



Country File
The PHILIPPINES

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Region	Asia and Pacific
Legal System	Civil Law / Common Law
UNCAT Ratification, Accession (a), or Succession (d)	18 June 1986 (a)
Relevant Laws	<ul style="list-style-type: none"> - 1987 Constitution of the Republic of the Philippines (“Constitution”) - Anti-Torture Act of 2009 (Republic Act No.9745) - An Act revising the Penal Code and other Penal Laws (Republic Act No.3815) - Human Security Act of 2007 (Republic Act No. 9372): this Act relates to terrorism. Some articles refer to torture in the context of investigation or interrogation for the crime of terrorism. - Juvenile Justice and Welfare Act of 2006 (Republic Act No. 9344): this Act “cover[s] the different stages involving children at risk and children in conflict with the law”. One article deals with torture. - Philippine Act on Crimes Against International Humanitarian Law, Genocide and Other Crimes Against Humanity of 2009 (Republic Act No. 9851). - See also An Act creating a Board of Claims under the Department of Justice for Victims of Unjust Imprisonment or Detention and Victims of Violent Crimes and for other Purposes (Republic Act No. 7309). <p>▪ Stand-Alone Torture Bill (Y/N) Yes, the Anti-Torture Act of 2009 (Republic Act No. 9745)</p>
Relevant Articles	
Definition of Torture (General), (Article 1)	- Sections 3 and 4 of the Anti-Torture Act of 2009
Prohibition on Torture (Article 1)	<ul style="list-style-type: none"> - Section 12.1 and 2 of Article III of the Constitution (prohibition on the use of torture against “any person under investigation for the commission of an offence”) - Section 2(d) of the Anti-Torture Act of 2009

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<p>Crime of Torture (Article 4)</p> <ul style="list-style-type: none"> ▪ Definition ▪ Statute of Limitations ▪ Penalties ▪ Other 	<p>Sections 3, 4, 6, 13, 14, 15 and 16 of the Anti-Torture Act of 2009</p> <p>Sections 3, 4 and 13 the Anti-Torture Act of 2009</p> <p>None</p> <p>- Section 14 of the Anti-Torture Act of 2009 (also includes penalties for the other torture related crimes)</p> <p>- Section 6 of the Anti-Torture Act of 2009 (no derogation)</p> <p>- Section 3(b) and Section 5 of the Anti-Torture Act of 2009 set out the definition and crime of cruel, inhuman or degrading treatment and punishment.</p> <p>- Section 7 of the Anti-Torture Act prohibits secret detention and Section 14 sets out the criminal penalty for establishing, maintaining and operating secret detention places.</p> <p>-Section 13 of the Anti-Torture Act of 2009 (who is liable for torture, includes superior orders and command responsibility)</p> <p>- Section 16 of the Anti-Torture Act of 2009 (no amnesties)</p> <p>- Section 22 of the Anti-Torture Act of 2009 (specifies relationship between crimes in Revised Penal Code and Anti-Torture Act)</p>
<p>Universal Jurisdiction & Cooperation, (Articles 5, 9)</p>	
<p>Investigations, (Articles 12, 13)</p>	<p>- Section 9 of the Anti-Torture Act of 2009 (right to an impartial investigation)</p> <p>- Section 11 of the Anti-Torture Act of 2009 (assistance in filing a complaint)</p>
<p>Remedies and Reparations, (Article 14)</p>	<p>- Section 12.4 in Article III of the Constitution</p> <p>- Sections 18 and 19 of the Anti-Torture Act of 2009 (provides that persons who have suffered torture may apply to Board of Claims under Republic Act No. 7309 (text of Rep. Act No. 7309 not excerpted below).</p>
<p>Exclusion of Evidence (Article 15)</p>	<p>- Section 12.3 in Article III of the Constitution</p> <p>- Section 8 of the Anti-Torture Act of 2009</p> <p>- Section 24 of the Human Security Act of 2007</p>
<p>Legal and Procedural Safeguards</p>	<p>- Section 12.3 in Article III of the Constitution</p> <p>- Section 7 of the Anti-Torture Act of 2009 (public list of detention centers and detainees)</p>

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(Articles 2, 11, 16)	<ul style="list-style-type: none"> - Section 10 of the Anti-Torture Act of 2009 (writs of habeas corpus, amparo, and habeas data for victims of torture and CIDT) - Section 12 of the Anti-Torture Act of 2009 (right to a medical exam)
Non-Refoulement (Article 3)	<ul style="list-style-type: none"> - Section 17 of the Anti-Torture Act of 2009
Other	<ul style="list-style-type: none"> ▪ Other International Crimes <ul style="list-style-type: none"> - Philippine Act on Crimes Against International Humanitarian Law, Genocide, and other Crimes Against Humanity of 2009 (Republic Act No. 9851) (war crime of torture or inhuman treatment, crimes against humanity of torture, etc.)(text not included below). ▪ Education & Training <ul style="list-style-type: none"> - Section 21 of the Anti-Torture Act of 2009 ▪ Children <ul style="list-style-type: none"> - Section 5(a) of the Juvenile Justice and Welfare Act of 2006 (right for child in conflict with the law not to be subjected to torture). ▪ Terrorism (prohibition of torture in investigation of) <ul style="list-style-type: none"> - Sections 24 and 25 of the Human Security Act of 2007 (crime of threat, intimidation or coercion of torture in investigation and interrogation of a detained person) ▪ Secret Detention <ul style="list-style-type: none"> - Article 12.2 of Constitution; Sections 2(c) and 7 of the Anti-Torture Act of 2009 (prohibition of secret detention places, solitary confinement, incommunicado detention; also a crime see “Crime of Torture” above) ▪ Reprisals <ul style="list-style-type: none"> - Sections 9(b) and (c) of the Anti-Torture Act of 2009 (reprisals)
Comments	<ul style="list-style-type: none"> - The definition of torture in Section 3 of the Anti-Torture Act of 2009 uses the term “person in authority”. This term is defined in Article 152 of Rep. Act 3815, an Act revising the Penal Code and other Penal Laws.
Languages Available	English
Links & Sources	<ul style="list-style-type: none"> - Constitution of the Republic of the Philippines, 1987 (Official Gazette) <i>available at</i> http://www.gov.ph/the-philippine-constitutions/the-1987-constitution-of-the-republic-of-the-philippines/ - Anti-Torture Act of 2009 (RA 9745) <i>available at</i> http://www.congress.gov.ph/download/ra_14/RA09745.pdf

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	<p>- An Act revising the Penal Code and other Penal Laws (Republic Act No.3815) (WIPO website) <i>available at</i> http://www.wipo.int/wipolex/en/text.jsp?file_id=225305</p> <p>- Human Security Act of 2007 (RA 9372) <i>available at</i> http://www.congress.gov.ph/download/ra_13/RA09372.pdf</p> <p>- Juvenile Justice and Welfare Act of 2006 (RA 9344) <i>available at</i> http://www.congress.gov.ph/download/ra_13/RA09344.pdf</p> <p>- An Act creating a Board of Claims under the Department of Justice for Victims of unjust imprisonment or detention and Victims of violent crimes and for other purposes (Republic Act No. 7309) <i>available at</i> http://www.congress.gov.ph/download/ra_08/Ra07309.pdf</p> <p>- Philippine Act on Crimes Against International Humanitarian Law, Genocide, and other Crimes Against Humanity of 2009 (RA 9851) <i>available at</i> http://www.congress.gov.ph/download/ra_14/RA09851.pdf</p>
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Relevant Articles

➤ Constitution of the Republic of the Philippines, 1987

ARTICLE III- BILL OF RIGHTS

Section 12

1. Any person under investigation for the commission of an offense shall have the right to be informed of his right to remain silent and to have competent and independent counsel preferably of his own choice. If the person cannot afford the services of counsel, he must be provided with one. These rights cannot be waived except in writing and in the presence of counsel.
2. 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.
3. Any confession or admission obtained in violation of this or Section 17 hereof shall be inadmissible in evidence against him.
4. 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.

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➤ Anti-Torture Act of 2009 (Republic Act No.9745, 10 November 2009)

Section 1 Short Title

This Act shall be known as the "Anti-Torture Act of 2009".

Section 2 Statement of Policy

It is hereby declared the policy of the State:

- (a) To value the dignity of every human person and guarantee full respect for human rights;
- (b) To ensure that the human rights of all persons, including suspects, detainees and prisoners are respected at all times; and that no person placed under investigation or held in custody of any person in authority or, agent of a person in authority shall be subjected to physical, psychological or mental harm, force, violence, threat or intimidation or any act that impairs his/her free will or in any manner demeans or degrades human dignity;
- (c) To ensure that secret detention places, solitary, *incommunicado* or other similar forms of detention, where torture may be carried out with impunity, are prohibited; and
- (d) To fully adhere to the principles and standards on the absolute condemnation and prohibition of torture as provided for in the 1987 Philippine Constitution; various international instruments to which the Philippines is a State party such as, but not limited to, the International Covenant on Civil and Political Rights (ICCPR), the Convention on the Rights of the Child (CRC), the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) and the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT); and all other relevant international human rights instruments to which the Philippines is a signatory.

Section 3 Definitions

For purposes of this Act, the following terms shall mean:

- (a) "Torture" refers to an act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person for such purposes as obtaining from him/her or a third person information or a confession; punishing him/her for an act he/she or a third person has committed or is suspected of having committed; or intimidating or coercing him/her or a third person; or for any reason based on discrimination of any kind, when such pain or suffering is inflicted by or at the instigation of or with the consent or acquiescence of a person in authority or agent of a person in authority. It does not include pain or suffering arising only from, inherent in or incidental to lawful sanctions.
- (b) "Other cruel, inhuman and degrading treatment or punishment" refers to a deliberate and aggravated treatment or punishment not enumerated under Section 4 of this Act, inflicted by a person in authority or agent of a person in authority against a person under his/her custody, which attains a level of severity causing suffering, gross humiliation or debasement to the latter.

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(c) "Victim" refers to the person subjected to torture or other cruel, inhuman and degrading treatment or punishment as defined above and any individual who has suffered harm as a result of any act(s) of torture, or other cruel, inhuman and degrading treatment or punishment.

(d) "Order of Battle" refers to any document or determination made by the military, police or any law enforcement agency of the government, listing the names of persons and organizations that it perceives to be enemies of the State and that it considers as legitimate targets as combatants that it could deal with, through the use of means allowed by domestic and international law.

Section 4 Acts of Torture

For purposes of this Act, torture shall include, but not be limited to, the following:

(a) Physical torture is a form of treatment or punishment inflicted by a person in authority or agent of a person in authority upon another in his/her custody that causes severe pain, exhaustion, disability or dysfunction of one or more parts of the body, such as:

(1) Systematic beating, headbanging, punching, kicking, striking with truncheon or rifle butt or other similar objects, and jumping on the stomach;

(2) Food deprivation or forcible feeding with spoiled food, animal or human excreta and other stuff or substances not normally eaten;

(3) Electric shock;

(4) Cigarette burning; burning by electrically heated rods, hot oil, acid; by the rubbing of pepper or other chemical substances on mucous membranes, or acids or spices directly on the wound(s);

(5) The submersion of the head in water or water polluted with excrement, urine, vomit and/or blood until the brink of suffocation;

(6) Being tied or forced to assume fixed and stressful bodily position;

(7) Rape and sexual abuse, including the insertion of foreign objects into the sex organ or rectum, or electrical torture of the genitals;

(8) Mutilation or amputation of the essential parts of the body such as the genitalia, ear, tongue, etc.;

(9) Dental torture or the forced extraction of the teeth;

(10) Pulling out of fingernails;

(11) Harmful exposure to the elements such as sunlight and extreme cold;

(12) The use of plastic bag and other materials placed over the head to the point of asphyxiation;

(13) The use of psychoactive drugs to change the perception, memory, alertness or will of a person, such as:

(i) The administration of drugs to induce confession and/or reduce mental competency; or

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- (ii) The use of drugs to induce extreme pain or certain symptoms of a disease;
and
- (14) Other analogous acts of physical torture; and
- (b) "Mental/Psychological Torture" refers to acts committed by a person in authority or agent of a person in authority which are calculated to affect or confuse the mind and/or undermine a person's dignity and morale, such as:
- (1) Blindfolding;
 - (2) Threatening a person(s) or his/her relative(s) with bodily harm, execution or other wrongful acts;
 - (3) Confinement in solitary cells or secret detention places;
 - (4) Prolonged interrogation;
 - (5) Preparing a prisoner for a "show trial", public display or public humiliation of a detainee or prisoner;
 - (6) Causing unscheduled transfer of a person deprived of liberty from one place to another, creating the belief that he/she shall be summarily executed;
 - (7) Maltreating a member/s of a person's family;
 - (8) Causing the torture sessions to be witnessed by the person's family, relatives or any third party;
 - (9) Denial of sleep/rest;
 - (10) Shame infliction such as stripping the person naked, parading him/her in public places, shaving the victim's head or putting marks on his/her body against his/her will;
 - (11) Deliberately prohibiting the victim to communicate with any member of his/her family; and
 - (12) Other analogous acts of mental/psychological torture.

Section 5 Other Cruel, Inhuman and Degrading Treatment or Punishment

Other cruel, inhuman or degrading treatment or punishment refers to a deliberate and aggravated treatment or punishment not enumerated under Section 4 of this Act, inflicted by a person in authority or agent of a person in authority against another person in custody, which attains a level of severity sufficient to cause suffering, gross humiliation or debasement to the latter. The assessment of the level of severity shall depend on all the circumstances of the case, including the duration of the treatment or punishment, its physical and mental effects and, in some cases, the sex, religion, age and state of health of the victim.

Section 6 Freedom from Torture and Other Cruel, Inhuman and Degrading Treatment or Punishment, An Absolute Right

Torture and other cruel, inhuman and degrading treatment or punishment as criminal acts shall apply to all circumstances. A state of war or a threat of war, internal political instability, or any other public emergency, or a document or any determination

comprising an "order of battle" shall not and can never be invoked as a justification for torture and other cruel, inhuman and degrading treatment or punishment.

Section 7 Prohibited Detention

Secret detention places, solitary confinement, *incommunicado* or other similar forms of detention, where torture may be carried out with impunity, are hereby prohibited.

In which case, the Philippine National Police (PNP), the Armed Forces of the Philippines (AFP) and other law enforcement agencies concerned shall make an updated list of all detention centers and facilities under their respective jurisdictions with the corresponding data on the prisoners or detainees incarcerated or detained therein such as, among others, names, date of arrest and incarceration, and the crime or offense committed. This list shall be made available to the public at all times, with a copy of the complete list available at the respective national headquarters of the PNP and AFP. A copy of the complete list shall likewise be submitted by the PNP, AFP and all other law enforcement agencies to the Commission on Human Rights (CHR), such list to be periodically updated, by the same agencies, within the first five (5) days of every month at the minimum. Every regional office of the PNP, AFP and other law enforcement agencies shall also maintain a similar list for all detainees and detention facilities within their respective areas, and shall make the same available to the public at all times at their respective regional headquarters, and submit a copy, updated in the same manner provided above, to the respective regional offices of the CHR.

Section 8 Applicability of the Exclusionary Rule; Exception

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.

Section 9 Institutional Protection of Torture Victims and Other Persons Involved

A victim of torture shall have the following rights in the institution of a criminal complaint for torture:

- (a) To have a prompt and an impartial investigation by the CHR and by agencies of government concerned such as the Department of Justice (DOJ), the Public Attorney's Office (PAO), the PNP, the National Bureau of Investigation (NBI) and the AFP. A prompt investigation shall mean a maximum period of sixty (60) working days from the time a complaint for torture is filed within which an investigation report and/or resolution shall be completed and made available. An appeal whenever available shall be resolved within the same period prescribed herein,
- (b) To have sufficient government protection against all forms of harassment, threat and/or intimidation as a consequence of the filing of said complaint or the presentation of evidence therefor. In which case, the State through its appropriate agencies shall afford security in order to ensure his/her safety and all other persons involved in the investigation and prosecution such as, but not limited to, his/her lawyer, witnesses and relatives; and

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(c) To be accorded sufficient protection in the manner by which he/she testifies and presents evidence in any *fora* in order to avoid further trauma.

Section 10 Disposition of Writs of Habeas Corpus, Amparo and Habeas Data Proceedings and Compliance with a Judicial Order

A writ of *habeas corpus* or writ of *amparo* or writ of *habeas data* proceeding, if any, filed on behalf of the victim of torture or other cruel, degrading and inhuman treatment or punishment shall be disposed of expeditiously and any order of release by virtue thereof, or other appropriate order of a court relative thereto, shall be executed or complied with immediately.

Section 11 Assistance in Filing a Complaint

The CHR and the PAO shall render legal assistance in the investigation and monitoring and/or filing of the complaint for a person who suffers torture and other cruel, inhuman and degrading treatment or punishment, or for any interested party thereto.

The victim or interested party may also seek legal assistance from the Barangay Human Rights Action Center (BRRAC) nearest him/her as well as from human rights nongovernment organizations (NGOs).

Section 12 Right to Physical, Medical and Psychological Examination

Before and after interrogation, every person arrested, detained or under custodial investigation shall have the right to be informed of his/her right to demand physical examination by an independent and competent doctor of his/her own choice. If such person cannot afford the services of his/her own doctor, he/she shall be provided by the State with a competent and independent doctor to conduct physical examination. The State shall endeavor to provide the victim with psychological evaluation if available under the circumstances. If the person arrested is a female, she shall be attended to preferably by a female doctor. Furthermore, any person arrested, detained or under custodial investigation, including his/her immediate family, shall have the right to immediate access to proper and adequate medical treatment.

The physical examination and/or psychological evaluation of the victim shall be contained in a medical report, duly signed by the attending physician, which shall include in detail his/her medical history and findings, and which shall be attached to the custodial investigation report. Such report shall be considered a public document.

Following applicable protocol agreed upon by agencies tasked to conduct physical, psychological and mental examinations, the medical reports shall, among others, include:

- (a) The name, age and address of the patient or victim;
- (b) The name and address of the nearest kin of the patient or victim;
- (c) The name and address of the person who brought the patient or victim for physical, psychological and mental examination, and/or medical treatment;
- (d) The nature and probable cause of the patient or victim's injury, pain and disease and/or trauma;

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- (e) The approximate time and date when the injury, pain, disease and/or trauma was/were sustained;
- (f) The place where the injury, pain, disease and/or trauma was/were sustained;
- (g) The time, date and nature of treatment necessary; and
- (h) The diagnosis, the prognosis and/or disposition of the patient.

Any person who does not wish to avail of the rights under this provision may knowingly and voluntarily waive such rights in writing, executed in the presence and assistance of his/her counsel.

Section 13 Who are Criminally Liable

Any person who actually participated or induced another in the commission of torture or other cruel, inhuman and degrading treatment or punishment or who cooperated in the execution of the act of torture or other cruel, inhuman and degrading treatment or punishment by previous or simultaneous acts shall be liable as principal.

Any superior military, police or law enforcement officer or senior government official who issued an order to any lower ranking personnel to commit torture for whatever purpose shall be held equally liable as principals.

The immediate commanding officer of the unit concerned of the AFP or the immediate senior public official of the PNP and other law enforcement agencies shall be held liable as a principal to the crime of torture or other cruel or inhuman and degrading treatment or punishment for any act or omission, or negligence committed by him/her that shall have led, assisted, abetted or allowed, whether directly or indirectly, the commission thereof by his/her subordinates. If he/she has knowledge of or, owing to the circumstances at the time, should have known that acts of torture or other cruel, inhuman and degrading treatment or punishment shall be committed, is being committed, or has been committed by his/her subordinates or by others within his/her area of responsibility and, despite such knowledge, did not take preventive or corrective action either before, during or immediately after its commission, when he/she has the authority to prevent or investigate allegations of torture or other cruel, inhuman and degrading treatment or punishment but failed to prevent or investigate allegations of such act, whether deliberately or due to negligence shall also be liable as principals.

Any public officer or employee shall be liable as an accessory if he/she has knowledge that torture or other cruel, inhuman and degrading treatment or punishment is being committed and without having participated therein, either as principal or accomplice, takes part subsequent to its commission in any of the following manner:

- (a) By themselves profiting from or assisting the offender to profit from the effects of the act of torture or other cruel, inhuman and degrading treatment or punishment;
- (b) By concealing the act of torture or other cruel, inhuman and degrading treatment or punishment and/or destroying the effects or instruments thereof in order to prevent its discovery; or

(c) By harboring, concealing or assisting in the escape of the principal/s in the act of torture or other cruel, inhuman and degrading treatment or punishment: *Provided*, That the accessory acts are done with the abuse of the official's public functions.

Section 14 Penalties

(a) *The penalty of reclusion perpetua* shall be imposed upon the perpetrators of the following acts:

- (1) Torture resulting in the death of any person;
- (2) Torture resulting in mutilation;
- (3) Torture with rape;
- (4) Torture with other forms of sexual abuse and, in consequence of torture, the victim shall have become insane, imbecile, impotent, blind or maimed for life; and
- (5) Torture committed against children.

(b) The penalty of *reclusion temporal* shall be imposed on those who commit any act of mental/psychological torture resulting in insanity, complete or partial amnesia, fear of becoming insane or suicidal tendencies of the victim due to guilt, worthlessness or shame.

(c) The penalty of *prision correccional* shall be imposed on those who commit any act of torture resulting in psychological, mental and emotional harm other than those described in paragraph (b) of this section.

(d) The penalty of *prision mayor* in its medium and maximum periods shall be imposed if, in consequence of torture, the victim shall have lost the power of speech or the power to hear or to smell; or shall have lost an eye, a hand, a foot, an arm or a leg; or shall have lost the use of any such member; or shall have become permanently incapacitated for labor.

(e) The penalty of *prision mayor* in its minimum and medium periods shall be imposed if, in consequence of torture, the victim shall have become deformed or shall have lost any part of his/her body other than those aforecited, or shall have lost the use thereof, or shall have been ill or incapacitated for labor for a period of more than ninety (90) days.

(f) The penalty of *prision correccional* in its maximum period to *prision mayor* in its minimum period shall be imposed if, in consequence of torture, the victim shall have been ill or incapacitated for labor for more than thirty (30) days but not more than ninety (90) days.

(g) The penalty of *prision correccional* in its minimum and medium period shall be imposed if, in consequence of torture, the victim shall have been ill or incapacitated for labor for thirty (30) days or less.

(h) The penalty of *arresto mayor* shall be imposed for acts constituting cruel, inhuman or degrading treatment or punishment as defined in Section 5 of this Act.

(i) The penalty of *prision correccional* shall be imposed upon those who establish, operate and maintain secret detention places and/or effect or cause to effect solitary

confinement, *incommunicado* or other similar forms of prohibited detention as provided in Section 7 of this Act where torture may be carried out with impunity.

(j) The penalty of *arresto mayor* shall be imposed upon the responsible officer/s or personnel of the AFP, the PNP and other law enforcement agencies for failure to perform his/her duty to maintain, submit or make available to the public an updated list of detention centers and facilities with the corresponding data on the prisoners or detainees incarcerated or detained therein, pursuant to Section 7 of this Act.

Section 15 Torture as a Separate and Independent Crime

Torture as a crime shall not absorb or shall not be absorbed by any other crime or felony committed as a consequence, or as a means in the conduct or commission thereof. In which case, torture shall be treated as a separate and independent criminal act whose penalties shall be impossible without prejudice to any other criminal liability provided for by domestic and international laws.

Section 16 Exclusion from the Coverage of Special Amnesty Law

In order not to depreciate the crime of torture, persons who have committed any act of torture shall not benefit from any special amnesty law or similar measures that will have the effect of exempting them from any criminal proceedings and sanctions.

Section 17 Applicability of Refouler

No person shall be expelled, returned or extradited to another State where there are substantial grounds to believe that such person shall be in danger of being subjected to torture. For the purposes of determining whether such grounds exist, the Secretary of the Department of Foreign Affairs (DFA) and the Secretary of the DOJ, in coordination with the Chairperson of the CHR, shall take into account all relevant considerations including, where applicable and not limited to, the existence in the requesting State of a consistent pattern of gross, flagrant or mass violations of human rights.

Section 18 Compensation to Victims of Torture

Any person who has suffered torture shall have the right to claim for compensation as provided for under Republic Act No. 7309: *Provided*, That in no case shall compensation be any lower than Ten thousand pesos (P10,000.00). Victims of torture shall also have the right to claim for compensation from such other financial relief programs that may be made available to him/her under existing law and rules and regulations.

Section 19 Formulation of a Rehabilitation Program

Within one (1) year from the effectivity of this Act, the Department of Social Welfare and Development (DSWD), the DOJ and the Department of Health (DOH) and such other concerned government agencies, and human rights organizations shall formulate a comprehensive rehabilitation program for victims of torture and their families. The DSWD, the DOJ and the DOH shall also call on human rights nongovernment organizations duly recognized by the government to actively participate in the formulation of such program that shall provide for the physical, mental, social, psychological healing and development of victims of torture and their families. Toward the attainment of restorative justice, a parallel rehabilitation program for persons who

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have committed torture and other cruel, inhuman and degrading punishment shall likewise be formulated by the same agencies.

Section 20 Monitoring of Compliance with this Act

An Oversight Committee is hereby created to periodically oversee the implementation of this Act. The Committee shall be headed by a Commissioner of the CHR, with the following as members: the Chairperson of the Senate Committee on Justice and Human Rights, the respective Chairpersons of the House of Representatives' Committees on Justice and Human Rights, and the Minority Leaders of both houses or their respective representatives in the minority.

Section 21 Education and Information Campaign

The CHR, the DOJ, the Department of National Defense (DND), the Department of the Interior and Local Government (DILG) and such other concerned parties in both the public and private sectors shall ensure that education and information regarding prohibition against torture and other cruel, inhuman and degrading treatment or punishment shall be fully included in the training of law enforcement personnel, civil or military, medical personnel, public officials and other persons who may be involved in the custody, interrogation or treatment of any individual subjected to any form of arrest, detention or imprisonment. The Department of Education (DepED) and the Commission on Higher Education (CHED) shall also ensure the integration of human rights education courses in all primary, secondary and tertiary level academic institutions nationwide.

Section 22 Applicability of the Revised Penal Code

The provisions of the Revised Penal Code insofar as they are applicable shall be suppletory to this Act. Moreover, if the commission of any crime punishable under Title Eight (Crimes Against Persons) and Title Nine (Crimes Against Personal Liberty and Security) of the Revised Penal Code is attended by any of the acts constituting torture and other cruel, inhuman and degrading treatment or punishment as defined herein, the penalty to be imposed shall be in its maximum period.

Section 23 Appropriations

The amount of Five million pesos (Php5,000,000.00) is hereby appropriated to the CHR for the initial implementation of this Act. Thereafter, such sums as may be necessary for the continued implementation of this Act shall be included in the annual General Appropriations Act.

Section 24 Implementing Rules and Regulations

The DOJ and the CHR, with the active participation of human rights nongovernmental organizations, shall promulgate the rules and regulations for the effective implementation of this Act. They shall also ensure the full dissemination of such rules and regulations to all officers and members of various law enforcement agencies.

Section 25 Separability Clause

If any provision of this Act is declared invalid or unconstitutional, the other provisions not affected thereby shall continue to be in full force and effect.

Section 26 Repealing Clause

All laws, decrees, executive orders or rules and regulations contrary to or inconsistent with the provisions of this Act are hereby repealed or modified accordingly.

Section 27 Effectivity

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

➤ An Act revising the Penal Code and other Penal Laws (Republic Act No.3815)

Art. 152. Persons in authority and agents of persons in authority; Who shall be deemed as such. — In applying the provisions of the preceding and other articles of this Code, any person directly vested with jurisdiction, whether as an individual or as a member of some court or governmental corporation, board, or commission, shall be deemed a person in authority. A barrio captain and a barangay chairman shall also be deemed a person in authority.

A person who, by direct provision of law or by election or by appointment by competent authority, is charged with the maintenance of public order and the protection and security of life and property, such as a barrio councilman, barrio policeman and barangay leader and any person who comes to the aid of persons in authority, shall be deemed an agent of a person in authority.

In applying the provisions of Articles 148 and 151 of this Code, teachers, professors and persons charged with the supervision of public or duly recognized private schools, colleges and universities, and lawyers in the actual performance of their professional duties or on the occasion of such performance, shall be deemed persons in authority. (As amended by PD No. 299, Sept. 19, 1973 and Batas Pambansa Blg. 873, June 12, 1985).

➤ Human Security Act of 2007 (Republic Act No. 9372, 6 March 2007)

Section 24 No Torture or Coercion in Investigation and Interrogation

No threat, intimidation, or coercion, and no act which will inflict any form of physical pain or torment, or mental, moral, or psychological pressure, on the detained person, which shall vitiate his free-will, shall be employed in his investigation and interrogation for the crime of terrorism or the crime of conspiracy to commit terrorism; otherwise, the evidence obtained from said detained person resulting from such threat, intimidation, or coercion, or from such inflicted physical pain or torment, or mental, moral, or psychological pressure, shall be, in its entirety, absolutely not admissible and usable as evidence in any judicial, quasi-judicial, legislative, or administrative investigation, inquiry, proceeding, or hearing.

Section 25 Penalty for Threat, Intimidation, Coercion, or Torture in the Investigation and Interrogation of a Detained Person

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Any person or persons who use threat, intimidation, or coercion, or who inflict physical pain or torment, or mental, moral, or psychological pressure, which shall vitiate the freewill of a charged or suspected person under investigation and interrogation for the crime of terrorism or the crime of conspiracy to commit terrorism shall be guilty of an offense and shall suffer the penalty of twelve (12) years and one day to twenty (20) years of imprisonment.

When death or serious permanent disability of said detained person occurs as a consequence of the use of such threat, intimidation, or coercion, or as a consequence of the infliction on him of such physical pain or torment, or as a consequence of the infliction on him of such mental, moral, or psychological pressure, the penalty shall be twelve (12) years and one day to twenty (20) years of imprisonment.

➤ Juvenile Justice and Welfare Act of 2006 (Republic Act No. 9344, 28 April 2006)

Title One- Governing Principles

Chapter Two- Principles in the Administration of Juvenile Justice and Welfare

Section 5 Rights of the Child in Conflict with the Law

Every child in conflict with the law shall have the following rights, including but not limited to:

- (a) the right not to be subjected to torture or other cruel, inhuman or degrading treatment or punishment;
- (b) the right not to be imposed a sentence of capital punishment or life imprisonment, without the possibility of release;
- (c) the right not to be deprived, unlawfully or arbitrarily, of his/her liberty; detention or imprisonment being a disposition of last resort, and which shall be for the shortest appropriate period of time;
- (d) the right to be treated with humanity and respect, for the inherent dignity of the person, and in a manner which takes into account the needs of a person of his/her age. In particular, a child deprived of liberty shall be separated from adult offenders at all times. No child shall be detained together with adult offenders. He/She shall be conveyed separately to or from court. He/She shall await hearing of his/her own case in a separate holding area. A child in conflict with the law shall have the right to maintain contact with his/her family through correspondence and visits, save in exceptional circumstances;
- (e) the right to prompt access to legal and other appropriate assistance, as well as the right to challenge the legality of the deprivation of his/her liberty before a court or other competent, independent and impartial authority, and to a prompt decision on such action;
- (f) the right to bail and recognizance, in appropriate cases;

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- (g) the right to testify as a witness in his/her own behalf under the rule on examination of a child witness;
- (h) the right to have his/her privacy respected fully at all stages of the proceedings;
- (i) the right to diversion if he/she is qualified and voluntarily avails of the same;
- (j) the right to be imposed a judgment in proportion to the gravity of the offense where his/her best interest, the rights of the victim and the needs of society are all taken into consideration by the court, under the principle of restorative justice;
- (k) the right to have restrictions on his/her personal liberty limited to the minimum, and where discretion is given by law to the judge to determine whether to impose fine or imprisonment, the imposition of fine being preferred as the more appropriate penalty;
- (l) in general, the right to automatic suspension of sentence;
- (m) the right to probation as an alternative to imprisonment, if qualified under the Probation Law;
- (n) the right to be free from liability for perjury, concealment or misrepresentation; and
- (o) other rights as provided for under existing laws, rules and regulations. The State further adopts the provisions of the United Nations Standard Minimum Rules for the Administration of Juvenile Justice or "Beijing Rules", United Nations Guidelines for the Prevention of Juvenile Delinquency or the "Riyadh Guidelines", and the United Nations Rules for the Protection of Juveniles Deprived of Liberty.

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