



Republic of the Philippines
NATIONAL POLICE COMMISSION
NATIONAL HEADQUARTERS, PHILIPPINE NATIONAL POLICE
Camp BGen Rafael T Crame, Quezon City

28 SEP 2020

MEMORANDUM CIRCULAR

NR: 2020-060

**Guidelines on the Implementation of Human Rights Recording, Analysis,
Information System and Enforcement ("HuRAISE")**

1. REFERENCES:

- a. 1987 Philippine Constitution;
- b. Universal Declaration of Human Rights;
- c. Republic Act (RA) 7435, Rights of Person Under Custodial Investigation Act;
- d. RA 9745, Freedom from Torture and Other Cruel, Inhuman and Degrading Treatment or Punishment Act;
- e. RA 9262, Anti-Violence Against Women and their Children Act;
- f. RA 8371, Indigenous Peoples' Rights Act;
- g. RA 10353, Anti-Enforced Disappearance Act;
- h. Batas Pambansa 880, The Public Assembly Act;
- i. PNP Guidebook on Human Rights-Based Policing;
- j. LOI 55/07 "PAMANA" (PNP Human Rights Development Program);
and
- k. NAPOLCOM Resolution No. 2007-247. Approving the Human Rights Affairs Office (HRAO);

2. RATIONALE

This Memorandum Circular (MC) serves as an institutional mechanism for generating empirical data on human rights with corresponding analysis in order to address misconduct among police personnel, with the end in view of strengthening the PNP internal cleansing program through adherence of the police to respect the rule of law, protect human dignity, and face accountability for violations thereof.

3. SITUATION:

Among all law enforcement institutions in the world, it is only in the Philippine National Police that one can find an office that is dedicated to helping fulfill the country's international commitment and obligation to respect, protect, and promote human rights. As a management tool of the top leadership of the premier law enforcement agency of the land, the PNP Human Rights Affairs Office (HRAO) has been established with the main goal of advancing the cause of human rights through its Human Rights Development Program that advocates the supremacy of human rights as the first business of policing.

Authenticated by:


PMAJ EDGAR P PABLICO
Administrative Officer, HRAO

However, while countless initiatives have been put into place, it cannot be denied that the magnitude of cases of human rights violations involving a number of police personnel has been a very contentious issue for the PNP. In several occasions, the international community has been questioning the Philippine government's commitment as a signatory to the treaties and obligations on account of, among others, the involvement of police personnel in alleged violations of human rights. For the longest time, though, the HRAO has been seeking support and assistance for available data from the concerned offices of the PNP, including those in the PROs. Unfortunately, the data generated from these offices did not categorically reflect the real picture of human rights cases involving police personnel.

In order to establish a human rights-centered data collecting system that would capture unique and specific human rights (e.g. *Right to Life, Right to Liberty, Right to Freedom of Expression, etc*) violations, the PNP deems it fitting and proper to adopt a monitoring tool for the purpose. Dubbed as *Human Rights Recording, Analysis and Information System and Enforcement* or "**HuRAISE**", this tool has the following features: "*Incident Data*"; "*Claimholder's Data*"; "*Dutybearer's Data*"; "*Violation Data*"; and "*Evidence Data*". It shall serve as template for generating the said data to be filled out "manually" from the ground, with HR officers as collectors thereof.

Results of the data analysis on human rights cases will subsequently be a major reference of the CPNP during press conferences or whenever PNP actions on human rights issues are raised in international community. It is with the end in view of making the HRAO as the sole repository of empirical data and statistical interpretation on possible human rights violations useful for policy issuances, procedures, law enforcement measures, and relevant domestic/international functions of the PNP leadership.

4. PURPOSE

The "HuRAISE" (HRAO Form 2020-01) shall serve as the basis for data recording, collection and analysis of various human rights issues in the PNP and will, thus, lead to supporting the empirical views of the PNP towards human rights with facts, figures, and actual references.

5. DEFINITION OF TERMS

- a. **Claimholder** - alleged victim of human rights violation.
- b. **Duty Bearer** - policeman who is alleged to have committed human rights violation.
- c. **Human Rights** – are rights inherent to all human beings, regardless of race, sex, nationality, ethnicity, language, religion, or any other status. It is the essence of these rights that makes man human.
- d. **Human Rights Violations** – for purposes of this MC, they occur when state agent like the police officer breaches any of the relevant provisions of Article III, 1987 Philippine Constitution, pertinent human rights laws and relevant domestic instruments, disciplinary policies, and the rule of law.

Authenticated by:


PMAJ EDGAR P PABLICO
Administrative Officer, HRAO

- e. **Freedom from Arbitrary Interference with One's Privacy, Family, Home or Correspondence** - the right of the people to be secure in their persons, houses, papers and effects against unreasonable searches and seizures of whatever nature and for any purpose shall be inviolable, and no search warrant or warrant of arrest shall issue except upon probable cause to be determined personally by the judge after examination under oath or affirmation of the complainant and the witnesses he may produce, and particularly describing the place to be searched and the persons or things to be seized. (Sec.2, Art. III, 1987 Phil. Constitution)
- f. **Freedom from Discrimination** - all are equal before the law and are entitled without any discrimination on the basis of race, sex, nationality, age or religion. All are entitled to equal protection of the law against any discrimination and against any incitement to such discrimination. (Article 7, UDHR)
- g. **Freedom of Movement and Residence** - the liberty of abode and of changing the same within the limits prescribed by law shall not be impaired except upon lawful order of the court. Neither shall the right to travel be impaired except in the interest of national security, public safety, or public health, as may be provided by law. (Sec. 6, Art. III, 1987 Phil. Constitution)
- h. **Freedom of the Press, Speech, Opinion and Expression** - no law shall be passed abridging the freedom of speech, of expression, or of the press, or the right of the people peaceably to assemble and petition the government for redress of grievances. (Sec 4, Art. III, 1987 Phil. Constitution)
- i. **Freedom from Slavery and Involuntary Servitude** - no involuntary servitude in any form shall exist except as a punishment for a crime whereof the party shall have been duly convicted (Sec. 18 (2), Art III, 1987 Phil. Constitution)
- j. **Freedom of Thought, Conscience and Religion** - no law shall be made respecting an establishment of religion, or prohibiting the free exercise thereof. The free exercise and enjoyment of religious profession and worship, without discrimination or preference, shall forever be allowed. No religious test shall be required for the exercise of civil or political rights. (Sec 5, Art. III, 1987 Phil. Constitution)
- k. **Freedom from Torture, Cruel, Inhuman or Degrading Treatment and Punishment** – values the dignity of human person, including suspects, detainees and prisoners, where no person placed under investigation or held in custody by 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 (Sec 19, Art III, 1987 Philippine Constitution)

Authenticated by:


PMAJ EDGAR P PABLICO
Administrative Officer, HRAO

- l. **Right to Life** – “No person shall be deprived of life, liberty, or property without due process of law, nor shall any person be denied the equal protection of the laws” (Sec 1, Art. III, 1987 Philippine Constitution)
- m. **Right to Liberty/Security/ Freedom from Arbitrary Arrest and Detention** – is freedom from control, interference, or restriction; hampering conditions; freedom from captivity, confinement, or physical restraint; focuses on protecting an individual’s freedom from unreasonable arrest and detention, search or seizure, torture and other cruel and unusual punishment. (Sec 2, Art III, 1987 Philippine Constitution)
- n. **Right to Property** - right to peacefully enjoy possessions, where no one shall be arbitrarily deprived of his *property*. (Art. 17, Para 2, Universal Declaration of Human Rights)
- o. **Right to Peaceably Assemble** - the right of the people peaceably to assemble and petition the government for redress of grievances. (Art. III, Sec. 4, Bill of Rights, 1987 Philippine Constitution / BP 880)
- p. **Right to Protection from Enforced Disappearance** - refers to the arrest, detention, abduction or any other form of deprivation of liberty committed by agents of the State or by persons or groups of persons acting with the authorization, support or acquiescence of the State, followed by a refusal to acknowledge the deprivation of liberty or by concealment of the fate or whereabouts of the disappeared person, which places such person outside the protection of the law. (Sec. 3 (b), RA 10353)
- q. **Rights of Vulnerable Persons** – refer to the rights of women, children, IPs, senior citizens, PWDs, and the like.

6. GENERAL AND SPECIFIC GUIDELINES

a. **GENERAL GUIDELINES:** All PNP personnel shall adhere to and support the institutionalization of the *Human Rights Recording, Analysis and Information System and Enforcement (HuRAISE)* as a major contribution of the agency to the advancement of human rights protection in the country.

b. SPECIFIC GUIDELINES:

1. The Human Rights Development Program of the PNP (LOI 55/07 “PAMANA”), specifically the Prevention and Control of Human Rights Violations component, shall be strengthened with the adoption of “HuRAISE” as an official monitoring mechanism on alleged violations of human rights;

2. The PNP-wide data on human rights violations generated accordingly following the adoption of this MC shall be considered CONFIDENTIAL and, thus, are not subject for publication leading to any public or media presentations or discourses without the approval or clearance from the C/PNP, or

Authenticated by:


PMAJ EDGAR P PABLICO
 Administrative Officer, HRAO

the Regional Director of Police Regional Office in case of regional data, taking into consideration the relevant policy issuance or release of data to any media outlets. Likewise, any personnel from any unit who releases data on human rights violations without any authority shall be held administratively liable.

3. Appropriate seminars/workshops with the Human Rights Officers (HROs) on the proper filling out of "HuRAISE" Form shall be conducted prior implementation thereof to ensure accuracy, timeliness and propriety of data gathered.

4. The filled-out forms containing the data on human rights violations shall be stored properly in a secured cabinet by Human Rights Officers. Likewise, a separate filing system shall be maintained for encoded data on human rights violations using a computer for exclusive use of the HROs.

5. HRAO may conduct assessments on the viability of data collection using the "HuRAISE" Form, the result of which may be considered for purposes of adopting the evolving format on data collection, analysis and interpretation, including the appropriate use of information and communication technology.

6. The C, HRAO may confer with the concerned heads of police offices with regard to the results and assessments on the data collection thru the "HuRAISE" for the purpose of addressing critical issues on the legal, cultural, behavioral, administrative and organizational aspects of the magnitude of cases of human rights violations involving police personnel.

7. The PNP, through the HRAO, shall initiate incentive programs for HR officers who diligently maintain the data on alleged human rights violations committed by police personnel with the corresponding initiatives to ensure that such violations have been sharply reduced, if not eliminated, for the benefit of their units and the PNP as a whole.

8. The HRAO shall prepare the necessary documentations as well as official replies for the CPNP's consumption during conferences, local and international, press briefings, or as may be necessary in times of inter-agency cooperation that delves on human rights issues, taking into consideration the data collected arising from the implementation of this MC on "HuRAISE". Appropriate coordination with other police offices/units, however, may be considered for the purpose of clarifying relevant issues prior documentation.

9. All HROs shall be strengthened and given appropriate support by their respective heads/chiefs of offices down the line in implementing these guidelines subject to the technical/operational advisory and monitoring of the C, HRAO.

7. TASKS / RESPONSIBILITIES:

1) HRAO

- a) OPR for the implementation of this MC;

Authenticated by:


PMAJ EDGAR P PABLICO
Administrative Officer, HRAO

- b) Organize the designated HROs from the different units of PROs and NOSUs responsible for the implementation of "HuRAISE";
- c) Conduct orientation seminars/workshops to concerned personnel on the mechanisms for data collection adopting the "HuRAISE" Form;
- d) Establish a database management on all reports of alleged HR violations to become the sole repository of information on human rights concerns for easy reference purposes whenever human rights issues in the PNP are discussed;
- e) Extend technical and material assistance as may be appropriate to facilitate the needs of designated data collectors/documenters on reported allegations of human rights violations involving PNP personnel;
- f) Coordinate with other police offices/units on any and all cases involving alleged human rights violations committed by the police;
- g) Provide and update the CPNP with the necessary periodic reports and the corresponding assessments and recommendations on the magnitude of human rights cases affecting the PNP;
- h) Issue policy measures for the enforcement of appropriate preventive, restorative and punitive approaches specific to the involvement of police personnel in human rights violations vis-à-vis internal cleansing program of the PNP;
- i) Represent the CPNP, as may be appropriate, in legislative forums, conferences, and other multi-sector functions, that specifically delve on the PNP's data analysis on human rights cases affecting the PNP;
- j) Generate support of well-meaning institutions and human rights advocates concerning the "HuRAISE" initiatives; and
- k) Perform other tasks as may be directed by the CPNP.

2) TDIDM

- a) Assist HRAO with some relevant information on reported cases of police personnel that have been subjected to investigation with bearing on the data of alleged human rights violations;
- b) Provide necessary policy inputs to the issues associated with addressing respect, protection and promotion of human rights as may be found in the data disaggregation and analysis from HRAO; and

Authenticated by:


PMAJ EDGAR P PABLICO
 Administrative Officer, HRAO

- c) Perform other tasks as may be necessary in order to efficiently and effectively carry out this MC.

3) IG, IAS

- a) Assist HRAO with some relevant information on reported cases of police personnel that have been subjected to administrative disciplinary procedures with bearing on the data of alleged human rights violations;
- b) Provide necessary policy inputs to the issues associated with addressing respect, protection and promotion of human rights as may be found in the data disaggregation and analysis from HRAO; and
- c) Perform other tasks as may be necessary in order to efficiently and effectively carry out this MC.

4) TDPRM

- a) Assist HRAO with some relevant information on decided administrative cases of police personnel with bearing on the data of alleged human rights violations;
- b) Provide necessary policy inputs to the issues associated with addressing respect, protection and promotion of human rights as may be found in the data disaggregation and analysis from HRAO; and
- c) Perform other tasks as may be necessary in order to efficiently and effectively carry out this MC.

5) TDL

- a) Provide appropriate logistical requirements for the implementation of this MC; and
- b) Perform other tasks as may be necessary in order to efficiently and effectively carry out this MC.

6) TDC

- a) Provide budgetary requirements for the implementation of this MC; and
- b) Perform other tasks as may be necessary in order to efficiently and effectively carry out this MC.

7) TDICTM

- a) Assist HRAO for future implementation, in the development of appropriate computerized data collection system of "HuRAISE" anchored under the existing framework of the PNP information and communication technology management program; and

Authenticated by:


PMAJ EDGAR P PABLICO
Administrative Officer, HRAO

- b) Perform other tasks as may be necessary in order to efficiently and effectively carry out this MC.

8) Other D-Staffs

- a) Extend the necessary policy support and assistance to HRAO based on respective functions that may be relevant in addressing respect, protection and promotion of human rights as may be found in the data disaggregation and analysis from HRAO; and
- b) Perform other tasks as may be necessary in order to efficiently and effectively carry out this MC.

9) RDs, PROs

- a) Ensure the successful and proper implementation of "HuRAISE" through the mobilization of HROs utilized as documenters/data collectors;
- b) Provide appropriate support and assistance to the administrative and operational needs of HROs with the implementation of "HuRAISE"; and
- c) Perform other tasks as may be necessary in order to efficiently and effectively carry out this MC.

10) Dirs, NOSUs


- a) Ensure the successful and proper implementation of "HuRAISE" through the mobilization of HROs utilized as documenters/data collectors;
- b) Provide appropriate support and assistance to the administrative and operational needs of HROs with the implementation of "HuRAISE"; and
- c) Perform other tasks as may be necessary in order to efficiently and effectively carry out this MC.

8. COORDINATING INSTRUCTIONS

Lateral and vertical coordination between and among concerned units/offices involved in the implementation of this MC is authorized and encouraged. This MC shall be supplementary to existing policies.

9. ADMINISTRATIVE SANCTIONS:

Immediate supervisors and/or heads of offices who will fail to comply with the guidelines set forth in this MC shall be held administratively liable under NAPOLCOM Memorandum Circular 2016-02 for Neglect of Duty.

Authenticated by:

PMAJ EDGAR P PABLICO
Administrative Officer, HRAO

10. EFFECTIVITY

This MC shall take effect after 15 days from filing of a copy thereof at the University of the Philippines Law Center in consonance with Section 3, Chapter 2, Book VII of Executive Order No. 292 otherwise known as the Revised Administrative Code of 1987, as amended.



CAMILO PANCRATIUS P CASCOLAN
Police General
Chief, FNP

CPNP *lrs 20* S083078



S083078

Authenticated by:


PMAJ EDGAR P PABLICO
Administrative Officer, HRAO