



STAND UP TO TORTURE

A GUIDE TO GETTING JUSTICE
IN THE PHILIPPINES

STOP ~~TORTURE~~

**AMNESTY
INTERNATIONAL**



GLOSSARY

CSC	Civil Service Commission
CHR	Commission on Human Rights
IAS	Internal Affairs Service
NAPOLCOM	National Police Commission
NPS	National Prosecution Service
NGOs	Non-governmental organizations
PLEB	People's Law Enforcement Board
PNP	Philippine National Police

1. INTRODUCTION



If someone in government or with authority has intentionally hurt you, or made you suffer deeply in some way, to get information or a confession, or to punish, intimidate or threaten you, then you have been tortured.

This is always illegal, and under Philippine and international law you have the right to justice, compensation, and other forms of redress.

Filing a complaint does not guarantee success, but it is the only way to get justice.

We have designed this booklet to help you understand the options available to people who may have been tortured – including pros and cons for each, and what the process will be.

It focuses on abuses by the police, but some of the ways of getting justice – such as through the National Prosecution Service (NPS), Office of the Ombudsman, Civil Service Commission (CSC) and Commission on Human Rights (CHR) – also apply if you have been abused by military officers or other persons of authority. We have also included a list of non-governmental organizations (NGOs) that can help on your journey to justice.

2. KNOW YOUR RIGHTS



Both Philippine and international human rights law provide specific protections for everyone during arrest, questioning, detention and in court. These are called “safeguards” and include:

Arrest – you can only be arrested by police officers. In some cases, citizen’s arrest is allowed. Either way, you have the right to be informed of the reasons for your arrest and of your rights while in police custody. You have the right to tell your family and others, including a lawyer, where you are. The police must keep official records of your arrest.

Detention – You have the right to be visited by your relatives, and to have access to a lawyer. You have the right to medical care. You should be treated humanely and kept in dignified conditions.

Questioning – You have the right not to be tortured (or made to suffer other cruel, inhuman and degrading treatment or punishment, which we collectively call “ill-treatment”) during questioning. You have the right to have your lawyer present, and to receive medical examinations and services throughout. The police must keep detailed records of the questioning sessions.

Court / the Judicial Process – You have the right to be brought promptly before a fiscal or judge. You have the right to challenge the lawfulness of your detention. Statements obtained through torture or ill-treatment should not be allowed in court, except as evidence of your torture.

3. WHERE TO GO TO FILE A COMPLAINT



You can only obtain justice by coming forward and filing a complaint. However, you need to be aware of the risks you could face if you file a complaint, including intimidation from the person who subjected you to torture.

If you wish to lodge a complaint for torture or other ill-treatment you have eight options: four deal with complaints against police, and four independent bodies deal with complaints of abuse more broadly.

You can file a **criminal case**, which automatically includes a **civil** element for compensation for the injuries you received. If you do not want to go through a criminal trial you can just file a **civil case** on its own. If you just want the police officers concerned to be suspended or dismissed, you can file an **administrative case**.

Before choosing any of the accountability bodies, you can go to the Commission on Human Rights (CHR), which can help you gather evidence and choose the appropriate accountability body.

Administrative – You can file with any of the accountability bodies except the National Prosecution Service (NPS). Each body, except the CHR, metes out different administrative penalties, including from 60 days’ suspension up to dismissal from service.

Criminal – In Philippine law, torture is a crime punishable under the Anti-Torture Act. The range of penalties varies depending on the severity of the crime. The Internal Affairs Service (IAS), Office of the Ombudsman and the NPS are mandated to conduct criminal investigations for torture.

Civil cases are filed directly in court.

You should not file the same type of complaint in more than one place at the same time – this can result in the case being thrown out altogether because of a “no forum shopping” rule. The CHR is not covered by this rule. You can file one administrative case and one criminal case before the same body or in different bodies, but you cannot file your administrative case twice (for example, at both the Civil Service Commission (CSC) and the Philippine National Police (PNP) Command at the same time.

If you have been tortured and are still in prison you can file a complaint with the help of a lawyer, human rights NGO, or directly to CHR officers who should visit detention facilities regularly.

POLICE-SPECIFIC BODIES

PHILIPPINE NATIONAL POLICE COMMAND

INTERNAL AFFAIRS SERVICE

NATIONAL POLICE COMMISSION

PEOPLE'S LAW ENFORCEMENT BOARD

PHILIPPINE NATIONAL POLICE COMMAND

The Philippine National Police (PNP) Command is the structure that supports and manages police officers in their work.

PROS

Immediate relief – PNP Command can suspend police officers immediately, pending the investigation's outcome.

Accessible – Complaints can be lodged at regional, provincial, city and municipal offices. The PNP has also set up human rights desks at various levels of PNP Command, including at the city and municipal levels.

CONS

Confusing – As is the case with all four police-specific bodies, there are overlapping jurisdictions and confusing classifications, so it may not be immediately clear where and how to file the complaint.

Potentially dangerous – They will know who you are. Although you can submit an anonymous complaint, if you choose not to do this and produce sworn affidavits, it is not clear whether your and your witnesses' identity and whereabouts are protected.

PROCESS

The basic process is similar for all police-specific accountability bodies.

Light offences, which may include some forms of ill-treatment, are filed before the local chief of police and municipal/city mayors. Grave offences, such as torture, are filed before the People's Law Enforcement Board (PLEB) and the IAS. However, nothing prevents you from going to any police station to lodge a complaint, which should then be referred on to the right body.

Cases whose maximum penalty is summary dismissal from service may be filed before PNP regional directors, Chief PNP,

or the National Police Commission (NAPOLCOM). Summary dismissals apply to circumstances: where the charge is serious and the evidence of guilt is strong; when the respondent has been repeatedly charged and there are reasonable grounds to believe that he/she is guilty of the charge; when the respondent is guilty of a serious offence; or when the respondent has been absent without official leave continuously for 30 days.

You can file your complaint in writing or verbally at the police office responsible for the area where the offence was committed. You can do it anonymously – if you have evidence for your allegations. If you file your complaint verbally, you will be asked to provide a written statement later on. Once the complaint has been evaluated by the initial police officer, it may be: dropped for lack of evidence, referred to the appropriate disciplinary authority, referred to another government authority as a grievance/request for assistance, or recommended for a summary hearing. The accused police officer has five days to respond, before a pre-

hearing to clarify any issues, and then the full hearing. The hearing officer makes a recommendation to the disciplinary authority, which then has 30 days to make a decision. The accused has 10 days to appeal.

CONTACT

Phone: (+63-2) 723-0401

Address:

PNP National Headquarters
Camp General Crame
Quezon City

Website: pnp.gov.ph/portal/index.php/contact-us

INTERNAL AFFAIRS SERVICE

The Internal Affairs Service (IAS) is the “watchdog” for the PNP, but it sits within the PNP structure, directly under the Chief PNP.

PROS

Helpful – It will automatically carry out its own investigations where a police officer discharged a firearm; or when death, serious physical injury or any human rights violations – including torture – occurred during a police operation or in police custody.

Accessible – There are provincial, regional and national offices.

Immediate relief – IAS can suspend police officers immediately, pending the investigation’s outcome.

Potentially safer – You do not have to deal with the police officers who may have been involved in your abuse. The IAS can also

suspend a police officer if there is evidence they are trying to harass, coerce or influence you or your witnesses.

Criminal and administrative mandate – IAS is mandated to investigate and file criminal cases against police officers in court aside from investigating administrative charges, although in practice it is not known to file such criminal cases.

CONS

Not entirely independent – Despite certain safeguards, police officers assigned to the IAS are still very much within the PNP structure.

Not as powerful as it could be – It can only make recommendations to PNP disciplinary authorities (the PNP regional directors, Chief PNP, and NAPOLCOM commissioners), who are meant to implement the recommendations, or explain very clearly why not, but there is no system to ensure this happens.

PROCESS

Nothing prevents you from going directly to the relevant provincial or regional IAS office in the area where the torture was committed, although the PNP advice is to first think about going to the municipal or city police station if appropriate, or a PLEB (if there is one). If you choose the IAS, the process is almost identical to the PNP Command (see page 11). The only difference is that once the IAS issues a resolution, the disciplinary authority has 30 days to act on it; otherwise the IAS resolution automatically becomes the disciplinary authority's "decision" which mandates the disciplinary authority to implement it.

CONTACT

Phone: (+63-2) 899-7504 (hotline)

Address:

Internal Affairs Service
Philippine National Police
Camp General Crame
Quezon City

NATIONAL POLICE COMMISSION

The National Police Commission (NAPOLCOM) monitors and investigates police anomalies, and takes primary jurisdiction on grave administrative cases against police officers.

PROS

Direct – NAPOLCOM exercises administrative control and operational supervision over the PNP and has review powers over police-specific disciplinary authorities so you will be cutting through bureaucracy.

Immediate relief – NAPOLCOM can suspend police officers immediately, pending the investigation's outcome.

Semi-independent – The board is mostly civilian, and all are expected to have a university degree or relevant experience (such as human rights or justice).

Accessible – It has regional offices.

CONS

Not totally independent – The Chief PNP is a member of the board.

Confusing – Despite supposedly having main authority over serious administrative cases, there are still overlapping jurisdictions and confusing classifications with all police-specific bodies.

Little help to you in gathering evidence – The investigator/hearing officer relies solely on the evidence submitted.

PROCESS

You can file your complaint in writing or verbally before the NAPOLCOM office that has jurisdiction where the offence was committed. You can file anonymously if you have evidence

for your allegations. The process is then almost identical to the PNP Command (see page 11).

CONTACT

Address:

371 Sen. Gil J Puyat Ave
Makati City

For regional addresses and phone numbers, see:

napolcom.gov.ph/DIRECTORY.htm

PEOPLE'S LAW ENFORCEMENT BOARD

People's Law Enforcement Boards (PLEBs) are created within cities and municipalities. Where they exist, they are meant to be the first port of call for any complaint against police officers.

PROS

Independent from the police.

Simple – As the central place to receive complaints against the police, this should simplify the process of filing complaints.

CONS

Not that accessible – They do not exist everywhere and are dependent on the political will of local government.

The members change every election and do not necessarily have the right experience to decide cases against the police.

Decentralized – There is no central body monitoring the cases being decided or heard by each PLEB.

Limited powers – It can only recommend to the superior of a police officer to impose preventive suspension for up to 90 days, and it is not clear whether PLEB has a system for monitoring the implementation of its recommendations.

Little help in gathering evidence – The investigator/hearing officer relies solely on the evidence submitted by the parties.

No appeal – unless the police officer is found guilty and the penalty is demotion or dismissal.

PROCESS

You can file your complaint in writing or verbally – and anonymously if you have evidence of your allegations – in the PLEB office in the area where the offence was committed (see page 11).

CONTACT (FOR INFORMATION ABOUT LOCAL PLEBS):

Phone: (+63-2) 895-6420

Address:

Atty Ronaldo T Reyes
Chairperson of PLEB Makati and President of the PLEB
Association of the Philippines

INDEPENDENT BODIES

OFFICE OF THE OMBUDSMAN

NATIONAL PROSECUTION SERVICE, DEPARTMENT OF JUSTICE

CIVIL SERVICE COMMISSION

COMMISSION ON HUMAN RIGHTS

OFFICE OF THE OMBUDSMAN

The Ombudsman is the “protector of the people” with a duty to investigate any apparently illegal, unjust, improper or inefficient act by a public official or office.

You cannot file an administrative case here if you have filed an administrative case with any other body.

PROS

Powerful – It can enter and inspect the premises of any government body, including police stations, jails and prisons; and examine any document relating to a case. It can grant immunity from prosecution to witnesses. It has disciplinary authority over all government officials, except members of Congress, the judiciary and officials who can only be removed by impeachment.

Simultaneously investigates administrative and criminal cases.

Helpful – It may conduct fact-finding investigations which could help strengthen your case.

CONS

Time sensitive – Administrative cases can be thrown out if filed more than a year after the event.

A narrow focus – It currently seems not as interested in torture as it is in graft and corruption cases.

Not very accessible – It only has offices in Metro Manila, Cebu and Davao.

If the respondent is absolved, there is no possibility of appeal.

PROCESS

The Ombudsman admits complaints verbally or in writing. Anonymous complaints are entertained only in exceptional cases.

CRIMINAL COMPLAINTS

The investigating officer evaluates the complaint and it may be dismissed, referred elsewhere for administrative adjudication, forwarded to the appropriate office for fact-finding (for example, the National Bureau of Investigation), endorsed to another government authority (for example, NAPOLCOM) or subjected to a preliminary investigation.

If it goes to a preliminary investigation, a copy of the complaint and supporting documents is sent to the accused, who is given a chance to respond. There may be a hearing to clarify evidence. Then the investigating officer forwards their resolution to the designated authorities for action. You have 15 days to ask the Ombudsman or Deputy Ombudsman for reconsideration. An “information” (criminal complaint) is then filed in court.

ADMINISTRATIVE COMPLAINTS

You can initiate an administrative case with a written complaint under oath, with evidence and a “no forum shopping” certificate. These complaints can also be initiated by the Ombudsman or Deputy Ombudsman. The complaint is evaluated and may be: dismissed, referred elsewhere for further fact-finding or other administrative proceedings, or registered as an administrative case. If this happens, the accused has 10 days to respond. The investigating officer may then drop the case, or ask for more evidence and conduct a clarificatory hearing, which could lead to a formal investigation with a trial before the investigating officer, where witnesses testify and are cross-examined. The investigating officer then submits findings and recommendations to the Ombudsman.

Once approved by the Ombudsman, and if found guilty, the respondent has 10 days to ask for a reconsideration, or 15 days to appeal. You have no right to appeal.

CONTACT

Phone: (+63-2) 926-2662 (hotline)
(+63) 926-699-4703 (SMS hotline)
(+63-2) 479-7300 (office)

Address:

Ombudsman Building
Agham Road
North Triangle
Quezon City

Website: www.ombudsman.gov.ph

Email: pab@ombudsman.gov.ph

NATIONAL PROSECUTION SERVICE, DEPARTMENT OF JUSTICE

The National Prosecution Service (NPS) is part of the Philippine Department of Justice – the body ultimately responsible for upholding the rule of law.

PROS

Accessible – There are prosecutors in every city and province, and special prosecutors in the national office.

Quicker – Filing directly with the prosecutors without going through the CHR may mean faster filing of the criminal case in court.

Safer – The Department of Justice has a witness protection programme.

CONS

Little help in gathering evidence – The prosecutors rely solely on the evidence submitted by you and the accused.

Not always independent – In some places prosecutors have developed strong relationships with the local police.

PROCESS

Depending on where you or your family member was tortured you should file your complaint either before the city or the provincial prosecutor. You can also go directly to the NPS national office, which has a special team of prosecutors for cases such as torture.

Extreme cases (resulting in death, mutilation, incapacitation for more than 30 days, insanity, amnesia or suicidal tendencies, or which included rape or were against children), are required to go through a preliminary investigation. The case will either be dismissed if not enough evidence, or taken up, where the prosecutor prepares a resolution. The accused has 15 days to file a motion for reconsideration. Once the resolution is final, an “information” (criminal complaint) is filed in court. An appeal

against the resolution can be filed before the Department of Justice (or the Regional State Prosecutor for lighter offences).

Less serious cases, including ill-treatment resulting in incapacity for 30 days or less, may be filed directly in court.

CONTACT

Phone: (+63-2) 521-2930
(+63-2) 523-8481 local 403

Address:

DOJAC Main Office G/f
Forum Building
Padre Faura Street
Ermita
Manila

Email: dojac@doj.gov.ph

For contact information of the NPS, and the city and regional prosecutors, see:

www.doj.gov.ph/national-prosecution-service.html

CIVIL SERVICE COMMISSION

The Civil Service Commission (CSC) is the central personnel agency of the government.

PROS

Accessible – It has regional offices and also allows complaints to be lodged at the local office of the government agency to which the respondent belongs.

Powerful – CSC can preventively suspend and dismiss civil servants (including the police).

CONS

A narrow focus – Although you can go directly to the CSC, it mostly deals with appeals from decisions of government agencies (including the PNP).

Not entirely independent – The CSC sometimes asks lawyers of the PNP to conduct preliminary investigations, which could be a problem in cases of torture complaints against police officers.

You cannot file an appeal against a decision that finds your alleged abuser not guilty.

PROCESS

All complaints must be submitted under oath and in writing to the CSC central or regional offices, or at the local offices of the government agency to which the accused belongs (for example, the PNP). Anonymous complaints must be supported with evidence. The accused responds, under oath, and there is a preliminary investigation, where you and the accused may be required to clarify issues. The investigator submits a report with recommendations to the disciplining authority (for example, the PNP), which either dismisses the complaint, or asks the accused to officially answer the charge. The disciplining authority may suspend the accused during this time.

A formal investigation may be conducted, including a pre-hearing, if necessary to assess the facts. At the end of the formal investigation, the investigator submits a report with recommendations to the disciplining authority, which has 30 days to take action.

CONTACT

Phone: (+63-2) 951-2575
(+63-2) 951-2576
(+63-2) 932-0111
(+63) 917-839-8272 (SMS hotline)

Address:
Civil Service Commission
Constitution Hills
Batasang Pambansa Complex Diliman
Quezon City

Website: www.csv.gov.ph

COMMISSION ON HUMAN RIGHTS

The Commission on Human Rights (CHR) is an independent constitutional body tasked with protecting the human rights of all people in the Philippines as well as Filipinos living abroad.

PROS

Proactive and helpful – CHR investigators take a proactive role in the investigation, but just how much help they can offer depends on the competence of its investigators.

Accessible – It has regional offices.

Offers a limited witness' and victims' protection programme.

CONS

Limited power – The CHR can only investigate, and its resolutions are only recommendations.

Lengthy and time-consuming – Even though you submit your evidence to the CHR, you will still have to submit it again to the Ombudsman, prosecutor or to whichever body the CHR refers the case.

PROCESS

You can either file your complaint directly with the regional CHR office, or go through the Barangay (village/community) Human Rights Action Center. An investigator, a lawyer or a quick response team may be sent to find out key facts. If they recommend a public inquiry, the CHR Regional Director will ask you and the accused for a meeting to discuss what should be done. If a full investigation is necessary, the investigators submit an investigation report, which becomes the CHR resolution and details which authority needs to investigate further or make a ruling. The report should also state whether there is evidence of human rights violations and whether you are eligible for financial assistance.

CONTACT

Phone: (+63-2) 928-5655
(+63-2) 926-6188

Address:

Commission on Human Rights
SAAC Building
Commonwealth Avenue
UP Complex
Diliman
Quezon City

For regional CHR offices see:

www.chr.gov.ph/MAIN%20PAGES/contact_us.htm

4. WHERE TO GO FOR FURTHER ADVICE



AMNESTY INTERNATIONAL PHILIPPINES

Philippine section of Amnesty International, campaigning to end grave human rights abuses.

Phone: (+63-2) 376-4342

Address:

18 A Marunong St
Barangay Central
Quezon City

Website: www.amnesty.org.ph
www.facebook.com/amnestyph

Email: section@amnesty.org.ph

BALAY REHABILITATION CENTER INC

An organization that works for the psychosocial relief and rehabilitation of survivors of human rights violations. It provides services primarily to the survivors of torture.

Phone and Address:

(+63-2) 921-6301
#25 Maalindog Street
UP Village

(+63-64) 278 3355
Diliman Quezon City
#023 Villamarzo Street
Kidapawan City
North Cotabato

Website: www.balayph.net

CHILDREN'S LEGAL RIGHTS AND DEVELOPMENT CENTER INC (CLRDC)

A legal resource human rights organization for children.

Phone: (+63-2) 433-3199

Address:

4/f, Room 401-B
CRM Building III
106 Kamias Road
Quezon City

Website: clrdc.wordpress.com

Email: children_legalrights@yahoo.com

FREE LEGAL ASSISTANCE GROUP OF THE PHILIPPINES (FLAG)

A nationwide human rights lawyers' organization committed to the protection and promotion of human rights through free legal assistance for victims of human rights violations.

Phone: (+63-2) 475-7159

Address:

c/o Sanidad Law Offices
2/f East Side Bldg
77 Malakas Street
Brgy. Piñahan, Diliman
Quezon City

Email: flag@flag.com.ph

HUMANITARIAN LEGAL ASSISTANCE FOUNDATION (HLAF)

An organization that seeks to alleviate the problem of inhumane and unjust detention through direct legal action, intervention and policy advocacy.

Phone: (+63-2) 634-8720

Address:

Medical Plaza Ortigas
25 San Miguel Avenue
Ortigas Center
Pasig City

Website:

www.facebook.com/hlafphil
www.hlafphil.org

Email: ed.hlaf@gmail.com

KARAPATAN

An alliance of individuals, groups and organizations working for the promotion and protection of human rights, including through legal and welfare assistance to political prisoners and victims of human rights violations.

Phone: (+63-2) 435-4146

Address:

No. 1 Maaralin cor Matatag
Barangay Central
Quezon City

Website:

www.karapatan.org
www.facebook.com/Karapatan

Email: karapatan@karapatan.org

MEDICAL ACTION GROUP (MAG)

Human rights organization of medical professionals and students, working to provide preventive, curative and rehabilitative health services to victims of human rights violations.

Phone: (+63-2) 994-0259
(+63) 928-905-5920

Address:
129-D Matatag Street
Barangay Central
Quezon City

Website:
www.magph.org
www.facebook.com/medicalactiongroup

PEOPLE'S RECOVERY, EMPOWERMENT AND DEVELOPMENT ASSISTANCE FOUNDATION (PREDA)

An organization that provides rescue, treatment and recovery services for physically abused children, and assistance in investigating and prosecuting perpetrators.

Phone: (+63) 47 222-4994
(+63) 47 223-9629
(+63) 917-532-4453 (hotline)

Address:
Upper Kalaklan
Subic Bay
Olongapo City

Website: www.preda.org

Email: predainfo@preda.org

THE PHILIPPINE ALLIANCE OF HUMAN RIGHTS ADVOCATES (PAHRA)

An alliance of individuals, institutions and organizations committed to the promotion, protection and realization of human rights in the Philippines through advocacy.

Phone: (+63-2) 436-2633

Address:
53-B Maliksi Street
Barangay Pinyahan
Quezon City

Website: www.philippinehumanrights.org

TASK FORCE DEDP)

An organization that protects the rights and promotes the interests of political prisoners and other victims of human rights violations.

Phone: (+63-2) 437-8054
(+63-2) 995-0246
(+63-2) 911-3643

Address:

#45 St. Mary Street
Cubao
Quezon City

Website:

www.tfdp.net

NOTES:

Amnesty international is a global movement of more than 3 million supporters, members and activists in more than 150 countries and territories who campaign to end grave abuses of human rights.

Our vision is for every person to enjoy all the rights enshrined in the Universal Declaration of Human Rights and other international human rights standards.

We are independent of any government, political ideology, economic interest or religion and are funded mainly by our membership and public donations.

amnesty.org.ph

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18 A Marunong St., Bgy. Central
Quezon City 1100
Philippines

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Email: section@amnesty.org.ph

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This is always illegal, and under Philippine and international law you have the right to justice, compensation and other forms of redress.

If you or someone you know has been tortured, this booklet will help you understand your options for getting justice – including the pros and cons for each, and the process you will need to follow.

amnesty.org.ph

