

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 35

CREATING THE INTER-AGENCY COMMITTEE ON EXTRA-LEGAL KILLINGS,
ENFORCED DISAPPEARANCES, TORTURE AND OTHER GRAVE
VIOLATIONS OF THE RIGHT TO LIFE, LIBERTY AND SECURITY OF
PERSONS

WHEREAS, Art. II, Section 11 of the 1987 Constitution declares that the State values the dignity of every human person and guarantees full respect for human rights;

WHEREAS, Art. III, Section 1 of the 1987 Constitution provides that no person shall be deprived of life, liberty or property without due process of law;

WHEREAS, Art. III, Section 2 of the 1987 Constitution provides that 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;

WHEREAS, Art. III, Section 12 (1) of the 1987 Constitution provides that 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;

WHEREAS, Art. III, Section 12 (2) of the 1987 Constitution provides that no torture, force, violence, threat, intimidation, or any other means which vitiate the free will shall be used against him, and that secret detention places, solitary, incommunicado, or other similar forms of detention are prohibited;

WHEREAS, Art. III, Section 14 (1) of the 1987 Constitution provides that no person shall be held to answer for a criminal offense without due process of law;

WHEREAS, Art. III, Section Sec. 18 (1) of the 1987 Constitution provides that no person shall be detained solely by reason of his political beliefs and aspirations;

WHEREAS, there have been reported and validated violations of the above-declared rights of the individual throughout the years, which have served to create an impression of a culture of impunity, wherein security establishments of the State and non-state forces have been accused of silencing, through violence and intimidation, legitimate dissent and opposition raised by members of the civil society, cause-oriented groups, political movements, people's and non-government organizations, and by ordinary citizens;



WHEREAS, most of these violations remain uninvestigated and unsolved, with the perpetrators unidentified or unprosecuted, giving rise to more impunity;

WHEREAS, there is a need to revisit these unsolved cases of grave violations of the right to life, liberty, and security of persons, whether committed as part of an apparent government policy in the past or as recurring cases of unsanctioned individual abuse of power and authority by State and non-state forces under the present; and

WHEREAS, the present Administration declares as a matter of paramount policy that there is no room for all these forms of political violence and abuses of power by agents or elements of the State or non-state forces, and towards this end commits to establish an institutional legacy of an efficient, coherent, and comprehensive government machinery dedicated to the resolution of unsolved cases of political violence in the form of extra-legal killings, enforced disappearances, torture, and other grave violations of the right to life, liberty, and security of persons;

NOW, THEREFORE, I, BENIGNO S. AQUINO III, President of the Philippines, by virtue of the powers vested in me by the Constitution and by law do hereby order:

SECTION 1. Creation of the Inter-Agency Committee. There is hereby created an Inter-Agency Committee on Extra-Legal Killings, Enforced Disappearances, Torture, and Other Grave Violations of the Right to Life, Liberty, and Security of Persons, to be composed of the following:

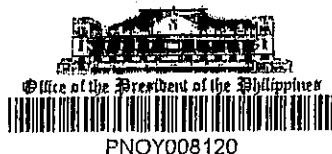
Chairperson: Secretary, Department of Justice (DOJ)

Members: Chairperson, Presidential Human Rights Committee (PHRC)
Secretary, Department of the Interior and Local Government (DILG)
Secretary, Department of National Defense (DND)
Presidential Adviser on the Peace Process (PAPP)
Presidential Adviser for Political Affairs (PAPA)
Chief of Staff, Armed Forces of the Philippines (AFP)
Director General, Philippine National Police (PNP)
Director, National Bureau of Investigation (NBI)

The Committee shall invite the Chairperson of the Commission on Human Rights (CHR) and the Ombudsman as observers and resource persons of the Committee.

The above officials may designate their representatives to the Committee, who shall have a rank not lower than Assistant Secretary, or General and Chief Superintendent in the case of the AFP and the PNP.

The Committee shall organize a technical working group coming from the offices of the various members and a secretariat that may be designated by the Chairperson.



SECTION 2. Functions. The Committee shall undertake the following:

- a) Inventory of cases. For the first 30 days, the Committee shall conduct an inventory of all cases of extra-legal killings, enforced disappearances, torture, and other grave violations of the right to life, liberty, and security of persons, perpetrated by State and non-state forces alike, from all government sources, i.e. the investigative and prosecutorial government offices, including the National Prosecution Service (NPS), the Ombudsman, CHR, PNP, NBI, AFP Inspector General, People's Law Enforcement Board (PLEB), National Police Commission (NAPOLCOM), PNP Internal Affairs Service, the Judiciary and all others, for purposes of categorizing said cases, as follows:
- i. Unsolved Cases;
 - ii. Cases under investigation;
 - iii. Cases under preliminary investigation; and
 - iv. Cases under trial.

Simultaneously, the Committee shall also source data of cases from non-government sources, specifically independent and non-partisan international and national human rights organizations and groups.

In determining which cases are to be included in the inventory, the Committee shall draw up guidelines for the consideration of doubtful cases with primacy given to the political complexion of the offense committed, and the participation of State or non-state forces in the commission of the human rights violation.

- b) Investigation of unsolved cases. After conducting the inventory, the Committee shall prioritize the unsolved cases for action, and assign special investigation teams to conduct further investigation on these cases for the possible identification of the perpetrators. Greater priority shall be given to high profile cases perpetrated during the past administration.
- c) Monitoring and reporting to the Committee of cases under investigation, preliminary investigation, and trial. For cases under investigation, preliminary investigation, and trial, the Committee shall designate a special oversight team composed of investigators and prosecutors who shall actively monitor developments on these cases and regularly report and submit recommendations to the Committee.
- d) Investigation and prosecution of new cases. The Committee shall also designate a special team of investigators and prosecutors exclusively for new cases, for immediate investigation and prosecution of the perpetrators. Cases referred to or filed with the CHR or the Ombudsman shall be monitored by this special team for action on CHR and Ombudsman resolutions on said cases, if applicable, unless the investigation has already been started



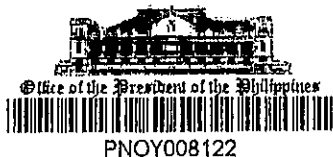
beforehand by, or complaints have already been filed with, the agencies under the Committee's jurisdiction, in which case the special team shall oversee, supervise and monitor the investigation or preliminary investigation conducted by the Committee's agencies, notwithstanding the conduct of an on-going investigation by the CHR or the Ombudsman. However, the special team shall actively coordinate with the CHR and the Ombudsman in the conduct of these concurrent investigations.

In the case of torture, the special team shall ensure that Section 9 (a) of RA No. 9745 or the Anti-Torture Act of 2009 on the 60-day period for an investigation of a complaint for torture is followed by the DOJ, Public Attorney's Office (PAO), PNP, NBI, and the AFP.

- e) Action upon the cases. After the report of every team, which shall be made as regularly and as expeditiously as possible, whether in the form of short memoranda, email, notes, field spot reports, sms messages, and the like, the Chair shall take immediate action if such is within the jurisdiction of the agencies of the Department of Justice, without need of consultation or agreement of the other members, or in consensus with the concerned member of the Committee. In any case, the Chair shall have the discretion to table any matter for discussion and decision of the Committee, especially in the instance of high-profile or problematic cases.
- f) Submission of report to the President. After the first six months from its creation, and every six months thereafter, the Committee shall submit a report to the President, detailing the inventory of cases according to category, and describing the accomplishments and progress made for each case, or the problems and obstacles encountered, highlighting problematic high profile cases from the past administration as well as violations committed during the present administration, with further recommendations for any additional action that may be taken by the President requiring coordination on a common course of action with the CHR, the Ombudsman, Congress, and the Judiciary.

SECTION 3. Coordination and autonomy of members. Nothing in this Administrative Order shall be interpreted to add to bureaucratic processes or regulations in order to achieve the mandate of the Committee or hamper the regular and ordinary course of functions of the agencies under the jurisdiction of the Committee members. The individual agencies shall not be prevented from accomplishing what otherwise is ordinarily accomplished in the regular conduct of their operations and functions, unless otherwise specifically agreed upon by the Committee for purposes of coordinating and implementing concerted action for the achievement of the Committee's mandates.

SECTION 4. Support and cooperation from other government agencies. The various departments, bureaus, offices, agencies, and local government units are hereby



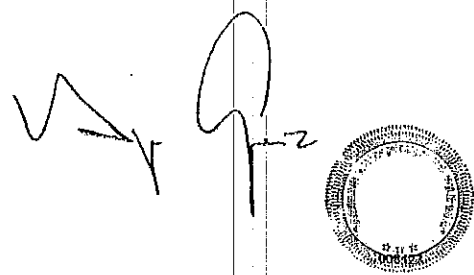
enjoined to give full support, assistance and cooperation to the Committee in carrying out its mandate and functions.

SECTION 5. Funding. The initial funding requirements for the Inter-Agency Committee shall be charged against the current appropriations of the agencies composing the Committee. Thereafter, funding for the succeeding years shall be incorporated in their respective regular appropriations.

SECTION 6. Repealing Clause. This Administrative Order supersedes and repeals Administrative Order No. 211 (s.2007) on the creation of the Task Force Against Political Violence. The Task Force is hereby directed to submit and turnover all its documents, data, reports, supplies, resources, and remaining budget to the Committee, subject to regular procedures.

SECTION 7. Effectivity. This Administrative Order shall take effect immediately.

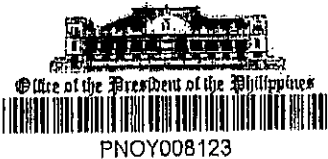
DONE, in the City of Manila, this 22nd day of November, in the year of our Lord, Two Thousand and Twelve.



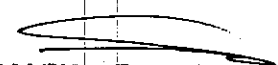
By the President:



PAQUITO N. OCHOA, JR.
Executive Secretary



CERTIFIED COPY:



MARIANITO M. DIMAANDAL
DIRECTOR IV
MALACANANG RECORDS OFFICE

8 11-27-2012 8 11-27-2012