



PERMANENT MISSION OF THE REPUBLIC OF THE PHILIPPINES  
TO THE UNITED NATIONS AND OTHER INTERNATIONAL  
ORGANIZATIONS, GENEVA

**NV-EPG-329-2021**

The Permanent Mission of the Republic of the Philippines to the United Nations and Other International Organizations in Geneva presents its compliments to the Office of the United Nations High Commissioner for Human Rights – The Special Procedures Branch and has the honor to provide the enclosed response from the government of the Philippines to the questionnaire from Ms. Mary Lawlor, Special Rapporteur on the Situation of Human Rights Defenders, in preparation for her upcoming thematic report focused on the **situation of human rights defenders who work on issues of anti-corruption**.

The attached response was provided by the Presidential Anti-Corruption Commission (PACC) of the Philippines, a government body created under Executive Order No. 43<sup>1</sup> issued by President Rodrigo Roa Duterte on 4 October 2017, mandated to ensure accountability of public officers and take effective measures against graft and corruption in the public sector through proper observance of due process in the administration of justice. Following are the highlights of the submission:

- Government employees working against corruption are protected by the agencies' own charters or applicable laws and are supported legally by their offices if they are performing functions related to their mandates. On private individuals fighting against corruption, the Government has made sure to protect their human rights through the work of the Commission on Human Rights (CHR). The CHR has the power to investigate, on its own or on complaint, all forms of human rights violations involving civil and political rights; recommend to the Congress effective measures to promote human rights; and request the assistance of any department, bureau, office or agency in the performance of its functions.
- Under Batas Pambansa 880, s. 1985, anti-corruption activists are protected from members of law enforcement agencies who deal with the demonstrators as the latter must observe the policy of "maximum tolerance" at all times during demonstrations.
- The Department of Justice (DOJ) also implements the Witness Protection, Security and Benefit Act (Republic Act 6981) which provides for the protection of witnesses or probable witnesses and their families in case of threats to their respective security.
- The PACC has a multi-sectoral program on anti-corruption which solidifies the participation of civil society, nongovernment organizations (NGOs), and church-based organizations (CBOs), in the fight against corruption. Anti-Corruption Committees (ACCs) in relevant agencies are required to include private individuals, CSO, NGO, and CBO representatives in the planning and implementation of anti-corruption projects and case investigations.

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<sup>1</sup> <https://pacc.gov.ph/executive-orders/> EO 43 was expanded through EO 73 of 28 December 2018 to allow the President to directly investigate or hear an administrative case against any presidential appointee.

The Philippines consents to having the enclosed inputs published onto the OHCHR's website.

The Permanent Mission of the Republic of the Philippines to the United Nations and Other International Organizations in Geneva avails itself of this opportunity to renew to the Office of the United Nations High Commissioner for Human Rights – The Special Procedures Branch the assurances of its highest consideration.

Geneva, 09 November 2021



**OFFICE OF THE UNITED NATIONS HIGH COMMISSIONER FOR HUMAN RIGHTS**

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**Attention: The Special Procedures Branch**

*Enclosure/s: As stated.*



**Responses to the Questionnaire for Member and Observer States, by  
the UN Special Rapporteur on the situation of human rights  
defenders**

1. Does your Government accept that corruption is a human rights issue?

**Yes. The Philippine Government ("Government") accepts that corruption is a human rights issue as corruption heavily affects the provision of quality, accessible, and just public goods and services vital to human rights.**

**Graft and corruption affects the 1987 Philippine Constitution ("Constitution")<sup>1</sup>-guaranteed fundamental human rights of the Filipino people, such as, but not limited to: (1) the right not to be deprived of life, liberty, or property without due process;<sup>2</sup> (2) the right to equal protection of the laws;<sup>3</sup> (3) the right to be secure in their persons, houses, papers, and effects, which includes the right against unreasonable searches and seizures;<sup>4</sup> (4) the right to information on matters of public concern;<sup>5</sup> and (5) the right to a speedy disposition of cases before all judicial, quasi-judicial, or administrative bodies.<sup>6</sup>**

**In order to provide quality, accessible, and just public goods and services vital to human rights, the Constitution requires that the State shall take positive and effective measures against graft corruption and to maintain honesty and integrity in the public service.<sup>7</sup> The Constitution likewise provides that public office is a public trust, and that public officers and employees must at all times be accountable to the Filipino people, and serve with utmost responsibility, integrity, loyalty and efficiency.<sup>8</sup>**

**The Constitution included measures to prevent and rid public office of graft and corruption by ensuring accountability by establishing judicial and independent bodies solely intended to safeguard human rights against abuses by public officers and employees through corruption. The Sandiganbayan which has jurisdiction over criminal**

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<sup>1</sup> 1987 Constitution. Official Gazette Website (<https://www.officialgazette.gov.ph/constitutions/1987-constitution/>). Last accessed 25 October 2021.

<sup>2</sup> 1987 Constitution, Article III, Section 1.

<sup>3</sup> 1987 Constitution, Article III, Section 1.

<sup>4</sup> 1987 Constitution, Article III, Section 2.

<sup>5</sup> 1987 Constitution, Article III, Section 7.

<sup>6</sup> 1987 Constitution, Article III, Section 16.

<sup>7</sup> 1987 Constitution, Article II, Section 27.

<sup>8</sup> 1987 Constitution, Article XI, Section 1.





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**and civil cases involving graft and corrupt practices and such other offenses committed by public officers and employees, including those in government-owned or controlled corporations, in relation to their office as may be determined by law<sup>9</sup> was reaffirmed in the Constitution.<sup>10</sup> The Constitution also created the independent Office of the Ombudsman,<sup>11</sup> as protectors of the people, mandated to act on complaints filed in any form or manner against public officials or employees of the Government, or any subdivision, agency or instrumentality thereof, including government-owned or controlled corporations.<sup>12</sup>**

**To further emphasize the importance of fighting graft and corruption in government and to ensure the provision of quality, accessible, and just public goods and services vital to human rights, the highest ranking officials of the government, including the President, the Vice-President, the Members of the Supreme Court, the Members of the Constitutional Commissions, and the Ombudsman may be removed from office, on impeachment, for graft and corruption.<sup>13</sup>**

**On the part of the Office of the President, President Rodrigo Roa Duterte recognizes the severe impact of graft and corruption on human rights and the provision of public goods and services to the people. He also recognizes the importance of cooperation of the public in the fight against corruption.**

**As early as his inauguration on 30 June 2016, aside from the fight against drugs, President Rodrigo Roa Duterte emphasized on the importance of the fight against corruption.<sup>14</sup> He opened the gates of the Malacañang Palace for complaints against graft and corruption.<sup>15</sup> He likewise immediately ordered the establishment of the 8888, the 24/7 citizens complaint hotline focused on corruption.<sup>16</sup> The President also issued**

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<sup>9</sup> 1973 Constitution, Article XIII, Section 5.

<sup>10</sup> 1987 Constitution, Article XI, Section 4.

<sup>11</sup> 1987 Constitution, Article XI, Section 5.

<sup>12</sup> 1987 Constitution, Article XI, Section 12.

<sup>13</sup> 1987 Constitution, Article XI, Section 2.

<sup>14</sup> Rodrigo Roa Duterte, First State of the Nation Address, July 25, 2016. Official Gazette Website (<https://www.officialgazette.gov.ph/2016/07/25/rodrigo-roa-duterte-first-state-of-the-nation-address-july-25-2016/>). Last accessed 25 October 2021.

<sup>15</sup> *Ibid.*

<sup>16</sup> Hotline 8888 Website. (<https://8888.gov.ph/#>). Last accessed 25 October 2021.





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**Executive Order (“E.O.”) No. 2, Series of 2016,<sup>17</sup> operationalizing the Filipino people’s right to information and transparency of public service.**

**The President likewise created the Presidential Anti-Corruption Commission (“PACC”), on 04 October 2017 by virtue of E.O. No. 43, Series of 2017,<sup>18</sup> solely dedicated to assist the Office of the President in investigating and/or hearing administrative cases primarily involving graft and corruption against all presidential appointees,<sup>19</sup> which includes complaints filed by the public, and even *motu proprio* on anonymous complaints and information gathered through various sources.<sup>20</sup> The PACC aims to ensure that appointees by the President abides by applicable laws, rules, and regulations, and provides the most efficient and effective service to the Filipino people without the taint of graft and corruption.**

**Thus, to summarize, the Government recognizes that corruption gravely affects human rights and has promulgated measures to ensure accountability and fight graft and corrupt acts. The Office of the President, specifically, recognizes that money and time lost to corruption means less funds and fewer resources for the Government to provide public goods and services, and fulfill other human rights obligations to the Filipino people.**

2. How does your Government support and protect human rights defenders working against corruption?

**All Government officers and employees working against corruption are protected by their own charters or applicable laws. Likewise, all Government officers and employees are supported legally by their respective legal offices/divisions if they are performing functions related to their official mandate. In addition, the Office of the Solicitor General (“OSG”) is officially established to represent the Government, its agencies and instrumentalities and its officials and agents in any litigation, proceeding, investigation or matter requiring the services**

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<sup>17</sup> E.O. No. 2, Series of 2016. Official Gazette Website (<https://www.officialgazette.gov.ph/2016/07/23/executive-order-no-02-s-2016/>). Last accessed 25 October 2021.

<sup>18</sup> E.O. No. 43, Series of 2017. Official Gazette Website (<https://www.officialgazette.gov.ph/downloads/2017/10oct/20171004-EO-43-RRD.pdf>). Last accessed 25 October 2021.

<sup>19</sup> E.O. No. 43, Series of 2017, Section 1.

<sup>20</sup> E.O. No. 43, Series of 2017, Section 5, as amended by E.O. No. 73, Series of 2018.





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of a lawyer.<sup>21</sup> The OSG is tasked to protect Government officers and employees, including human rights defenders working against corruption, in legal battles filed against them by virtue of their official functions.

Further, E.O. No. 98, Series of 2019,<sup>22</sup> allows, in special cases, for government officials to be entitled to detail of military personnel upon the determination and approval of the Secretary of National Defense.

As to the part of private individuals, civil society, non-governmental organizations ("NGOs"), and community-based organizations ("CBOs") fighting against corruption, the Constitution likewise ensures that their respective human rights are protected, even and most especially against the Government, in case of abuse of authority, by establishing an independent Commission on Human Rights ("CHR").<sup>23</sup> The CHR has the power to, among others, investigate, on its own or on complaint, all forms of human rights violations involving civil and political rights,<sup>24</sup> recommend to the Congress effective measures to promote human rights,<sup>25</sup> and request the assistance of any department, bureau, office, or agency in the performance of its functions.<sup>26</sup>

Under Batas Pambansa ("B.P.") Blg. 880, Series of 1985,<sup>27</sup> anti-corruption activists are likewise protected from members of law enforcement agencies who deal with the demonstrators as the latter must observe the policy of "maximum tolerance" at all times during demonstrations.<sup>28</sup>

In extreme cases, the Department of Justice implements the *Witness Protection, Security and Benefit Act* or Republic Act ("R.A.") No.

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<sup>21</sup> E.O. No. 292, Series of 1987, Section 35. E.O. No. 292, Series of 1987. Official Gazette Website (<https://www.officialgazette.gov.ph/1987/07/25/executive-order-no-292-s-1987/>). Last accessed 25 October 2021.

<sup>22</sup> E.O. No. 98, Series of 2019. Official Gazette Website (<https://www.officialgazette.gov.ph/downloads/2019/11nov/20191129-EO-98-RRD.pdf>). Last accessed 25 October 2021.

<sup>23</sup> 1987 Constitution, Article XIII, Section 17.

<sup>24</sup> 1987 Constitution, Article XIII, Section 18 (1).

<sup>25</sup> 1987 Constitution, Article XIII, Section 18 (6).

<sup>26</sup> 1987 Constitution, Article XIII, Section 18 (9).

<sup>27</sup> B.P. No. 880, Series of 1985. International Labour Organization Website ([https://www.ilo.org/dyn/natlex/docs/ELECTRONIC/2315/102477/F1766505144/P\\_HL2315.pdf](https://www.ilo.org/dyn/natlex/docs/ELECTRONIC/2315/102477/F1766505144/P_HL2315.pdf)). Last accessed 25 October 2021.

<sup>28</sup> B.P. No. 880, Series of 1985, Section 10 (a).





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**6981,<sup>29</sup> which provides for the protection of witnesses or probable witnesses and their families in case of threats to their respective security.**

**On the part of the PACC, it launched the program *Project Kasangga: Aksyon Laban sa Korapsyon* [Project Kasangga: Action Against Corruption]<sup>30</sup> which solidifies the participation of individuals and groups outside the public sector, such as civil society, NGOs and CBOs, in the prevention of and the fight against corruption. Under *Project Kasangga: Aksyon Laban sa Korapsyon*, a National Anti-Corruption Coordinating Council ("NACCC") will be created by the agencies who signed the Memorandum of Agreement ("MOA") with the PACC to monitor the whole government approach to corruption, and each agency shall create their own Anti-Corruption Committee ("ACC") to monitor their own officers and employees against corrupt practices. The MOA of *Project Kasangga: Aksyon Laban sa Korapsyon* requires that the NACCC and each agency ACC are required to include at least one (1) stakeholder representative, either private individuals, representative of civil society, NGOs or CBOs, to sit in order to allow active participation and open communication in the planning and actual implementation of anti-corruption projects and case investigations. This provides the private sector more protection as they form part of the anti-corruption programs at the agency-level and the national-level.**

3. Has your Government ratified the UN Convention Against Corruption, and if yes, what, specifically, has your Government done to implement its Article 13 including "...to promote the active participation of individuals and groups outside the public sector, such as civil society, non-governmental organizations and community-based organizations, in the prevention of and the fight against corruption...?"

**Yes. The Philippines signed on 9 December 2003 (UNDoc.No.CN.1403.TREATIES-18) and subsequently ratified on 6 November 2006 (UNDoc.No.C.N1022.2006) the UN Convention Against Corruption.<sup>31</sup>**

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<sup>29</sup> R.A. No. 6981. Official Gazette Website (<https://www.officialgazette.gov.ph/1991/04/24/republic-act-no-6981/>). Last accessed 25 October 2021.

<sup>30</sup> Rocamora, Joyce Ann L. *PACC launches 'holistic' program vs. corruption*. Philippine News Agency Website (<https://www.pna.gov.ph/articles/1152490>). Last accessed 25 October 2021.

<sup>31</sup> IMP & UNCAC. Office of the President - Proper Website (<https://op-proper.gov.ph/imp-uncac/>). Last accessed 25 October 2021.





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As previously mentioned, President Rodrigo Roa Duterte emphasized on the importance of the fight against corruption by opening the gates of the Malacañang Palace for complaints against graft and corruption, immediately ordering the establishment of the 24/7 hotline against corruption 8888, and the promulgation of E.O. No. 2, Series of 2016, operationalizing the Filipino people's right to information and transparency of public service.

On the part of the PACC, as mentioned above, it launched the program *Project Kasangga: Aksyon Laban sa Korapsyon* [Project Kasangga: Action Against Corruption] which solidifies the participation of individuals and groups outside the public sector, such as civil society, NGOs and CBOs, in the prevention of and the fight against corruption. The MOA of *Project Kasangga: Aksyon Laban sa Korapsyon* requires that the NACCC and each agency ACC are required to include at least one (1) stakeholder representative to sit in order to allow active participation and open communication in the planning and actual implementation of anti-corruption projects and case investigations. This will allow the private sector to take part in steering anti-corruption programs to fight and prevent corruption at the agency-level and the national-level. *Project Kasangga: Aksyon Laban sa Korapsyon* is the best sign that the current administration is sincere in fighting against corruption, and allowing the Filipino people to participate and make their voices heard in dealing with graft and corrupt practices.

4. Have there been any cases of human rights defenders working on anti-corruption issues physically attacked, including killed, in your country between 1 January 2020 and 30 June 2021? What action has been taken to bring the perpetrators to justice?

**No information on the part of the PACC.**

5. Have cases of attacks, intimidation and harassment of anti-corruption activists been investigated and prosecuted? Please provide details of cases if available.

**No information on the part of the PACC.**

6. Have there been any cases of arrests and detention of anti-corruption activists in your country in the afore-mentioned period, and if yes, on what legal basis? Have any anti-corruption activists been charged or convicted?

**No information on the part of the PACC.**

7. Could you please share good practices (evidence-based) that have proved effective in protecting human right defenders working on anti-corruption issues?

**No information on the part of the PACC.**

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Truth & Justice

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8. How has your Government publicized and celebrated the work of human rights defenders working against corruption in your country?

**The President himself, in his regular televised address to the country entitled *Talk to the People*, is the first person to publicize and celebrate the work of human rights defenders working against corruption. He announces the success of investigations conducted by the PACC and other government agencies tasked to fight corruption and publicly declares his final decision on corruption matters.**

**The Presidential Communication Operations Office (“PCOO”) is likewise adamant in making public the efforts and statements of government officials against corruption in their website<sup>32</sup> and other social media platforms.**

**Further, the PCOO signed the MOA on *Project Kasangga: Aksyon Laban sa Korapsyon* making them partners of the PACC in the fight against graft and corruption.**

**Other Government media outlets, such as, but not limited to the Philippine News Agency<sup>33</sup> and People’s Television Network, Inc.<sup>34</sup> also provides the Government other means of publicizing and celebrating the work of human rights defenders working against corruption in the Philippines.**

**The various government agencies likewise utilize their own official websites and social media accounts to announce their anti-graft and corruption efforts.**

**On the part of the PACC, it ensures that both the PACC Website<sup>35</sup> and Facebook Page<sup>36</sup> are always up to date in terms of projects, programs, and successes of the Government’s fight against corruption.**

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<sup>32</sup> PCOO Website (<https://pcco.gov.ph>). Last accessed 25 October 2021.

<sup>33</sup> Philippine News Agency Website (<https://www.pna.gov.ph>). Last accessed 25 October 2021.

<sup>34</sup> People’s Television Network, Inc. (<https://ptni.gov.ph>). Last accessed 25 October 2021.

<sup>35</sup> PACC Website (<https://pacc.gov.ph>). Last accessed 25 October 2021.

<sup>36</sup> PACC Facebook Page (<https://www.facebook.com/pacc.gov.ph>). Last accessed 25 October 2021.

