the peaceful assembly of HRDs.

c. Failure of the State to facilitate exercise of freedom to assembly;

d. An unjustified failure by a public authority with a specific legal duty and actual notice of a credible danger to take reasonable steps within its lawful capacity to protect a peaceful assembly.

SEC. 15. Right to Represent and Advocate.

1. HRDs have the right to assist, represent or act on behalf of another person, group, association, organization or institution in relation to the promotion, protection and exercise of fundamental rights and freedoms at the local, national, regional and international levels.

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

    a. To complain about the policies and actions of public authorities with regard to violations of human rights and fundamental freedoms, by petition or other appropriate means, to domestic judicial, administrative or legislative authorities or any other competent authority such as the Commission on Human Rights and the Ombudsman;

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

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

d. To submit communications and information to authorities and bodies referred to in Section 10.

This right may be violated through any of the following acts including but not limited to:

a. Any public officer prevents or hinders any HRD from exercising any of the defined rights in this Section or is prevented from acting on behalf of any rights-holder in advancing or protecting the latter's rights;

b. Any public officer threatens an HRD to discourage the latter from appearing in any public forum or hearing, whether administrative, legislative or judicial, and speak regarding human rights violations;

SEC. 16. Right to Freedom of Movement.

1. HRDs who are lawfully within the territory, or subject to the jurisdiction of the Philippines shall, within its territory or place of jurisdiction, have the right to liberty of movement and freedom to choose his or her residence and shall have the right to carry out lawful activities in the entire territory or place of jurisdiction.

2. No one lawfully within the Philippine territory shall be expelled therefrom, as an individual or as part of a group, wholly or partially, on account of acts as an HRD.

3. No one shall be deprived of the right to enter or leave the country on account of one's status, activities or work as an HRD.

This Section is without prejudice to lawful arrest, detention, judicial travel restrictions, immigration requirements and other measures imposed on grounds and through procedures prescribed by law.

This right may be violated through any of the following acts including but not limited to:

a. Any public officer bars an HRD from boarding any public transportation or from leaving any locality to attend, participate, testify or appear at any event by reason of the HRD's work or advocacy;

b. Any public officer performs an act, without factual basis, that negatively affects the reputation of an HRD and causes a foreign government to refuse entry to the HRD.

Where the same act or omission violates this Section and Sections 10, 12, or 13, the applicable criminal liability and penalties shall be determined in accordance with Sections 40, 41-A, and 44 of this Act, without prejudice to the appreciation of an aggravating circumstance under Section 42 when committed in connection with another crime.

SEC. 17. Right to Privacy.

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

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

The right to privacy extends to groups, organizations or associations, families of HRDs, and confidentiality of sanctuary.

This right may be violated when through any of the following acts including but not limited to:

a. Any public officer who posts an HRD's photograph, address or contact information, in any public space, including online, without lawful basis or the latter's consent or if such posting does not aid or benefit the HRD, subject to existing data privacy and freedom-of-information laws;

b. Any public officer, not having custody of any file or data relating to the HRD, accesses it without authority or without consent from the HRD;

c. Any public officer who, without authorization under applicable law, secretly overhears, intercepts, records, or causes to be overheard, intercepted, or recorded any private communication or spoken word of an HRD, or of any group, organization, or association connected with the HRD, through the use

of any device or arrangement, in violation of Republic Act No. 4200, otherwise known as the Anti-Wiretapping Act, and other applicable laws.

Violations of this Section shall be subject to the remedies and penalties provided under applicable laws, including laws on data privacy, unlawful interception, and other offenses against privacy. Where the same act constitutes an offense under this Act and another penal law, Sections 41-A and 44 shall govern the determination of criminal liability and the applicable penalty.

SEC 18. The Right to be Secure in Educational Institutions. To ensure the enjoyment of academic freedom and the security of educational institutions, members of the Armed Forces of the Philippines, Philippine National Police, National Bureau of Investigation, and other State security forces shall refrain from conducting operations within educational premises that unlawfully interfere with academic freedom, legitimate educational activities, or the rights of students, educators, and human rights defenders. Planned non-emergency operations shall be coordinated with school authorities. Such coordination shall not constitute a requirement of prior consent for the execution of valid judicial warrants, lawful warrantless arrests, emergency responses, or other actions expressly authorized by law.

This right may be violated through any of the following acts including but not limited to:

a. A public officer enters an educational institution to conduct any security operation, including surveillance, investigation, data gathering, without the prior consent of the educational institution's administration and student council; or

b. A public officer, without lawful authority, conducts surveillance, searches, seizures, or other security operations within an educational institution for the purpose of intimidating, harassing, or retaliating against an HRD or interfering with lawful academic activities; or

c. A public officer deliberately and unlawfully disrupts essential utility or communication services to an educational institution for the purpose of intimidation, harassment, or retaliation; or

d. A public officer, without lawful justification, materially obstructs access to or from an educational institution for the purpose of interfering with legitimate human rights activities; or

e. A public officer who, through threats, coercion, or abuse of official authority, unlawfully interferes with the security of an HRD within an educational

institution, materially obstructs the peaceful exercise of academic freedom, or causes the militarization of the educational institution.

No student or school official shall be compelled to disclose protected information or penalized solely for the exercise of academic freedom or peaceful advocacy. Any abuse shall be investigated and addressed through the remedies and penalties applicable to the specific unlawful act.

Criminal liability shall arise only where the elements of an offense expressly defined under Chapter IV of this Act or another penal law are established, subject to Sections 41-A and 44.

SEC. 19. Freedom from Intimidation or Reprisal. No Human Rights Defenders shall be subjected to any form of intimidation or reprisal, including criminalization and the filing of SLAPP, on the grounds of or in relation to his or her status, activities or work as an HRD. A person facing a proceeding reasonably believed to be retaliatory may seek legal assistance from the Committee and raise all available defenses and remedies before the competent court or tribunal.

The knowing execution or procurement of a materially false sworn statement intended to subject an HRD to retaliatory criminal or administrative proceedings shall be punishable in accordance with Section 40(b), subject to applicable laws and the rules against duplicative punishment.

SEC. 20. Right to Exercise Cultural Rights and to Development of Personality.

1. Consistent with Article 18 (1) of the UN Declaration on Human Rights Defenders, everyone, individually or in association with others, has the right to the unhindered exercise of cultural rights in one's activities and work as an HRD and to the free and full development of one's personality.

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

This right may be violated through any of the following acts including but not limited to:

a. A public officer prevents or hinders the exercise of the rights defined in this Section;

b. A public officer prevents an HRD, by reason of his or her work as an HRD, from performing or participating in traditional rites practiced by any group or community;

c. This right is violated when a public officer, who has control of admissions in a public educational or learning institution, refuses to admit, enroll or register any qualified HRD or such HRD's relative by reason of the HRD's work or any member of a public educational or learning institution who blocks or hinders the promotion or continuing schooling or learning of the HRD or such HRD's relative by reason of the HRD's work.

SEC. 21. Right to Effective Remedy and Full Reparation.

1. HRDs have the right to an effective remedy and full reparation, both monetary and nonmonetary, in the event of a violation of the rights in Chapter II or a breach of obligations in Chapter III of this Act.

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

This right may be violated through any of the following acts including but not limited to:

a. A public officer, upon receipt of any information affecting the rights of HRDs, fails to initiate and conduct an investigation and resolve such investigation within a reasonable period, when such are within the public officer's mandate;

b. A public officer, without lawful justification, refuses to correct or annotate an official record that inaccurately identifies an HRD as having been convicted of an offense, despite receipt of a final court order of acquittal or other competent directive requiring such correction, subject to applicable laws on the preservation and retention of official records.

The Committee may provide or facilitate legal aid, psychosocial support and referral to competent agencies; neither body shall adjudicate criminal guilt or award judicial damages except to the extent expressly authorized by the Constitution and law.

A person affected by a violation may initiate a complaint personally or, subject to applicable standing rules and protection of confidentiality, through counsel, an authorized representative, a qualified family member or an organization acting with the person's informed consent, subject to the requirements and exceptions on consent

under Section 33 of this Act. Emergency assistance shall not be withheld merely because a formal complaint has not yet been filed.

SEC. 22. Right to a Sanctuary.

1. A human rights defender or family member facing a credible threat to life, liberty or security shall have access to risk-appropriate temporary safe accommodation, relocation assistance or confidential refuge through the Protection Committee and competent partner institutions, subject to consent and safeguards set out in this Act.

2. Every human rights defender facing such a threat shall have the right to request a prompt, individualized and confidential assessment of their protection needs and, where warranted, referral for placement in a sanctuary duly designated or accredited under Section 22-A. No prior filing of a criminal complaint shall be required for urgent protective assistance. A person or institution may voluntarily provide lawful refuge without thereby conferring upon the premises the status of a designated sanctuary.

This right may be violated through any of the following acts including but not limited to:

a. A public officer knowingly and without lawful justification obstructs an HRD's access to emergency protective assistance or placement lawfully arranged by the Committee, for the purpose of intimidating, harassing or retaliating against the HRD;

b. A public officer deliberately causes or orders the interruption of essential utility or communication services to a designated sanctuary for the purpose of intimidating, harassing or retaliating against its protected occupants or persons lawfully assisting them;

c. A public officer entrusted with protected information knowingly and without lawful authority discloses the confidential location of a sanctuary, the identity of a protected occupant or related security arrangements, thereby exposing a person to a substantial and foreseeable risk of harm;

d. A public officer, without lawful authority and for the purpose of intimidation, harassment or retaliation, enters or interferes with the lawful operation of a designated sanctuary; or

e. A public officer, by threats, coercion or abuse of official authority, unlawfully prevents a person or institution from providing protective accommodation or other lawful assistance to an HRD.

The designation of a sanctuary shall not confer immunity from lawful arrest, search or judicial process, which shall remain subject to the safeguards prescribed in Section 22-B.

Violations of this Section shall give rise to criminal liability only where the elements of an offense expressly punishable under Section 40 or another penal law are established, without prejudice to appropriate civil or administrative remedies. The rules on overlapping offenses and penalties under Sections 41-A and 44 shall apply.

SEC. 22-A. Designation, Accreditation, and Administration of Sanctuaries. The Human Rights Defenders Protection Committee shall designate, accredit, monitor, and periodically evaluate sanctuaries providing temporary refuge and protective accommodation to HRDs and their families, subject to standards approved by the Commission on Human Rights. Such facilities may be operated by government agencies, private institutions, civil society organizations, religious institutions, or other qualified entities, with the prior written consent of their lawful owners or administrators.

Accreditation shall consider the security, suitability, accessibility, and protective capacity of the facilities, including confidentiality safeguards and compliance with applicable laws. No person or organization may unilaterally designate any premises as a sanctuary through mere declaration or notice to the Committee. Places traditionally regarded as sanctuaries, including religious institutions, shall likewise require formal accreditation.

An HRD seeking refuge may apply confidentially to the Committee, which shall promptly assess the threats, protection needs, and appropriate placement of the applicant. Placement shall require the informed consent of the HRD and receiving facility. Denial or termination of placement shall be subject to confidential review.

In cases of imminent danger, the Committee may arrange immediate temporary accommodation in a suitable facility with the consent of its lawful owner or administrator, pending assessment or formal placement. Such accommodation shall not automatically constitute accreditation.

The Committee shall establish procedures for accreditation, monitoring, suspension, revocation, emergency referral, and confidentiality of sanctuary records and occupants, subject to applicable laws.

Designation as a sanctuary shall not confer immunity from lawful arrest, search, or judicial process, nor substitute for accreditation under the Rule on the Writ of Amparo.

SEC. 22-B. Protective Safeguards in the Enforcement of Judicial Orders and Lawful Arrests. The designation of a sanctuary or admission of an HRD to a protection program shall not suspend or prevent the lawful execution of a warrant of arrest, search warrant, or other judicial order. The Committee shall have no authority to review, suspend, or set aside such orders.

Where an HRD under protection becomes subject to judicial process, the Committee shall, upon request, facilitate immediate access to legal counsel and appropriate judicial remedies, including bail, protective measures, or court-authorized arrangements for voluntary surrender, safe transfer, or custodial protection. Such applications shall not automatically suspend the execution of judicial orders.

Law enforcement authorities shall observe constitutional safeguards and applicable rules governing arrest, search, and detention, including the prohibition against unnecessary force, intimidation, retaliation, and interference with access to counsel.

The Committee may coordinate with competent authorities to monitor the HRD's safety and whereabouts following arrest, facilitate legal and medical assistance, and refer alleged abuses for independent investigation, without obstructing or delaying lawful judicial process or unnecessarily disclosing confidential sanctuary information.

Nothing in this Section shall diminish judicial authority, modify the Supreme Court's rules of procedure, or restrict lawful warrantless arrests and other actions authorized by law.

SEC. 23. Limitation on the Rights of Human Rights Defenders. In exercising the rights in Chapter II of this Act, an HRD, individually or in association with others, shall comply with the Constitution and laws of general application. Any restriction directed at the exercise of rights protected under this Act must have a lawful basis and satisfy applicable constitutional and international standards of legality, legitimate purpose, necessity and proportionality. Nothing in this Act authorizes violence or immunizes unlawful conduct.

CHAPTER III
OBLIGATIONS OF THE STATE AND PUBLIC AUTHORITIES

SEC. 24. Obligation to Respect, Promote, Protect, and Fulfill the Rights of Human Rights Defenders. Public authorities shall take all necessary measures to ensure: (1) that the human rights and fundamental freedoms in Chapter II of this Act are effectively guaranteed and protected; (2) that all laws, policies and programs of

government are consistent with the rights in Chapter II of this Act; and (3) that HRDs are able to freely undertake their activities and work in a safe and enabling environment without arbitrary or unlawful restrictions, consistent with Section 23 of this Act.

SEC. 25. Obligation to Facilitate the Activities and Work of Human Rights Defenders. Public authorities shall take all necessary measures in accordance with law to facilitate and protect the exercise of the rights vested on HRDs under Chapter II of this Act, which measures shall include the obligations to:

a. Permit and facilitate access to places where persons are deprived of liberty;

b. Permit and facilitate access to places and to information required by HRDs to exercise their rights;

c. Provide information about violations of human rights or fundamental freedoms that may have been committed within Philippine territory or jurisdiction, including those committed by agents of the State in the line of duty;

d. Develop and enhance the capacity of HRDs to defend and promote human rights and fundamental freedoms including creating mechanisms for reporting and monitoring, and providing spaces for HRDs; and,

e. Publicly recognize the role, functions and activities of HRDs.

Access to detention facilities, restricted areas and confidential records under this Section shall remain subject to existing visitorial powers, institutional rules, national security safeguards, data protection and the rights of affected persons; it shall not confer an unlimited right of entry or inspection.

SEC. 26. Obligation to Provide Free Access to Materials Relating to Human Rights and Fundamental Freedoms. Public authorities shall make freely available and accessible to the public the following materials online and through other modes and platforms of information dissemination:

a. Research, studies, reports, data, archived and other information and materials within the possession of public authorities that relate to human rights and fundamental freedoms;

b. Documents and information related to the decisions or activities of the Commission on Human Rights and other national authorities with competence in the field of human rights and fundamental freedoms, subject to the Data Privacy Act of 2012; and,

c. All such other information may be necessary to secure or enable the exercise of any human right or fundamental freedom under Chapter II of this Act or access to remedy for violation of any such rights.

Requests for releasable information made under this Section shall be acknowledged within three (3) working days and acted upon within ten (10) working days, subject to a written and reasoned extension not exceeding ten (10) additional working days where permitted by law. Existing laws prescribing shorter deadlines or stricter disclosure obligations shall prevail. Denials shall identify the applicable legal exception and available review or appeal mechanism.

SEC. 27. Obligation not to Disclose Confidential Sources. Public authorities shall not disclose or require disclosure of the identity of sources used by human rights defenders unless both the relevant source and the concerned human rights defender give informed consent in writing to such disclosure or if so required by any competent court. Any processing or disclosure of personal information in connection with this Section shall be consistent with Republic Act No. 10173, otherwise known as the Data Privacy Act of 2012, and other applicable laws.

This provision may be violated by a public officer who:

a. Coerces an HRD to compel the disclosure of confidential sources;

b. Divulges to any unauthorized person the HRD's confidential source.

SEC. 28. Obligation to Prevent and to Ensure Protection from Intimidation or Reprisal. Public authorities shall take all necessary measures to ensure the prevention of and protection from any intimidation or reprisal by any public or private actor against human rights defenders. These shall include protection measures established under pertinent laws.

The non-performance of this obligation is absorbed by the violation of the right in Section 19.

SEC. 29. Obligation to Refrain from Derogatory and Unfounded Labeling. Without prejudice to the prohibition against intimidation or reprisal under Section 28, public authorities who have engaged in false, unfounded and derogatory labeling of HRDs, including identifying or tagging them as "reds", "communists", "terrorists", or "enemies of the State", or any other form of red-tagging as defined under this Act, shall have the duty to promptly retract, expunge or rectify such labeling on their own initiative and without the need for a prior judicial or administrative order. Such duty shall include the removal or correction of false or unfounded statements, publications, online posts, and other official records or communications within their custody or

control, subject to applicable laws on the preservation of official records, as part of the non-monetary reparation to victims referred to in Section 21 of Chapter II and Section 33 of Chapter III of this Act.

SEC. 30. Obligation to Ensure Protection from Arbitrary or Unlawful Intrusion and Interference.

Public authorities shall exercise extraordinary diligence to prevent and remedy arbitrary or unlawful intrusion and interference with an HRD's personal activities, family, livelihood, work, communications and digital data, consistent with the Constitution, data privacy and lawful investigative powers.

SEC. 31. Obligation not to Participate in Violating Human Rights and Fundamental Freedoms. All public authorities are mandated not to participate, by acts of commission or omission, in violating human rights and fundamental freedoms. Subordinate employees have the right and duty to refuse any order from their superiors to participate in acts that contravene their duty to protect, uphold and promote human rights and fundamental freedoms, and shall not be subjected to retaliation or administrative discipline solely for a good-faith refusal of a manifestly unlawful order, without prejudice to lawful duties and established procedures for reporting such orders.

SEC. 32. Obligation to Conduct Investigation. Whenever there is reasonable ground to believe that an HRD has disappeared, been killed, tortured, ill-treated, arbitrarily detained, threatened or subjected to a violation of any of the rights in Chapter II of this Act, whether by a public authority or private actor, the State must ensure that a prompt, thorough, effective, independent and impartial investigation is conducted with extraordinary diligence and, where warranted by the evidence, the matter is referred to the competent prosecutorial authority for appropriate action under existing laws, including RA 9745, "the Anti-Torture Act"; RA 10353, the "Anti-Enforced or Involuntary Disappearance Act"; and RA 7438, "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 for Violations Thereof"; and other relevant laws and administrative issuances. Provided, That the investigation shall immediately commence upon notice of the incident. Provided, further, That the Presumption of regularity in the performance of duty by the offending public authority shall not be invoked.

SEC. 33. Obligation to Ensure Effective Remedy and Full Reparation. Public authorities shall take all necessary measures to ensure that an effective remedy and full reparation are available and provided for violations of the rights in Chapter II and for breach of the obligations in Chapter III of this Act.

Full reparation may include appropriate monetary and nonmonetary relief, including correction, annotation, rectification, or removal of false or unlawful public labeling and information concerning an HRD, as determined by the competent authority or court in accordance with applicable laws. Acquittal or dismissal of a complaint shall not, by itself, require the destruction or expungement of judicial, prosecutorial, or other official records lawfully required to be preserved. Affected HRDs may seek appropriate relief before the competent court or government agency, subject to due process, applicable record-retention requirements, and the rights of other affected persons.

A complaint with the competent court or tribunal relating to the violation of rights or a breach of obligation under Chapter III of this Act may be filed by the following persons, subject to applicable laws, standing requirements, and rules of court:

a. an HRD;

b. a legal or other representative of the HRD appointed to conduct the affairs of or to otherwise act on behalf of the HRD;

c. a family member of the HRD;

d. a group, association or organization with which the HRD is associated;

e. any person acting in the public interest and consistently in pursuit of the purposes of this Act; and

f. the Human Rights Defenders' Protection Committee.

As a general rule, the filing of a complaint or petition on behalf of a human rights defender shall require the latter's prior, free, and informed consent. Where such consent cannot reasonably be obtained due to disappearance, incapacity, inability to communicate, or other similar circumstances, a family member, authorized representative, or human rights organization or association may file the appropriate complaint or petition, provided that such action is necessary to protect the rights of the human rights defender and does not expose the latter or their family to further threats to life, liberty, or security.

Where the human rights defender is capable of giving consent but expressly withholds it, such decision shall be respected, without prejudice to remedies that may be independently pursued under existing laws.

This obligation is violated through any of the following acts including but not limited to:

a. A public officer, upon receipt of any information affecting the rights of HRDs, fails to initiate and conduct an investigation and resolve such investigation within a reasonable period, when such are within the public officer's mandate;

b. A public officer, without lawful justification, refuses to comply with a final court order or other competent directive requiring the correction, annotation, rectification, or removal of false or unlawful information concerning an HRD, subject to applicable laws on official records, due process, and data protection.

SEC. 34. Obligation to Enforce and Institutionalize Command Responsibility. Government agencies shall enforce and institutionalize command responsibility and impose sanctions against errant superior in both military and civilian agencies as provided under existing laws and executive issuances. Any resulting administrative or other liability shall be individual and shall require proof of effective supervisory authority, the requisite knowledge or notice, and an unjustified failure to take reasonable measures within the superior's powers. Membership in, or command over, a unit alone shall not establish criminal liability.

SEC. 35. Obligation to Adopt Human Rights-Based Governance. Public offices shall adopt the human rights-based approach to governance and development.

SEC. 36. Obligation to Strengthen Protection Program. The Commission on Human Rights shall strengthen its protection program and provide a safe place of refuge or sanctuary for at-risk HRDs and/or their families, regardless of whether a formal complaint has been filed or the alleged perpetrator holds public office. These arrangements shall include the Committee-administered sanctuary network under Section 22-A and measures to facilitate lawful judicial protection under Section 22-B, without interfering with judicial authority.

SEC. 37. Obligation to Respect the Principle of Non-refoulement. No person protected by this Act shall be returned, expelled or surrendered contrary to the principle of non-refoulement as applicable to the Philippines under the Constitution, binding treaties and customary international law, upon an individualized assessment and subject to lawful procedures and available remedies.

SEC. 38. Obligation to Promote and Facilitate Human Rights Education. All government agencies shall promote, facilitate and adequately provide resources on teaching, training and education about human rights and fundamental freedoms to all persons within the country's jurisdiction. Teaching, training and education programs co-developed with HRDs and civil society organizations shall include information about this Act and the important and legitimate work of HRDs. The Department of Education (DepEd), Commission on Higher Education (CHED), Technical Education and Skills

Development Authority (TESDA), and appropriate educational institutions, in consultation with the Commission on Human Rights and relevant stakeholders, shall integrate age-appropriate and context-appropriate human rights education into existing policies, programs and curricula, consistent with their statutory mandates and the constitutional guarantee of academic freedom in institutions of higher learning.

SEC. 39. Diligence Required. Any complaint or report for violation of human rights and fundamental freedoms shall be dealt with and acted upon with extraordinary diligence by concerned government personnel or office. An imminent threat to life or physical safety shall be referred for emergency action without delay, and, where practicable, within twenty-four (24) hours. Other complaints shall receive an initial documented assessment or referral within three (3) working days.

An unjustified refusal to perform a specific statutory duty, after notice and opportunity to explain, shall give rise to administrative accountability under existing civil service or disciplinary rules. Criminal responsibility shall arise only where the elements of an offense expressly defined in this Act or another penal law are proved beyond reasonable doubt. The foregoing deadlines do not require final resolution of an investigation within the initial-response period.

CHAPTER IV
PENALTIES

SEC. 40. Penalties. Unless otherwise stated, the following penalties shall apply to violations of the rights or obligations under Chapters II and III hereof that are not punishable under the Revised Penal Code or any other special penal law; otherwise, Article 14 of the Revised Penal Code on aggravating circumstances applies.

a. The penalty of fine of not less than Php5,000.00 or arresto menor shall be imposed for violation/s of Section 6; 7; Section 13, paragraph 3, subsection (3); 14, paragraph 3, subsection (b); 15; 16, of this Act.

b. The penalty of arresto mayor shall be imposed for act/s or omission/s under Section 8; 9; 10; 12; Section 13, paragraph 3, subsections (a) and (b); Section 14, Paragraph 3, subsection (a), 20, 21,22 (d).

c. The penalty of prision correccional shall be imposed for act/s or omission/s under Sections 11; 17, 18; 19; 22 (a), (b), (c), 27.

d. The penalty of prision mayor shall be imposed for violation/s of Section 11, paragraph 2 and Section 19, paragraph 2 of this Act.

SEC. 41. Penalty for Destroying, Altering, or Falsifying Records and Documents. Any public officer or employee, or any person acting in conspiracy with such officer or employee, who knowingly and unlawfully alters, destroys, mutilates, conceals, falsifies, or makes false entries in any official record, document, or material evidence relevant to an actual or reasonably anticipated investigation or proceeding concerning a violation of the rights of an HRD, with the intent to obstruct such investigation or proceeding or conceal evidence of wrongdoing, shall be punished by prision mayor in its minimum to medium period or a fine of One hundred thousand pesos (₱100,000), or both, at the discretion of the court. Liability shall be personal and shall require proof of the accused's participation and the requisite criminal intent.

Where the same act constitutes an offense under this Section and another penal law, the determination of criminal liability and the applicable penalty shall be governed by Sections 41-A and 44 and the relevant principles of criminal law.

SEC. 41-A. Parameters in the application of the penalties. Where one act appears to violate more than one provision of this Act or another penal law, the rules on complex crimes, special laws, double jeopardy, merger of offenses and other applicable principles of criminal law shall govern. No person shall be punished more than once for the same offense. Courts shall apply the proper penalty under the law, and this Section shall not require automatic accumulation of penalties.

Nothing in this Section shall prevent the appreciation of an aggravating circumstance under Section 42, provided that the requirements prescribed therein and the applicable rules of criminal law are satisfied.

SEC. 41-B. Penalty on Failure to Perform Obligation. Unless otherwise stated, any non-performance of the obligations under Chapter III of this Act shall be absorbed by any corresponding violation of right/s enumerated under Chapter II of this Act.

Where a single act or omission constitutes both a violation of a right under Chapter II and a breach of a corresponding obligation under Chapter III, such violations shall not, solely on that basis, result in duplicative criminal penalties for the same offense. This shall be without prejudice to appropriate civil, administrative, or disciplinary remedies and the appreciation of an aggravating circumstance under Section 42, where applicable.

SEC. 42. Violations of this Act as Aggravating Circumstances. A violation of any provision of this Act committed during the commission of a crime defined in any penal law shall be considered an aggravating circumstance in the imposition of the penalty on said crime.

For purposes of this Section, the violation must be directly connected with the commission of the crime, and the acts or omissions constituting such violation must be specifically alleged in the information and proven beyond reasonable doubt. The aggravating circumstance shall not be appreciated when it is already an element of, or inherent in, the principal offense, has already been used to qualify such offense, or would otherwise result in the impermissible double appreciation of the same circumstance. Its effect on the imposable penalty shall be determined in accordance with the applicable penal law and rules.

SEC. 43. Private Conspirators. Non-state actors who participate in conspiracy as co-principals, accomplices or accessories, with public officials or employees, in violation of this Act, shall be subject to the same penal liabilities as the public officials or employees and shall be tried jointly with them.

Non-State actor/s acting upon orders of and/or with acquiescence of State actors for the violation of any of the rights of an HRD defined under Chapter II of this Act shall be deemed an accessory to the offense committed by the said State actor/s for the following reasons.

SEC. 44. Violation of a Right and a Corresponding Obligation. Civil, administrative and criminal remedies arising from the same events may be pursued where authorized by law. No person shall incur duplicative criminal penalties merely because a single act or omission is characterized both as a violation of a right under Chapter II and as a breach of a corresponding duty under Chapter III. This Section shall be read consistently with Section 41-A and the constitutional guarantee against double jeopardy.

Nothing in this Section shall preclude the appreciation of an aggravating circumstance under Section 42, subject to the safeguards and limitations prescribed therein.

CHAPTER V
THE HUMAN RIGHTS DEFENDERS PROTECTION COMMITTEE

SEC. 45. Creation and Composition of the Human Rights Defenders Protection Committee. -

There shall be an independent collegial body to be known as the Human Rights Defenders Protection Committee, herein referred to as the Committee, that shall be composed of one (1) Chairperson and six (6) Members, at least two (2) of whom shall be women. The Chairperson shall be selected by the Commissioners of the Commission on Human Rights from among themselves in an en banc session, subject to the qualifications prescribed under Section 46 of this Act. The Committee shall exercise independence in the discharge of its protective, monitoring, and

recommendatory functions, consistent with the constitutional mandate and lawful oversight functions of the CHR.

The six (6) Members shall be appointed by the Commission on Human Rights en banc from nominees submitted by qualified human rights organizations, developmental sector organizations, alternative lawyering organizations, and other civil society organizations with demonstrated competence, independence, and a proven track record in the promotion and protection of human rights.

The CHR shall establish a transparent nomination and selection process, with appropriate participation by qualified human rights organizations, including organizations with significant activities in multiple regions of the Philippines. The process shall include published qualification standards, appropriate vetting, and safeguards against conflicts of interest.

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

The Committee shall be attached to the Commission on Human Rights for administrative and budgetary purposes only.

The Committee shall organize itself within thirty (30) days from the completion of the selection process of the Chairperson and Members of the Committee as herein provided in this Section, and shall thereafter organize its Secretariat.

SEC. 46. Qualifications of the HRD Protection Committee. The Members of the Committee shall possess the following qualifications:

a. High moral character, recognized probity, competence, and integrity;

b. Known independence in making decisions and taking stances on issues and concerns pertaining to the protection and promotion of human rights and fundamental freedoms;

c. A deep, thorough and enlightened knowledge and understanding of human rights and fundamental freedoms and the role, work, and protection needs of HRDs; and,

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

SEC. 47. Term of Office. The Chairperson shall serve for a term not exceeding five (5) years, provided that such service shall be coterminous with the Chairperson's membership in the Commission on Human Rights and shall automatically cease upon the termination of such membership.

The six (6) other Members of the Committee shall serve for a single term of five (5) years without reappointment. Of the six (6) Members first appointed, two (2) shall serve for five (5) years, two (2) for four (4) years, and two (2) for three (3) years, as determined by the CHR en banc upon their appointment, to establish staggered terms. Thereafter, all succeeding appointments shall be for a single term of five (5) years.

Any appointment to fill a vacancy shall be for the unexpired portion of the predecessor's term. The Committee shall continue to discharge its functions notwithstanding a vacancy, provided that the requirements for quorum and valid action prescribed in its approved rules are satisfied.

SEC. 48. Functions of the Committee. Subject to the Constitution, the mandate and powers of the Commission on Human Rights (CHR), and applicable laws, the Committee shall exercise the following functions:

1. Ensure the respect for the rights enumerated under Chapter II of this Act and promote compliance with the corresponding obligations of the State and public authorities under Chapter III;

2. Initiate or facilitate the filing of complaints for the violation of rights that have corresponding non-performance of obligations under Chapter III, subject to the requirements on the free and informed consent of the HRD concerned and the exceptions provided under Section 33 of this Act;

3. Receive and document reports of threats, intimidation, reprisals, and other violations against HRDs, conduct preliminary risk assessments, and facilitate appropriate protective measures and emergency referrals under Sections 50 to 53 of this Act;

4. Facilitate access to legal assistance, psychosocial support, temporary safe accommodation, relocation assistance, and other appropriate protective services, subject to the informed consent of the person concerned and applicable laws;

5. Adopt its operational guidelines and Rules of Procedure subject to the approval of the CHR, and recommend, when necessary, the exercise of the CHR's investigative, subpoena, and contempt powers in accordance with the Constitution, applicable laws, and its rules of procedure;

6. Designate, accredit, monitor, and periodically evaluate sanctuaries and protective accommodation facilities for Human Rights Defenders, and establish procedures for the assessment, referral, and temporary placement of persons requiring protective assistance, in accordance with Section 22-A of this Act and subject to applicable laws and standards approved by the Commission on Human Rights;

7. Conduct preliminary fact-finding and documentation of alleged violations of the rights and fundamental freedoms of HRDs, whether on its own initiative or upon complaint, and recommend to the CHR the conduct of appropriate independent investigations within its constitutional and statutory jurisdiction;

8. Ensure accountability for the violation of the rights of HRDs by referring suspected criminal or administrative offenses to the Department of Justice, Office of the Ombudsman, Philippine National Police, National Bureau of Investigation, or other competent authorities, and monitoring the action taken on such referrals, without prejudice to the independence and jurisdiction of the concerned agencies;

9. Facilitate and promote inter-agency and inter-department coordination to prevent, protect from, investigate, and ensure accountability for acts of intimidation or reprisal, including coordination with accredited civil society organizations and other qualified service providers in establishing protection protocols, referral procedures, and appropriate response mechanisms;

10. Publicly acknowledge and promote the legitimate and important role, activities and work of HRDs through appropriate information, education, and public awareness programs;

11. Consult regularly and work closely with HRDs and affected communities in the implementation of this Act;

12. Monitor and document patterns of threats, intimidation, reprisals, retaliatory proceedings, and other practices affecting HRDs, subject to applicable data privacy and confidentiality safeguards;

13. Monitor existing and proposed legislation, assess their impact or potential impact on the status, activities and work of HRDs, and propose amendments and/or remedial measures and submit appropriate recommendations and position papers to Congress, without authority to prevent or veto legislative action;

14. Prepare and submit reports and communications on the situation of HRDs to relevant international and regional human rights bodies and mechanisms, in coordination with and subject to the appropriate procedures of the CHR;

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

16. Prepare and submit to the CHR, for transmittal to the Office of the President of the Senate and the Office of the Speaker of the House of Representatives, annual reports on the situation of human rights defenders and the status of implementation of this Act, including aggregate and anonymized information on reported violations, protective measures, referrals, agency responses, and recommendations, consistent with Section 54 of this Act;

17. Make recommendations to relevant authorities on the appropriate measures to be taken to promote a safe and enabling environment for HRDs, mitigate and prevent the risks they face, and address the root causes of violations against HRDs; and

18. Perform other relevant functions as may be necessary to attain the objectives of this Act, consistent with the constitutional mandate of the CHR and the functions expressly assigned to the Committee under this Act.

In the performance of its functions, the Committee may request information and assistance from competent government agencies, subject to applicable laws and confidentiality requirements. It may recommend that the CHR exercise its constitutional investigative and compulsory process powers in accordance with its rules.

SEC. 49. Training and Vetting. Members, employees and accredited protection personnel engaged by the Committee shall undergo appropriate background screening and conflict-of-interest vetting conducted or approved by the Commission on Human Rights, subject to data privacy and employment laws. Personnel of other agencies remain subject to their respective lawful appointment and disciplinary procedures.

Notwithstanding the foregoing, any security or law-enforcement personnel assigned, detailed, or otherwise engaged to perform protection-related functions under this Act shall undergo prior background screening, security assessment, and conflict-of-interest vetting by the Commission on Human Rights. Such vetting shall include an assessment of any credible allegations or documented involvement in human rights violations, intimidation, reprisals, or other acts against human rights defenders.

Personnel who fail to satisfy the prescribed vetting standards shall not be assigned to protection-related functions under this Act. They shall likewise receive training on human rights and fundamental freedoms, as well as on the situation and protection needs of human rights defenders, to be conducted by the Commission on Human Rights or by other qualified human rights organizations. Such training shall be undertaken prior to the commencement of their involvement and shall include continuing capacity-building to ensure the full and effective implementation of this Act.

SEC. 50. Emergency Protection and Risk Assessment. Upon receipt of credible information of an imminent threat to a human rights defender or a relevant family member, the Committee shall promptly conduct or facilitate a confidential, consent-based risk assessment and coordinate appropriate emergency referral, including medical attention, temporary safe accommodation, relocation, legal assistance, digital-security advice or protective coordination with a competent agency. Threats presenting immediate danger shall be referred without delay and, where practicable, within twenty-four (24) hours. No formal criminal complaint shall be required as a condition for initial protective assistance. Measures shall be voluntary except as otherwise authorized by law and shall be proportionate to the assessed risk.

Requests for sanctuary placement under Section 22-A and assistance in relation to lawful arrest or judicial process under Section 22-B shall be handled through the same confidential risk-assessment and referral system, without delaying urgent protective assistance or interfering with judicial proceedings.

SEC. 51. Confidentiality and Protection of Information. Identifying details of persons seeking protection, their sources, witnesses, family members and confidential accommodation shall be collected only when necessary and processed in accordance with Republic Act No. 10173 and applicable confidentiality obligations. The Committee shall adopt secure recordkeeping, limited-access and retention policies; informed-consent procedures; and safeguards for emergency disclosure in circumstances of imminent serious harm. Any legally compelled disclosure shall be limited to what is necessary and accompanied by appropriate protective measures.

The Committee shall maintain any registry of designated sanctuaries and records identifying their occupants as restricted records, accessible only to duly authorized personnel for legitimate protective purposes. Disclosure compelled by law or judicial order shall be limited to what is legally required, with appropriate safeguards against unnecessary exposure of protected persons and facilities.

SEC. 52. Legal Aid, Retaliatory Proceedings and Available Judicial Remedies. The Committee shall facilitate access to competent legal counsel, the

CHR's legal-aid services and accredited legal-aid organizations for HRDs facing threats, unfounded accusations or retaliatory proceedings. A claim that a complaint constitutes a strategic lawsuit against public participation shall be raised and resolved before the court or tribunal with jurisdiction, in accordance with the Rules of Court and applicable special rules, including the Rules of Procedure for Environmental Cases where applicable. Nothing in this Act confers upon the Committee authority to dismiss a pending case, suspend criminal proceedings, alter judicial rules or impede a bona fide prosecution. The CHR may recommend appropriate procedural reforms to the Supreme Court and Congress within their respective constitutional spheres.

SEC. 53. Inter-Agency Coordination and Referral Protocol. Within ninety (90) days after the effectivity of the implementing rules and regulations, the CHR, in consultation with the DOJ, DILG, PNP, NBI, Ombudsman, DSWD and relevant civil society groups, shall establish written, rights-respecting coordination and referral protocols covering urgent protection, evidence preservation, incident documentation, confidentiality, service delivery and feedback to complainants. Such protocols shall not diminish the independence, jurisdiction or statutory powers of any participating institution. Referrals involving an agency whose personnel are alleged perpetrators shall be directed, where appropriate, to an independent competent authority.

SEC. 54. Monitoring and Congressional Oversight. The CHR, taking into account the annual report submitted by the Committee pursuant to Section 48(16), shall submit to the Senate and House of Representatives, within ninety (90) days after each calendar year, a report on implementation of this Act, including aggregate anonymized statistics on threats reported, emergency actions, protection referrals, pending complaints, outcomes communicated by competent agencies, spending and recurring implementation gaps. The report shall not reveal protected identities or prejudice pending investigations and judicial proceedings. Congress may conduct oversight consistent with the constitutional independence of the CHR.

CHAPTER VI
FINAL PROVISIONS

SEC. 55. Suppletory Applications. The applicable provisions of the Revised Penal Code and other special penal laws shall have suppletory application insofar as they are consistent with the provisions of this Act.

SEC. 56. Appropriations. Funds necessary for the continuing implementation of this Act shall be provided. Subsequent funds necessary for its continuing implementation shall be included in the annual General Appropriations Act (GAA), which shall in no case be less than that provided in the previous year's GAA, and provided further that

an increase of ten percent (10%) in the budget shall be mandatory if the appropriation has remained the same for three consecutive years.

SEC. 57. Implementing Rules and Regulations. Within one hundred twenty (120) days from the effectivity of this Act, the Commission on Human Rights, after consultation with the DOJ, DILG, DSWD, DepEd, CHED, TESDA, PNP, NBI, Ombudsman, the National Privacy Commission and representatives of human rights defenders, shall promulgate the implementing rules and regulations. The rules shall clarify protection requests, referrals, confidentiality, case coordination, access to assistance, accountability, monitoring, and the Committee's internal procedures, consistent with constitutional and statutory mandates.

SEC. 58. Transitory Provision. Pending the constitution of the Committee and issuance of the implementing rules and regulations, the CHR may receive and refer urgent requests under its existing powers and programs. Existing judicial, administrative and other legal remedies shall remain available, and no pending judicial or administrative proceeding shall be automatically terminated or altered by this Act.

SEC. 59. Separability Clause. If any provision of this Act is declared unconstitutional or invalid, the remaining provisions not affected thereby shall remain in full force and effect.

SEC. 60. Repealing Clause. All laws, decrees, executive orders, rules and regulations and other issuances or parts thereof, inconsistent with the provisions of this Act are hereby repealed, amended or modified accordingly.

SEC. 61. Effectivity Clause. This Act shall take effect fifteen (15) days after its publication in the Official Gazette, or in a newspaper of general circulation.

Approved,