



Republic of the Philippines  
National Police Commission  
**NATIONAL HEADQUARTERS, PHILIPPINE NATIONAL POLICE**  
**OFFICE OF THE CHIEF, PNP**  
**PNP HUMAN RIGHTS AFFAIRS OFFICE**



Camp Crame, Quezon City  
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**MEMORANDUM**

**FOR** : RDs, PROs  
Drs, NSUs  
(Attn: Police Human Rights Officers)

**FROM** : C, HRAO

**SUBJECT** : **Human Rights Advisory Reiterating Prohibition of Torture and Other Forms of Cruel, Inhuman, or Degrading Treatment or Punishment**

**DATE** : August 5, 2016

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1. References:

- a. Republic Act 9745 otherwise known as "Anti-Torture Law";
- b. United Nations International Convention against Torture (CAT);
- c. Republic Act 9851 (IHL Law);
- d. Rule 21, Section 2B, Para 1, NAPOLCOM Memorandum Circular 2016-002;
- e. OCPNP Memorandum Circular 2011-0123 dated April 19, 2011;
- f. HRAO Charter statement objective develop comprehensive policies, education, and programs;
- g. Process Excellence Objectives of PNP Performance Governance System P.A.T.R.O.L. Plan 2030; and
- h. LOI 55/07 "PAMANA"- PNP Human Rights Development Program.

2. In connection with above references, respectfully forwarded to your Office is the copy of the Human Rights Advisory reiterating prohibition of torture and other forms of cruel, inhuman, or degrading treatment or punishment.

3. In this regard, respectfully request disseminate said human rights advisory to all PNP personnel within your areas of jurisdiction.

2. Further request submit After Activity Report of your action taken on or before **August 18, 2016** via [pcddhrao@gmail.com](mailto:pcddhrao@gmail.com).

3. For your preferential action.

**DENNIS A SIERVO**  
Police Chief Superintendent



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## HUMAN RIGHTS ADVISORY REITERATING PROHIBITION OF TORTURE AND OTHER FORMS OF CRUEL, INHUMAN OR DEGRADING TREATMENT OR PUNISHMENT

1. All PNP personnel must respect, protect, and uphold the right of all persons to be protected against any form Torture and Cruel, Inhuman, or Degrading Treatment or Punishment<sup>1</sup>.
2. Physical and mental/psychological torture is punishable under Philippine laws. The use of secret detention places, solitary confinement, and holding persons incommunicado is also a violation of Philippine laws<sup>2</sup>.
3. Blindfolding of suspects, arrested persons, detainees, and other persons under police custody is strictly prohibited. Blindfolding, as a form of Mental/Psychological Torture, is a criminal act defined and punishable under the Anti-Torture Law<sup>3</sup>.
4. "Hooding", which refers to the criminal act of using and placing plastic, cloth, or any other material over the head of a person, is strictly prohibited and punishable under the Anti-Torture Law<sup>4</sup>.
5. The presentation of suspects to the media and/or public as a "show trial", public display, or public humiliation is strictly prohibited. It is considered as a form of Mental/Psychological Torture. The presentation of suspects to the media is a violation of the suspects' constitutional right to due process and presumption of innocence. It also subjects them to unwanted public publicity that could besmirch their name and reputation, including that of their family. PNP personnel found in violation of the Prohibition of Media Presentation of Suspects shall be administratively charged for Less Grave Neglect of Duty<sup>5</sup>.
6. All persons arrested, detained, or under custodial investigation have the right to physical, medical, and psychological examination before and after any interrogation<sup>6</sup>.
7. The crime of torture is not covered by any special amnesty law or similar measures that would exempt any alleged torturer/human rights violator from criminal proceedings and sanctions<sup>7</sup>.
8. Torture including Hazing and other forms of cruel, inhuman, and degrading treatment or punishment is also strictly prohibited in all police training institutions and PNP facilities<sup>8</sup>.

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### References:

<sup>1</sup>Republic Act 9745 (Anti-Torture Law) and United Nations International Convention against Torture (CAT)

<sup>2</sup>Republic Act 9745 (Anti-Torture Law) and Republic Act 9851 (IHL Law)

<sup>3</sup>Section 4, Para b (1), R.A. 9745 (Anti-Torture Law)

<sup>4</sup>Section 4, Para a (12), R.A. 9745 (Anti-Torture Law)

<sup>5</sup>Policy Prescribing the Presentation or Non-Presentation of Suspect/s to the Media, OCPNP, October 7, 2008, Section 4, Para b (5), R.A. 9745 (Anti-Torture Law), and Rule 21, Section 2B, Para 1, NAPOLCOM Memorandum Circular 2016-002

<sup>6</sup>Section 12, R.A. 9745 (Anti-Torture Law)

<sup>7</sup>Section 16, R.A. 9745 (Anti-Torture Law)

<sup>8</sup>OCPNP Memorandum Circular 2011-0123 dated April 19, 2011